
**CANADIAN BROADCAST STANDARDS COUNCIL
NATIONAL CONVENTIONAL TELEVISION PANEL**

CIII-TV (Global Television) re *Confrontation at Concordia*

(CBSC Decision 02/03-1340, -1368, -1514 and -1530)

Decided April 26, 2004

R. Cohen (Chair), H. Pawley (Vice Chair, Public), M. Harris (*ad hoc*),
P. Hebden, M. Hogarth, P. O'Neill

Since S. Gouin (Vice Chair, Industry), who customarily sits on this Panel, is a member of the Board of Governors of Concordia University, she did not sit on this adjudication

THE FACTS

Global Television initially broadcast a documentary film entitled *Confrontation at Concordia* on May 9, 2003 at 9:00 pm. (It has subsequently been broadcast on other occasions, some of which led to complaints, which are also dealt with in this adjudication.) The film documented the tense relations between the different factions in the then upcoming Concordia University Student Council elections. In telling that story, the filmmaker (also the narrator and interviewer), Martin Himel, focused on the incident of September 9, 2002, in which former Israeli Prime Minister Benjamin Netanyahu had been prevented from speaking at Concordia as the result of street protests and the physical confrontation of the opposing sides, as well as some damage to Concordia's educational plant.

An Introduction to the Complaints

In all, the CBSC received 19 complaints relating to one or another of the broadcasts of the program. Of these, only four of the complainants were dissatisfied with the broadcaster's response and filed Ruling Requests, seeking the review of the broadcast by a CBSC Adjudicating Panel. The full texts of the four complaints (as well as the broadcaster's responses thereto) leading to this CBSC adjudication are provided in Appendix B. Salient aspects only are provided in the body of this decision and these are discussed in more detail

below following the presentation of a detailed summary of the documentary film. (More detail is provided than is customarily the case in CBSC decisions in order to provide sufficient background to render the complaints, particularly the second complaint, more comprehensible.)

The Description of the Documentary

The documentary began with a video clip of students putting up an election poster for the “Evolution” Party over the audio introduction by the filmmaker, which established the backdrop for the documentary production. Martin Himel’s underlying theme was put to the film’s viewers in the following terms (a full transcript of the documentary film can be found in Appendix A):

The election campaign at Montreal's Concordia University always begins with a race. Concordia has been shaken by a groundswell of hatred and prejudice. And that toxic atmosphere has spread to other universities across the continent. What's at stake here is a lot more than the selection of a new student government. This vote will determine if tolerance and the right to free speech will return to Concordia.

The following segment focused on the planned Netanyahu speech, the attempt to put a stop to it, the statement by Frederick Lowy, the University Rector, to the effect that the presentation would not take place, and the reaction to that announcement on the part of the audience gathered to hear the speech. The segment included shots of Concordia student Samer Elatrash and his supporters (who were opposed to the Netanyahu speech) occupying the escalators in their attempt to block access to the auditorium. Elatrash and his colleagues succeeded. There was then the first of several interviews with Yoni Petel, the President of Hillel Montreal (the Jewish student organization that represents the diverse social, religious and cultural needs of the Jewish student population at McGill, Concordia, Université de Montréal, UQAM and the CEGEP campuses in Montreal), who provided his perspective on why Elatrash had made the effort to stop the speech. The documentary then cut to an interview with Netanyahu, who made the following observations regarding the Concordia events:

NARRATOR: The Concordia issue. You were there. They tried to stop your speech. They rioted. How do you feel about that?

NETANYAHU: Well, I've encountered it actually in only two places, I have to say, in Concordia and Berkeley, these bastions of free speech and free thought that cannot tolerate anyone who deviates from their orthodoxies. In fact what you have is an implantation in North America of this same unforgiving fanaticism that says “we will not allow the engagement of a contest of ideas, we will not allow a free market of ideas,” which is precisely a microcosm of the problem that we have in these societies that spawn and produce terrorism. They rigidly control what their people hear and see so that they can control what they think and feel. And this is the essence of the problem. If the real solution to this fanaticism is ventilation, the aeration of various ideas, then you got a whiff of the underlying

root cause of terrorism in Concordia. That is the unwillingness to have a free exchange of ideas. The root cause of terrorism is totalitarianism.

Following a commercial break, there was a segment on the post-September 9 period. The filmmaker developed the voice-over narrative in the following terms:

In the months following the Netanyahu riots, the situation went from bad to worse. Pro-Palestinian activists and students on the Council generated a campaign of intimidation in an effort to ban Jewish student movements. Throughout Europe, the United States and Canada, there is an effort to delegitimize Israel as a Jewish state on campuses.

What has transpired on campus mirrors events in the Middle East. Palestinian and Israeli leaders had embraced the Oslo peace process. It envisioned a two state solution: a Palestinian Arab state alongside the Jewish state of Israel. That process collapsed in October 2000. The Palestinians launched their Intifada, their uprising, a ruthless wave of terror, suicide bombings, random shootings targeted primarily Israeli civilians. To stop this unprecedented campaign of terror, Israel launched assassination strikes. They occupied the West Bank. They clamped down curfews. It claimed the lives of many Palestinians. And with the launching of the uprising, anti-Israel activists, backed by student council members launched their own offensive against Hillel, the Jewish student movement in Concordia.

Samer Elatrash is the brains behind the offensive. He leads Solidarity for Palestinian Human Rights, SPHR. For Samer, sabotaging the Netanyahu speech was a key tactical victory. On one of the walls in Samer's office is a map. It outlines what used to be Arab villages in what is now Israel. In 1948, five Arab armies invaded here to destroy a Jewish state before it was born. The Jews survived the onslaught. Samer and Arabs call that the Nakba, the disaster. During the war, hundreds of thousands of Palestinians became refugees. Samer is clear-cut in his aim, the return of the refugees and the destruction of Israel as a Jewish state.

The documentary then cut to an interview with Samer Elatrash, who put his position in the following words:

I think every Palestinian who wishes to return to their home or to their area or to the territories where he or she used to live or was expelled by force, um, should return. I think that right now what we are looking at, especially given the failure and collapse of the Oslo peace process and the seeming, I think, impossibility of creating the two-state solution, one way to resolving [sic] the conflict is to strive for a secular state, that's built on the simple premises of respect for human rights, respect for cultural rights, respect for religious rights - then don't trespass on anyone else's cultural or religious rights, under the framework of a representative government.

Himel then provided an opportunity to Yoni Petel to speak on the issue of racism and his family's Iraqi roots.

Well, you know, Samer Elatrash, in saying that, is already denying thousands of years of Jewish history. He's denying my history. It's a racism [sic] in itself. That's the problem. That's why we have no peace in the Middle East. It's because there's an impossibility for the Arabs to recognize the legitimacy of

Israel there. There are religious connections, historical connections, archaeological evidence. It's Israel.

My father's side of the family is from Iraq. My grandfather at the age of, I think, about 14, was arrested on charges of Zionism. They were basically thrown out. They really were stripped of everything. Millions of dollars worth of assets were stolen from them.

My family traces its roots to Iraq back to 27 hundred years, which is about as rooted as you can get in a place. The frustrating thing is that everybody talks about Palestinian refugees and Arab refugees; nobody mentions Jewish refugees. There were, you know, almost a million Jews that were thrown out of Arab countries. I absolutely accept that there should be two states west of the Jordan, an Arab state and a Jewish state. The problem isn't that there can't be. The problem is that the Arabs don't want it.

The narrator reported that "Samer has been suspended from studying at Concordia for three years for his role in stopping the Netanyahu speech. He has appealed and can attend classes for now."

Laith Marouf, one of the persons siding with Samer, was shown preparing for a Concordia Student Assembly General Assembly. Then, a verbal disagreement between Laith and Samer, on the one hand, and Concordia security personnel, on the other, followed. While the security guard was shown backing off, the narrator explained that the CSU had banned Hillel and cut the Jewish organization off from Student Council funding, pointing out that the Palestinian student organization had not been similarly deprived.

Following the commercial break, the segment dealt with the issue between the CSU and Hillel. The narrator explained the disagreement in the following way:

Sabine Friesinger [then the Concordia Student Union President] and the Concordia student executive are anti-Israel and anti-Bush. Her Council banned Hillel. It was the first time Hillel was banned since Nazi-dominated Austria banned the Jewish movement in the 1930s. The Student Council banned Hillel because Hillel was calling on Jews to enlist to [*sic*] the Israeli military. The Council said it violated the law. The RCMP investigated and threw out the case. Hillel has gone to court to get the Student Union to reinstate its funds. The Student Union is now demanding all Concordia clubs and Hillel sign a non-violence pledge to receive funding. Hillel says that is just an excuse to avoid the issue.

The Hillel President made some comparisons to a situation involving the web site of the Students for Muslim Awareness, which he contended was similar to the Hillel situation. The segment then included a pro-Muslim song by CSU official David Bernans on the subject of the case of Sobia Virk, a Muslim student representative on the University's Board of Governors, who objected to the serving of wine at a meeting of the Board. Rector Lowy gave his perspective on the matter. "I have no doubt," he said, "that she is authentic in terms of her religious beliefs. At the same time, to impose those beliefs on other people who don't share them is not in our tradition. It's not in most people's tradition."

The discussion shifted briefly to Petel's and Elatrash's views on the alleged anti-Semitism of the SPHR representative, then turning to the CSU General Assembly, at which pro-Hillel speakers were booed down and dissuaded, if not prevented, from speaking. The narrator explained the strong link between Hillel and Jewish student life, on the one hand, and Jewishness and the state of Israel on the other, explaining in conclusion that "When Samer and other activists say they want Israel wiped out, the vast majority of Jews take that as being anti-Jewish." There was then an interview with Thomas Hecht, at the time of the confrontation a member of the Concordia Board of Governors. He said:

This was anti-Semitism. I was the object of their hatred but of a hatred which expressed itself with placards; with a kind of venom which I have not seen on the streets of a city since the horrible days of occupied, Nazi-occupied Europe. What happened on the 9th of September was really a dark day for Concordia. And I think that the university will have to suffer the consequences of this. It will not come, the change will not come from one day to the other. The perception of Concordia will not be that of an institution where freedom of speech can be freely expressed. Because the way these thugs behaved was not any better than the people who were condemned for such behaviour in 1939 in Europe.

When I tried to enter, somebody approached me with a masked person. They had a hood or something, or a burka, or a shador on, I don't know if it was man or a woman and they kicked me in the groin. They spat on me. I felt as though I was in Bratislava in 1939 again, where they also spat on me because I was a Jew. But that was Czechoslovakia under German occupation and I was experiencing something which I thought would never happen again: that I was guilty of something because I was Jewish. I was guilty of wanting to hear a speech.

Following another commercial break, the documentary cut to a demonstration against the war in Iraq and, the narrator reported, a protest march in which "many also support the violent offensive against Israel." The narrator described the setting: "Iraqi flags surround Palestine here. One of the greatest supporters of the Palestinian uprising is Saddam Hussein. He provides up to \$20,000 for every suicide bomber. And just as the uprising needs Iraqi cash, Samer needs the CSU support for his cause." The filmmaker reported that Rector Lowy had serious concerns about how the funding supplied to the CSU was being spent.

Well, we have serious concerns about how their money is spent. This power has taken student government in directions that really are peripheral to the interests of most students, to the neglect of things that are much more important to most students.

The thread of the documentary then returned to the matter of the Concordia Student Union elections and the choice between the Evolution Party and the Clean Slate Party, the latter being the group supported by Elatrash and his colleagues. Sabine Friesinger's point of view was quoted, as was Rector Lowy's reference to the "rich ethnic mix that the University has."

The next segment of the documentary was oriented around the American author and Director of the Middle East Forum, Daniel Pipes, who was speaking at McGill University in Montreal while the Muslims for Peace association was picketing outside. The one on-screen question put to Pipes during his talk was a pro-Muslim confrontational challenge, which was followed by the peaceful but symbolic departure of the questioner from the forum. One of the strong points made by Pipes, after referring to York, Harvard and Berkeley Universities, was that freedom of speech is absent on university campuses. In his words,

The campuses are islands of repression in a sea of tolerance. There's a freedom of speech that exists in the media, it exists in the political world, it exists even in corporations. It does not exist in the place it's supposed to exist, most especially, namely, the university. There is not freedom of speech.

Following the next commercial break, more of the confrontation between the Palestinian and Jewish groups was reflected in very vocal disagreements, one of the most passionate of which involved Laith Marouf screaming "fascist bigots" several times at the Hillel representatives. There was also reference to an art show, in which a controversial piece of art related to 9/11 and the twin towers; it included an interview with the artist.

In the final segment, a large (unidentified) Montreal anti-war demonstration was the initial subject. As a part of the march, the film included a large poster showing a stereotypical Jewish caricature being masturbated by a stereotypical American, oil being the ejaculate. Laith Marouf was also videotaped as one of the marchers. The narrator provided the following perspective on the poster:

It was exactly this fascist tactic of slander used by the Nazis that worked so well in dehumanizing Jews. That led to the Holocaust. Where will this hatred go? Quebec history is stained with anti-Semitism. It's facing a dangerous resurgence now.

The documentary concluded as it began, with the subject of the CSU elections. The point was made that the turnout was, at least initially, very low. Notwithstanding that, the results were not tabulated and announced until about 6:00 am. The result was that Clean Slate lost to Evolution by a margin of about 2 to 1 on a total of about 3,400 votes cast. Samer Elatrash was shown with the results on a piece of paper in his hand and described as wanting to challenge the election. The narrator's observation was that he has "trouble accepting defeat." The filmmaker's concluding comments:

Will change come to Concordia? Will hatred and intolerance of Jews end on campus? Will the administration find the resolve to put a decisive end to intimidation? We'll have to wait and see.

The Complaints

The First Complaint

The first of the four complaints was sent by the Canadian Muslim Forum on May 25 to the CRTC, which forwarded it to the CBSC in due course. The letter provides a detailed list of points, which fall under the following categories:

As the videotape shows in the program, we have observed the following:

1. Biased presentation of Jewish relations with Muslim and Arab students on Concordia university campus:

[A detailed list of specific examples of that point follows.]

2. Anti-Semitic accusations against Quebec and groups of citizens:

[A detailed list of specific examples of that point follows.]

3. Hate propaganda and racism against Muslim Arabs in general and Palestinians in particular:

[A detailed list of specific examples of that point follows.]

4. Covering-up the administration's mishandling of the student conflict on the campus:

The TV program has presented:

- a. Dr. Lowy refusing to investigate the discrimination in Concordia with no valid reason as if it doesn't exist.
- b. The problem of Concordia as if it is a problem of one or two students.

Consequently, the Canadian Muslim Forum (CMF) considers the above-mentioned Global TV program [...] a clear and outrageous exercise of hate propoganda against Arabs and Muslims, and as a result we demand a full investigation of the program. ...

On June 16, the Deputy Editor of Global News responded, in part, as follows:

As you are aware, under the *Broadcasting Act*, broadcasters, including Global Television are required to provide a broad spectrum of information and entertainment programming for "men, women and children of all ages, interests and tastes". Television programming is required to be diverse and appeal to a wide variety of audiences. What one viewer might consider an interesting or amusing program might lead another to turn the channel.

In the documentary *Confrontation at Concordia*, the issue is not about who is right and who is wrong about the events that are portrayed in the film. It is clear that each side has grievances, each side has pain, and each side has its arguments. What is at the core of the documentary is how the students chose to express their arguments - with intolerance, violence and disrespect towards the principles of free speech and meaningful debate. By exploring the students'

actions, the documentary intends to point the way towards a more constructive atmosphere in which to air their grievances.

In a larger context, what is most important to us as a broadcaster, is a recognition that healthy controversy is essential to the maintenance of democratic institutions. Our responsibility as programmers is to deliver news, opinion, comment and editorial views on all issues including those that are controversial in nature. We feel strongly that we accomplish this objective by providing full, fair and proper presentation of such issues within the broader spectrum of our programming schedule.

The complainant organization, dissatisfied with the response, sent its Ruling Request on June 23.

The Second Complaint

The second complaint was sent on May 29 by a law firm on behalf of a number of clients, three individuals and two organizations, all of whom (or which) were identified in the documentary. The thrust of the complaint was not litigious or even legally menacing; it appeared rather to constitute a method of representing the common interests of the individuals and organizations identified by the firm as its clients. That letter said, in principal part,

Ce « documentaire » est le produit final d'enregistrements, poursuivis pendant des dizaines et des dizaines d'heures, auxquels nos clients ont collaboré à titre d'invités.

Nos clients ont accepté d'y participer sous les représentations, qui se sont révélées fausses, de produire un documentaire sur les conflits entre étudiants à l'Université Concordia.

Ce « documentaire » peut être assimilé de la propagande sioniste, un espèce de commercial qui dénigre la Concordia Student Union, le Solidarity for Palestinian Human Rights, leurs dirigeants et membres.

Ce document fait exprimer à nos clients, des opinions qui ne sont pas les leurs et met sur leur bouche des mots qu'ils n'ont jamais prononcés.

Le narrateur, malicieusement, dit que la présidente de Concordia Student Union est anti-Israël alors que l'on évite de faire entendre ses commentaires qui expriment des positions qui sont celles votées par l'O.N.U. et appuyées par les représentants politiques canadiens.

Le document traite nos clients de terroristes et pousse l'ignominie jusqu'à dire que M. Samer Elatrash et le S.P.H.R. ont besoin du support de la Concordia Student Union de la même façon que les palestiniens qui se font exploser dans les lieux publics en Israël ont besoin de Saddam Hussein.

Il ne faut pas oublier que Global T.V. fait partie du consortium CanWest, les propriétaires duquel ont imposé à tous les journaux qu'ils possèdent des éditoriaux nationaux, écrits à Winnipeg, enlevant ainsi aux équipes éditoriales locales l'autonomie et l'indépendance. Ils ont de plus, donné directives de ne pas

publier des articles critiquant la politique israélienne et les actions du gouvernement présidé par monsieur Ariel Sharon.

Le supposé documentaire ne démontre aucun respect pour les personnes ayant accepté d'y participer, constitue une diffamation malicieuse, attise la haine contre toute personne se déclarant en faveur des droits du peuple palestinien et plus particulièrement vis-à-vis nos clients. [...]

Le dit « documentaire » ne démontre aucun équilibre et objectivité dans l'analyse des conflits, entre étudiants, sur le Campus universitaire. Les étudiants d'origine juive sont les victimes d'agressions et de racisme, les autres sont les agresseurs qui leur enlèvent le droit de parole et les maltraitent comme faisaient les nazistes en Allemagne. Voilà le thème central et la thèse préconçue. Un simple visionnement de ce documentaire fera comprendre ce qui est ci-haut décrit et même plus.

Il ne s'agit pas d'une simple bavure journalistique, commise de bonne foi, mais d'un plaidoyer diffamatoire, non objectif raciste, non éthique et irrespectueux des droits de nos clients et du public canadien.

[...]

Il semble que les enregistrements au complet aient dépassé 100 heures pour un produit final d'environ 45 minutes. Il s'agit d'un collage sciemment construit pour démontrer la thèse de départ des réalisateurs.

Dans ce documentaire, on traite de la venue à Montréal de l'ancien premier ministre d'Israël et de la conférence qui n'a pu avoir lieu à cause de la contestation des étudiants de Concordia. Cet événement est traité comme la preuve de la privation du droit de parole des juifs canadiens et des étudiants d'origine juive à Concordia. Il n'est pas sans intérêt de souligner que la venue au Canada de l'ancien premier ministre avait été parrainée par Israël Asper, le patron de CanWest.

That letter was followed by another on June 3, which contained more detailed analysis, including segments from the documentary presented as transcripts, and further comments or arguments relating to those excerpts. It should be noted that the excerpts in question, which are included in the correspondence that constitutes Appendix B, are frequently incorrect or incomplete. The full, verified transcript (prepared by the CBSC Secretariat) is in Appendix A. Consequently, as is the CBSC's practice, the aspects of the transcript which are directly relevant to this decision are cited in the body of the text, and those excerpts are taken from the transcription prepared by the CBSC Secretariat.

Correspondingly, only those aspects of the second letter (that of June 3) from the complainants that are dealt with in this decision are cited in the body hereof. It should also be noted that the Panel has attempted to summarize the detailed text of that letter in a manner that reflects the areas of concern rather than to slavishly deal on a chronological basis with the complainants' presentation, which is, after all, available in Appendix B.

In some ways, the very first paragraph of commentary by the complainants sets the scene for the overall complaint and it reads as follows:

When taken in context with other statements made by the narrator throughout the documentary, these words set the tone for the documentary's main message: that it is the pro-Palestinian side that has caused the "groundswell of hatred and prejudice" at Concordia, whose "toxic atmosphere has spread to other universities across the continent." By stating that the "vote will determine if tolerance and the right to free speech will return to Concordia", and later on presenting the main candidates as the Palestinian-favoured Clean Slate versus the moderate Evolution slate, the message is clear.

Most of the other comments by the complainants develop this theme, by observing that the filmmaker has overstated either the aggressive or hostile aspects of the pro-Palestinian or anti-Israeli part of the Concordia confrontation or the victimization of the pro-Israeli or Hillel components of the Concordia confrontation. Occasionally, this issue is underscored by the complainants' argument that there was no opportunity given to the pro-Palestinian participants to express their perspective, despite the considerable footage shot that would, it is implied, support that viewpoint. An example follows:

Here, Yoni offers his opinion on why Samer participated in the demonstration, speculating of his motivations and intentions. Yet Samer is given no chance to respond and offer his own reasons. Nor is Samer or anyone else offered the chance, before or after, to refute Yoni's claim that Netanyahu is indeed a war crime [*sic*]. This despite the fact that the producer had hours of interview footage with Samer where he clearly stated his case against Netanyahu and his reasons for participating.

On other occasions, the complainants simply argue that the filmmaker has offered no proof of his "charges".

Some arguments are also made by the complainants relating to the larger Middle East conflictual issues. This decision does not deal with those matters since they are, in the view of the Panel, relevant to a much larger international issue, which is well beyond the purview of this decision, which is limited to the documentary. As the complainants themselves acknowledge in their complaint, "the SPHR's aim is not to target student groups like Hillel, but to promote understanding and awareness of Israeli human rights abuses in the occupied territories."

There are also some examples of disagreement with the interpretation of events. This includes the complainants' conclusions regarding the relationship between the CSU and Hillel. They said:

The Concordia Student Union never banned Concordia Hillel. On December 2nd 2002, the CSU's Council of Representatives (the union's de-facto Board of Governors) suspended Hillel for passing out a recruitment flyer for the Mahal program, which enlists international Jewish youth in the Israeli army (IDF). The advertised program includes 4.5 months of training in "handling weapons, close combat, combat drills, disguise, etc." When the Hillel president refused to

apologize to the council for the flyer, the council voted to suspend Hillel until they apologize for the flyer and/or until the university administration intervened to make a judgment as to whether the suspension was fair (at heart was the question of whether or not the flyer violated Canada's Foreign Enlistment Act). A few days later, the suspension was amended to allow Hillel to table and hold events on campus, but to withhold their funding until they signed a pledge against racism and military -- a requirement that would be placed on *all* other CSU-funded clubs as well. It is disingenuous, to say the least, to call this course of action a "ban."

It extended to their view of the Thomas Hecht interview. They said:

What Hecht describes as experiencing on September 9th is certainly anti-Semitism. But to compare what occurred that day with the actions of the Nazis is ridiculous. When a picture of the broken window on Sept. 9th fades into the broken window of a Jewish home or establishment during Kristallnacht, a very clear comparison is being made of Sept. 9th to a vicious, murderous campaign of a state terrorist force against innocent victims. That is harshly unfair and injurious to the pro-Palestinians who are being compared to Nazis, and is also an incredible insult to the victims of the Holocaust. No matter what one's feeling about the broken window on September 9th, it is a fact that the window was broken when no Jews were around -- except for those Jews who were among the crowd that was being beaten by the police. Regardless, to compare that act with Nazi terror campaign is so inappropriate that no commentary can do it justice.

And not detract [*sic*] from what Hecht suffered on that day, but it's also worth noting that he was one of the organizers of the Netanyahu event. Does the fact that it was thwarted possibly put him in a position to be all the more biased against the crowd that shut it down? Should this possible conflict of interest have been mentioned by the narrator?

There was also straightforward disagreement with the broadcast on the basis of, relatively speaking, smaller issues. There is, for example, the allegation that the filmmaker's use of the term "hostile mob" in the second segment is incorrect; it "is really just one individual." Later in that segment, the complainants allege that the use of the word "supporters" to describe the individuals who, either with Samer Elatrash or coincidentally with his actions, blocked access to the Netanyahu speech on the Concordia escalators. There is the contention that Elatrash is laced in "Palestinian, Iraqi and Canadian flags, as well as a bevy of signs and banners", rather than just "the flags of Saddam Hussein's Iraq". In the third segment, the complainants disagree with the description of "Samer Elatrash [as] the brains behind the offensive. He leads Solidarity for Palestinian Human Rights, SPHR." They contend:

Samer does not lead the SPHR. At the time of the interview he was VP Media relations for the Concordia branch of SPHR, a national organization that has ten branches in different campuses across the country. Samer has never identified himself as a leader, or the brains behind anything. This is a fabrication that has no basis in any facts or anything Samer mentioned to the narrator at any point during the interviews.

At another point in their discussion of the third segment, the complainants state that “it's important to note that Yoni Petel *is not even a Concordia student.*” Finally, for these purposes, in the seventh segment, the complainants disagree with the narrator’s observation that “Concordia activists are at the demo.” They argue that “Laith is the only ‘CSU activist’ shown.

On June 20, the Deputy Editor of Global Television News responded. The letter was structurally quite similar to the broadcaster’s response to the first complainant; however, the following two paragraphs were also present in that response.

We recognize, respect and accept the complaints made by your several clients regarding the documentary, *Confrontation at Concordia*. However, the issue is not of “right” and “wrong” perceptions of the events portrayed in the film. It is clear that both sides have grievances, each side has pain, arguments and anger. Each side claims justice as its objective.

[...]

We strongly disagree with your suggestion that the program was malicious, defamatory, or unethical.

On February 24, 2004, the National Chair of the CBSC wrote the broadcaster, with a copy to the complainant law firm, to request further details regarding Global’s possible response to matters raised in the very detailed June 3 letter. To provide an introduction to that request, the most pertinent paragraph from the CBSC letter is cited here. The full text of the CBSC letter can be found in Appendix B.

The difficulty presented to the Panel is the following. While the Panel understands that the letter and the accompanying analysis express a point of view, your letter to the firm provided no countervailing arguments (in the event that there are any), which would enable the Adjudicators to assess the validity of the allegations. Since the Panel is unfamiliar with any of the underlying materials, it is in no position to refute any of the points made by the lawyers, if indeed any refutation can be made. CBSC Panels always prefer to adjudicate matters so as to take a balanced viewpoint and this is usually possible on the face of a customary record. The Council rarely receives complaints of this nature and scope, though, and, since it considers that its fundamental duty is to render a fair and balanced decision, it has decided to write to you to offer Global Television the opportunity to respond to the specific points raised in the 14 pages of the appendix to the June 3 law firm letter.

The CBSC letter included a series of precise point-by-point queries to the broadcasters, each of which referred to matters raised in the June 3 letter of the complainants. The Global Television’s Deputy News Editor replied to the CBSC by a letter dated February 25, which was received March 9. That letter began:

You are quite correct in your perception that my response to all of the complaints regarding the Global TV documentary, “Confrontation at Concordia” were [*sic*]

similar in style and content. To be honest, we felt that the specific points raised were either without merit or were acceptably answered in our original response(s).

That said, it is my pleasure to offer further enlightenment to the CBSC's National Conventional Television Panel by responding to each of the points in the attachment to your letter of February 24th. As well, we would like to thank the panel for carefully reviewing the complainant's "transcripts" of the program, and noting that the panel [actually, the CBSC Secretariat] discovered inaccuracies in its "quotations".

The full text of the Global Deputy News Editor's point-by-point response to the CBSC queries, equally framed for ready reference to the June 3 letter of the complainants, can also be found in Appendix B.

The Third Complaint

Following another broadcast of the documentary on July 2, the CBSC received the following complaint:

This program promotes hatred against Palestinians and unfairly shows them [*sic*] have no rights to live in Palestine. It shows Benjamin Netanyahu as a good man while in fact he was accused in Belgium of war crimes against the Palestinians during his military service. It shows the Palestinians as criminals while ignore [*sic*] the fact that Israel kills Palestinian kids every day; how come it ignores the Palestinian kid "Mohamed EIDora" who was killed on TV and the whole world watched him die!! I believe this program is very biased and inaccurate and I demand that at least this TV channel gives the same chance to Palestinians to express their point of view.

The broadcaster replied on August 8 in substantially the same terms as it had used in its reply to the first complainant and the third complainant, dissatisfied with that response, filed a Ruling Request on August 11.

The Fourth Complaint

The last of the complaints was filed on July 4. The complainant's concerns were focussed on the attitude expressed in a part of the program toward Quebec.

Martin Himel's documentary titled "Confrontation at Concordia" made some derogatory generalizations about Quebec.

[...]

The fact that majorities use minorities to attack other minorities is divisive. Global CanWest has no business broadcasting this into Quebec.

The complainant filed a second message on July 8, in which he expressed himself in similar terms. When pressed by the CBSC's Correspondence Officer for further details, he replied:

I think I was clear. Disparaging remarks about Quebec. Stating that Quebec was anti-Semitic. That is stupid, ignorant and inflammatory cheap-shots that did not belong there. I don't like hearing dumb remarks like this from Anglophone media, reporting about events at an Anglophone university by Anglophone students. Especially not Ontario based media owned by a British citizen.

The complainant sent substantively similar e-mails on July 9, 10 and 25. The General Manager of Global Television's Quebec station, CKMI-TV, responded on August 6 and the complainant sent another e-mail, in this case to the Global Television representative (copied to the CBSC) on August 8. That e-mail added the following comments, among others (which can be found in Appendix B).

I resent, totally, having an Ontario based television corporation voice disparaging generalizations about Québec. Maybe you can find where TéléQuébec pipes anti-Ontario or anti-Alberta comments into Ontario and Alberta.

As for "each side" as you stated. Anglophone pro-Palestinian and Anglophone pro-Israeli kids are being obnoxious with each other and you have to state that Quebec was anti-Semitic. What does Québec have to do with this?

The CBSC understood this response to be the equivalent of a Ruling Request.

Ruling of the Conseil de presse du Québec

Most Canadian Press Councils deal only with print material. The Conseil de presse du Québec does, however, include electronic media within its ambit. Consequently, it happens from time to time that the Conseil and the CBSC are called upon to treat the same news or public affairs broadcast, although the two bodies do so on the basis of different codified standards. The broadcast of *Confrontation at Concordia* is an example of a matter that has led to challenges (by different complainants) under both processes.

The decision of the Conseil de presse (CPQ Decision D2003-07-002, February 13, 2004) having been rendered first, the CBSC's National Conventional Television Panel has the opportunity to take notice of that ruling (which relates to different aspects of the same broadcast). The Conseil proceeding resulted from a filing by the lawyer for the Quebec organization entitled 'Collectif Échec à la Guerre', which complained principally of having been characterized by the filmmaker and broadcaster as an anti-Semitic organization. There were also subsidiary complaints related to the presentation of the Quebec peace group. The Conseil de presse dismissed that complaint, maintaining only one generalized issue of the characterization of the anti-war movement and its sympathizers. (The full text of the Conseil de presse decision is provided in Appendix C.)

While neither of the foregoing matters is material to the complaints in the present CBSC adjudication, the Conseil de presse's description of point-of-view documentary is of more than passing interest to the Panel. The Conseil concluded that their decision did not amount to

une attestation de l'objectivité, de l'équilibre ou de l'impartialité du reportage. Au contraire, le Conseil a constaté un parti pris proisraélien présent tout au long du reportage.

Le Conseil a estimé que l'émission soumise à son attention appartenait au genre journalistique du « documentaire d'opinion », un genre journalistique relevant du journalisme d'opinion qui accorde aux professionnels de l'information une grande latitude dans l'expression de leurs points de vue, commentaires, opinions, prises de position, critiques, ainsi que dans le choix du ton et du style qu'ils adoptent pour ce faire.

Toutefois, le Conseil aimerait rappeler que la liberté d'opinion est également assortie d'exigences éthiques et que la latitude dont jouissent les journalistes et les médias doit s'exercer dans le respect des valeurs démocratiques et de la dignité humaine. Dans cet esprit, ceux-ci doivent être fidèles aux faits et faire preuve de rigueur et d'intégrité intellectuelles dans l'évaluation des événements, des situations et des questions sur lesquels ils expriment leurs points de vue, leurs jugements et leurs critiques.

De plus, il est primordial pour les médias de bien identifier les produits de cette nature afin d'éviter tout malentendu. L'absence d'indications sur la nature particulière de ce genre journalistique peut conduire le public à assimiler une opinion éditoriale, partielle par définition, à un produit d'information.

Or, sur cet aspect, le Conseil de presse a observé que le documentaire « *Confrontation at Concordia* » ne se présentait pas, ni par son titre, ni par sa facture sous des dehors permettant d'identifier qu'il s'agissait de journalisme d'opinion, ce que le Conseil ne peut que déplorer.

THE DECISION

The National Conventional Television Panel considered the complaint under the following provisions of the Canadian Association of Broadcasters' (CAB) *Code of Ethics* and the Radio and Television News Directors Association of Canada (RTNDA) *Code of (Journalistic) Ethics*:

CAB Code of Ethics, Clause 2 – Human Rights

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

CAB Code of Ethics, Clause 6 – Full, Fair and Proper Presentation

It is recognized that the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of each broadcaster. This principle shall apply to all radio and television programming, whether it relates to news, public affairs, magazine, talk, call-in, interview or other broadcasting formats in which news, opinion, comment or editorial may be expressed by broadcaster employees, their invited guests or callers.

CAB Code of Ethics, Clause 7 – Controversial Public Issues

Recognizing in a democracy the necessity of presenting all sides of a public issue, it shall be the responsibility of broadcasters to treat fairly all subjects of a controversial nature. Time shall be allotted with due regard to all the other elements of balanced program schedules, and the degree of public interest in the questions presented. Recognizing that healthy controversy is essential to the maintenance of democratic institutions, broadcasters will endeavour to encourage the presentation of news and opinion on any controversy which contains an element of the public interest.

RTNDA Code of (Journalistic) Ethics, Clause 1 – Accuracy

Broadcast journalists will inform the public in an accurate, comprehensive and fair manner about events and issues of importance.

RTNDA Code of (Journalistic) Ethics, Clause 3 – Authenticity

Broadcast journalists will present the news and public affairs without distortion. Interviews may be edited provided that the meaning is not changed or misrepresented. Broadcast journalists will not present news that is rehearsed or re-enacted without informing the audience. Newsrooms should take steps to ensure the authenticity of amateur video and audio tape before broadcasting it. Editorials and commentary will be identified as such.

The National Conventional Television Panel reviewed all of the correspondence and viewed a tape of the broadcast. The Panel recognizes that the documentary film at issue was not detached and objective in a journalistic sense; however, the Panel is not of the view that its broadcast was in breach of any of the foregoing provisions of the either the *CAB Code of Ethics* or the *RTNDA Code of (Journalistic) Ethics*. That being said, the Panel considers that it would have been helpful to the audience to inform viewers that the broadcast was a point-of-view documentary.

A Preliminary Matter: The International Arab-Israeli Conflict

Certain of the complaints delve into matters which fall outside the internal political issues which are the subject of this decision. In fact, a careful examination of the transcript of the broadcast makes it very clear that what little discussion there

was of the international Arab-Israeli conflict was presented on a single occasion by the narrator and this only as a contextual basis for the understanding of the actions at Concordia. The relevant words, cited above, are:

What has transpired on campus mirrors events in the Middle East. Palestinian and Israeli leaders had embraced the Oslo peace process. It envisioned a two state solution: a Palestinian Arab state alongside the Jewish state of Israel. That process collapsed in October 2000. The Palestinians launched their Intifada, their uprising, a ruthless wave of terror, suicide bombings, random shootings targeted primarily Israeli civilians. To stop this unprecedented campaign of terror, Israel launched assassination strikes. They occupied the West Bank. They clamped down curfews. It claimed the lives of many Palestinians.

Not only do these words not assign blame for the failure of the Oslo peace process, as one of the complainants suggests, but there is also sufficient balance in the foregoing paragraph between the steps taken by the Palestinians and the Israelis and their respective losses in human terms following the collapse of the Oslo accord.

In any event, and more to the point, the National Conventional Television Panel will not deal with the international aspects raised by some of the complaints for those issues are beyond the scope of the program. Questions relating to the peace process, the United Nations, occupation, settlements, provocative actions by Palestinians and Israelis, the current armed conflict and international legal issues, among others, may be pleaded and dealt with in other forums. They will not be adjudicated by this Panel.

Another Preliminary Matter: The Human Rights Issue

The Panel also considers that some preliminary observations are in order with respect to the human rights issue, namely, whether there have been abusive or unduly discriminatory comments made on the basis of national or ethnic origin. The first complaint, from the Canadian Muslim Forum, has raised that issue, referring to “hate propaganda and racism against Muslim Arabs in general and Palestinians in particular.” In particular, the Forum has alleged that the program “presented Arabs and Muslims as responsible for spreading hate propaganda and supporting Terrorist organization [*sic*].” The second complaint uses the word “racist” on one occasion and the third complaint asserts that the “program promotes hatred against Palestinians.”

The Panel considers it essential to draw a distinction between comments that may be political and those that may offend the human rights provision of the *CAB Code of Ethics*. Recognizing that the distinction becomes more difficult when race, ethnicity or religious background appears to be intertwined with the political issues but this does not alter the necessity of drawing such differences clearly. Political and historical observations are legitimate fodder for the expression of disagreement. Parties may take strongly opposing positions on such issues.

There is far less latitude when the expression of such opposition is based on racial, ethnic or religious characteristics. Thus, for example, in *CHOM-FM and CILQ-FM re the Howard Stern Show* (CBSC Decisions 97/98-0001+ and 0015+, October 17 and 18, 1997), although the Quebec and Ontario Regional Panels found that the host had breached the Human Rights Clause in using abusive terms to describe an identifiable group, it underscored

the importance of differentiating between insults aimed at identifiable groups and comments related to the political or historical environment in Canada and in France. [...] 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, [...] they are his to espouse.

Similarly, in *CKTB-AM re the John Michael Show (Middle East Commentary)* (CBSC Decision 01/02-0651, June 7, 2002), the Ontario Regional Panel was called upon to deal with the comments of an open-line show host who was dealing with the political and military situation in the Middle East.

There is a fine but essential line to be drawn between comments which are unduly discriminatory and those which simply constitute political commentary or the discussion of controversial public issues. The former are in violation of the private broadcasters= codified standards. The latter are not. Moreover, it is of the essence of statements that are political that the point of view expressed need not be popular. While democracy is a numbers game in the election of lawmakers, it is not that in the marketplace of ideas. The freedom of expression which flows from the nature of a stable and mature democracy protects the enunciation of minority, even unpopular, ideas.

In the CKTB decision, the Panel found that certain of the host's comments had gone too far in supporting Israeli predominance and it ruled against the broadcaster; however, it did so on the basis of "improper and unfair comment or editorial viewpoint", as provided in Clause 6 of the Code, rather than as a human rights issue.

As will be clear below, the Panel considers that the broadcast in the matter at hand is not objective, dispassionate and even-handed in the conclusions it draws on the reasons for the confrontation at Concordia. That being said, the Panel does not find that there is any aspect of the commentary that is *racist* or, more precisely, constitutes an abusive or unduly discriminatory comment. There is no breach of the provisions of Clause 2 of the *CAB Code of Ethics*.

The Nature of the Challenged Broadcast

In material respects, an understanding of the nature of the challenged program is at the very root of this decision. On this point the Panel considers it crucial to observe that *Confrontation at Concordia* is not a news report or news feature; it is

a documentary. While the Panel does not share the Conseil de presse perspective that point-of-view documentary belongs to the “journalistic” family, the Panel does agree fully with their view that a viewer can expect from such a genre of film great latitude in the expression of the filmmaker’s viewpoint and opinions, and even in the tone and style of presentation of that perspective.

Had *Confrontation at Concordia* been a news piece, it would have been subject to the journalistic standards which include, among others, the provisions from the RTNDA Code cited above. Accurate, comprehensive, fair and objective presentation is a hallmark of broadcast journalism. Documentary filmmaking, on the other hand, should not be *inaccurate* but it need not be objective. It is, in fact, an artistic genre of filmmaking. It will frequently carry the creator’s name in a prominent way, since it can be expected to express his or her perspective on a subject. As a genre, it permits artistic licence, although that licence is not unrestricted. A point-of-view documentary is not false but it is the expression of the truth through the eyes of its creator. The truth is told as the filmmaker seeks to represent that truth. There is bound to be a significant element of subjectivity in the work. By techniques of video footage selection and judicious editing, the creator of the documentary film can be expected to manipulate the viewer since his or her goal is, after all, to either convince the viewer of the filmmaker’s perspective or to, at the very least, stimulate discussion of the subject treated.

It is clear that, in *Confrontation at Concordia*, Martin Himel has expressed a point-of-view. He believes that, in the confrontation between the pro-Palestinian and pro-Hillel perspectives, the former was the more repressive and hostile. He has, however, told the story via the medium of Concordia Student Council elections, since the two sides were sufficiently polarized to permit the resolution of the conflict on that basis. En route to his conclusion, he keys on the high-profile example of the blocked Netanyahu speech and assimilates some of the repression to the Nazi era of the 1930s in Europe. That is his story and, in the documentary, not the journalistic, context, he was free to tell it *from his perspective* while drawing his own conclusions. As noted above, since his entitlement to present such a viewpoint does not extend to an entitlement to distort or mislead, the Panel needs to determine whether he has overstepped that boundary.

The Use of Footage in the Shooting of a Documentary

Before discussing the application of the foregoing principles to the broadcast at hand, the Panel considers that one further underlying point must be made here. It is this. Documentary filmmaking is dependent on footage that will permit the filmmaker to tell his or her story. The end product will be of a length that is suitable for the end user, in this case, the broadcaster. That length was about 48 minutes. The filmmaker may well have shot ten times or more the quantity of film that was actually used for the final documentary. In such a methodology, Martin

Himel has done what *any* documentary filmmaker would do. In other words, Himel has done no wrong in the initial creation of much more film than he could ultimately include in *Confrontation at Concordia*. Moreover, the Deputy News Editor responded to that point in his letter of February 25 in the following terms:

In any television documentary a great deal of "footage" is shot and not used. The ratio might be 20 to 1 - or higher. The producer of "Confrontation" did, indeed, interview Samer Elatrash at length regarding his perceptions of the controversy and his motivation for participating. In the end the producer used the material he considered relevant to his documentary treatment and assembled it in the form that was broadcast. In my 40 years as a journalist - a good many of those years reporting, writing and producing documentaries for networks in Canada and abroad - CTV, CBC NewsMagazine and The Journal, Global, NBC, and World Monitor - I've found that interview subjects often dispute the selection, length or assembly of interview "clips".

Nor has Martin Himel committed any misstep in selecting from the film shot those segments which, edited together, tell the story he wished to tell. He would not, it goes without saying, be entitled to edit the interviews so as to change or misrepresent the meaning of what was actually said.

There is an example of injudicious editing in an earlier decision of the CBSC's Ontario Regional Panel, which constitutes a useful, but not perfectly analogous, example for the present adjudication. In *CIII-TV re First National Newscast (Premiers' Conference)* (CBSC Decision 96/97-0246, February 26, 1998), the broadcaster was reporting the news related to a Premiers' Conference being held in St. Andrews, New Brunswick. Following one of the sessions, Quebec Premier Lucien Bouchard had been interviewed in connection with a constitutional process being discussed by the provincial Premiers. He said, "If you enter into this new process, which is not [a] substantial process, [i.e. a substantially] new process, with the idea that 65 per cent of Quebecers are federalists, it's doomed before it begins." The Global news report had removed the first part of Premier Bouchard's sentence, leaving only the tail-end of that sentence, "it's doomed before it begins." As a result, the Ontario Regional Panel concluded that CIII-TV had actually distorted the purpose, and meaning, of the Premier's words.

The point of that example is to illustrate the principle that such a distorting technique, whether in a strictly journalistic or even a documentary context, would be unacceptable. This does not, however, restrict a filmmaker from choosing such *accurate and undistorted* footage of each interviewee as will tell the story he wishes to recount. That is the nature of documentary filmmaking.

Application of the Documentary Art Form to *Confrontation at Concordia*

How, then, has Martin Himel applied the form to the subject matter at hand? In the view of the Panel, Himel clearly had a point of view. It was, in his words, that "Tolerance was violently abused last year on campus." He added that tolerance

“and the right to free speech” went hand-in-hand and were both suppressed. There is no denying that he laid that responsibility at the feet of the CSU Executive, and Samer Elatrash and his colleagues. By also (later in the documentary) drawing the comparison to York University President Lorna Marsden, who insisted that a speech by Campus Watch Director Daniel Pipes be permitted to go forward over the objections of the Middle East student association there, he also underscored the inability of Concordia authorities to cope with a comparable situation in Montreal. He pointed out that the “Montreal police proves to be ineffective” and that “Concordia security can’t cope.” He illustrated his point by showing the methods utilized by the protestors to put a stop to the lecture, and concluded that “[f]or Samer, sabotaging the Netanyahu speech was a key tactical victory.” He bolstered his comments about the ineffectiveness of the University’s role by observing that “[s]even months after the Netanyahu riots, only two students were suspended for a semester. No students faced criminal charges.”

Himel went on to describe the CSU Executive role by likening its treatment of the Hillel organization at Concordia to the treatment of that Jewish student organization in Austria in the 1930s. In his choice of film footage, he also showed the difficulty of Jewish students trying to address the CSU assembly on racism and being rejected both procedurally and by the heckling and booing of the audience. He also knitted in the reactions of former Israeli Prime Minister Netanyahu, Board of Governors member Thomas Hecht, and Campus Watch director Daniel Pipes on issues of free speech and racism.

Himel also reflected the hostility manifested at other moments by Laith Marouf and others toward the Hillel supporters and by pointing out the concomitant anti-war events (coupled with anti-Semitic overtones) that were going on in Montreal at the time. He also characterized the Montreal events in terms of Nazi tactics in the 1930s and 1940s. “It was exactly this fascist tactic of slander used by Nazis that worked so well in dehumanizing Jews. That led to the Holocaust. Where will this hatred go?” (Note that the larger issue of the allegation of historical examples of Quebec anti-Semitism will be dealt with below.)

Finally, Himel brought the issue back to the student elections with which he had begun. “With this growing atmosphere of hostility, Concordia students face their responsibility to vote. Will they vote for more of the same with Clean Slate? Or change with Evolution? Evolution supporters lobby hard to fight voter apathy. Concordia students are tired.” At the end of the day, though, with a slightly optimistic tone, Himel announced the result of the election in favour of the significant victory of the Evolution not Revolution Party by a margin of about two to one. His final statement was, however, equivocal and tentative.

Will change come to Concordia? Will hatred and intolerance of Jews end on campus? Will the administration find the resolve to put a decisive end to intimidation? We'll have to wait and see.

In assessing Himel's conclusions, the Panel recognizes that the filmmaker's creation reflects a point-of-view. As it has indicated, the Panel considers that Himel was entitled to have and express a perspective. Moreover, in reviewing the tools he has used, the Panel finds no fault on his part.

Advice to the Viewer

While the Panel readily acknowledges that there is no Code requirement that a program of this nature bear a viewer advisory of any kind, it, like the Quebec Press Council, does consider that it would be helpful to audiences to let them know that a possibly unfamiliar form of programming might be upon them. Unlike certain Canadian broadcasters (TV Ontario and the Documentary Channel come quickly to mind), it is probably fair to observe that Global Television, which of course broadcasts news and other journalistic matter, does not frequently provide its audiences with point-of-view documentaries. In such circumstances, in order to avoid misunderstandings, confusion or mistaken expectations, a form of advice as to the nature of the upcoming programming would be useful. In the words of the Quebec Press Council,

il est primordial pour les médias de bien identifier les produits de cette nature afin d'éviter tout malentendu. L'absence d'indications sur la nature particulière de ce genre journalistique peut conduire le public à assimiler une opinion éditoriale, partielle par définition, à un produit d'information.

References to the Nazi Era

While he has on several occasions hearkened back to the haunting experiences of the Nazi era, he has done so on a temperate basis. The comparative experience of Thomas Hecht in Czechoslovakia and Montreal was not either unfair or unreasonable. The very use by street protestors of swastikas and Nazi-oriented banners in Montreal was *their* choice, not that of the filmmaker. All he did was to record actuality and to reflect it in his film document. The observation that no Hillel organization had been banned since Austria in the 1930s is also not a matter of Himel's creation. He has merely recorded that point and it has gone uncontested either in the film or the subsequent complaints. Finally, the parallel between the breaking of Concordia plate glass windows in the repression of the right of expression in Montreal in September 2002 and that of Kristallnacht (the night of broken glass) in Germany in November 1938 is understandable, if not also unsubtle. The filmmaker was entitled to draw such conclusions.

Some Specific Complainant Concerns

The Panel does not consider that a comment-by-comment response to each of the assertions by the complainants is necessary in the light of what it has

concluded regarding the more generalized issue of the point-of-view documentary dealt with above. Nonetheless, recognizing that certain aspects of the complaints may not fall squarely within the general issue of the leaning of the documentary film, the Panel will isolate and deal with certain of the assertions.

Samer Elatrash and his supporters

The second complaint argues that the statement “Samer Elatrash is the brains behind the offensive. He leads Solidarity for Palestinian Human Rights, SPHR.” is incorrect. The point the complainants make is that “Samer does not lead the SPHR. ... [H]e was VP Media Relations for the Concordia Branch of the SPHR.” In the view of the Panel, the complainants draw too fine a distinction. For purposes of the documentary, he appeared to reasonable viewers to be a prime mover of events. The precise corporate title is not the issue. This statement of the filmmaker does not appear to be in the least misleading.

The complainants also argue that the phrase “Samer Elatrash and his supporters” is “inaccurate” and “misrepresents the demonstration.” Once again, the film clearly suggests, whether at the escalators, exhorting individuals from the top of a car, or elsewhere, that Elatrash was attempting to lead and had colleagues, cohorts, friends, sympathizers, supporters who shared at least some of his directions and views. This distinction also appears to be splitting hairs.

In the same context, the second complaint asserts that the statement that “Samer advances his cause through his supporters” leaves a misleading impression, namely, that “Samer ordered Laith to distribute the pamphlets” and is the “leader”. In the view of the Panel, this falls into the same category of minutiae. An uninvolved viewer is not concerned by the “trees” issue of *who* made the decision to distribute pamphlets. The issue is rather the “forest” issue of what is going on and how. The appearance in the scene is that Samer Elatrash’s *personal* actions had been curtailed by authorities, and that, despite that, he tried to ensure - and, to some extent at least, was succeeding - that his position regarding Middle Eastern issues was being advanced.

Which flags?

There is also objection to the description “Laced with the flags of Saddam Hussein’s Iraq” when, according to the complainants, Elatrash was “in fact ‘laced’ in Palestinian, Iraqi and Canadian flags.” Here, too, the television image speaks for itself. The Iraqi flag was present and Himel was entitled to refer to it.

The Chronology of Events

It is not problematic that the order of the footage presented was not chronological. Few viewers would be aware of that reality and the Panel does not find that its

perception of the documentary has been altered by the use of the footage in the order in which it has in fact been presented.

The Banning of Hillel

The complaint also disagrees with the following statement by Martin Himel: “The Concordia Student Union has banned Hillel. Unlike the Palestinian student organization, Hillel receives no share of the Student Council budget.” The complainants’ argument is that “the CSU’s Council of Representatives ... suspended Hillel for passing out a recruitment flyer for the Mahal program.” The complaint goes on to explain that “the suspension was amended to allow Hillel to table [sic] and withhold their funding until they signed a pledge against racism and military ... It is disingenuous, to say the least, to call this course of action a ‘ban.’” The broadcaster responded to this point in the letter of February 25 as follows:

The complainants are quibbling. It is clear that the CSU, by a variety of actions - the suspension of Hillel, coercive demands, and withdrawal of funding - aggressively tried to harass and/or shut Hillel down. There was undeniably a period in which a fair-minded viewer would conclude Hillel was effectively “banned” in the colloquial sense of the term.

The Panel agrees with the broadcaster. It finds the complainants’ concern a semantic distinction. Nothing in the complainants’ explanation of the situation dissuades the Panel from its understanding that the CSU did, in effect, ban Hillel from its access to the CSU and campus activities and functions to which other student organizations had full access.

Yoni Petel and Concordia

The complainants point out that Yoni Petel “*is not even a Concordia student.* [emphasis original]” The Panel is unclear as to the relevance of this assertion when the filmmaker never alleged that Petel was a Concordia student but only that he was “the President of Hillel in Montreal”, which the complainants do not deny. Viewers observed Petel in circumstances at Concordia that were related to Hillel activities and the Netanyahu speech, as well as in discussions with individuals who were represented by the complainant law firm. While some may have concluded that he appeared to be a Concordia student, it was not as the result of the filmmaker’s deception.

The Song and the Rector: Balance?

It was argued that the failure to consult the student representative on the University’s Board of Governors “does not represent a fair balance” despite the fact that a CSU official was “shown singing a song about the case.” Arguably, the four excerpts from Bernans’ song were as effective a case for Ms. Virk’s side

of the matter as could have been expected as a counter to the three intercut statements of the University's Rector.

Bathroom swastikas

As to the complainants' challenge that "proof" of swastikas was required, the broadcaster has explained in its letter of February 25:

The relevance of swastikas in Concordia washrooms is not determined by the existence - or not - of "footage". It is widely accepted, first and foremost by staff and administration of Concordia University, that the offending symbols did appear in washrooms and were removed as quickly as possible.

In summary, the Panel finds that the June 3 letter of complaint from the law firm includes considerable semantic or hair-splitting arguments, none of which discloses any Code breach on the part of the broadcaster.

The Anti-Semitic Reference in the Documentary: A Breach?

Two of the complainants have referred to the following statement by the narrator, very late in the documentary, "Quebec history is stained with anti-Semitism. It's facing a dangerous resurgence now." The first complainant stated that the "program has accused Quebec's anti-war movement 'Échec à la Guerre', coalition of 200 different local Quebec organizations, of anti-Semitism." The fourth complainant clarified his initial complaint by stating: "Disparaging remarks about Quebec. Stating that Quebec was anti-Semitic." This complainant also stated in a follow-up e-mail of March 9, 2004 that the "Ontario based Anglo-Saxon" broadcaster was "insinuat[ing] that Quebec was more anti-Semitic than Anglo-Saxon Canada."

It should first be noted that the broadcast made no comments whatsoever comparing Quebec to the rest of Canada or, within the Quebec context, drawing any distinction between the Francophone, Anglophone or Allophone communities in connection with the anti-Semitic statement. More to the point, though, the role of the comment relating to anti-Semitism in Quebec was very small in relation to the program as a whole. The essence of the documentary was the stresses on democracy within Concordia University and there was no focus on the issue of Quebec anti-Semitism, nor any mention whatsoever, much less accusation, of anti-Semitism on the part of the anti-war movement 'Échec à la Guerre', the concern of the first complainant. As to the observations of the fourth complainant, it is clear that the statement is a qualified, not a blanket, one. It appears to state that, historically, there has been a patchwork of anti-Semitism. That is, at least, the suggestion of the word "stained", rather than, say, "covered". The allegation also appears to be nothing more than a reference to historical events as a background to the warning of potential modern resurgence. It is, moreover, only the opinion of the filmmaker.

It is not the role of this Panel to debate the merits of the particular allegation but rather to examine whether the statement is so unreasonable or far-fetched as to constitute an unfair or improper comment. In this respect, it is fair to observe that there have, over the course of a significant part of the twentieth century, been notable and very public examples of anti-Semitism in Quebec, not, to be absolutely clear, on the part of all Quebecers, but on the part of sufficiently renowned individuals or institutions, that such an observation as Himel made could be asserted. The now "ancient" cases of Abbé Lionel Groulx, Action nationale, *Le Devoir* (as edited long ago by Georges Pelletier) constitute examples.

As to recent resurgences, it was of course the position of the filmmaker that the events at Concordia were an example of such a current concern. The intervening occurrence of the fire-bombing of a Jewish religious school in Montreal is a yet more recent example. And the 2003 Annual Report of B'nai Brith reported that the Province of Quebec had (after Ontario) the highest number of incidents involving anti-Semitism. On March 14, the Premier of Quebec stated, "No one is under the illusion that anti-Semitism will go away. I think it will always be part of our lives." The issue was not a blanket accusation of anti-Semitism against an entire province but rather an observation of historical concern and the need for ongoing vigilance to prevent the return of, hopefully, essentially eradicated examples of those preoccupations. The National Conventional Panel finds the recent statement by the Prairie Regional Panel in *CJAY-FM re Forbes and Friends (multiple choice quiz)* (CBSC Decision 02/03-0638, December 15, 2003) to be instructive.

There are times in the life of a society when it is far too easy to single out an identifiable group as a recipient of harsh discriminatory comment. Society is frequently ready to find a scapegoat for segments of its ills, perhaps as a catharsis for their resolution. It is perhaps when such solutions come most easily that society ought to be most vigilant. Since the shocking events that have come to be known simply as '9/11' and the proliferation of incidents of terrorism both before and after that date, it has been all too easy to target the Muslim communities with comments that are generalizations which are negative, hurtful and utterly unjustified.

That was the case with the challenged program. The humour in this broadcast was singularly unacceptable. The implication that all Muslims (how else could one interpret the words "Muslims around the world"?) might travel to their *holiest* city in order to fund terrorist activities is outrageous. To put it in perspective, the failure to distinguish between the Muslim community and terrorists is no more acceptable or justifiable than a failure to distinguish between (to choose one of many possible examples) white persons and the Ku Klux Klan. The Muslim community bears no more responsibility for persons within its ranks who break the laws than all white persons bear responsibility for the illegal actions of Klan members.

In the end, the Panel finds that the peripheral statement relating to historical anti-Semitic events in Quebec does not constitute unfair or improper comment, in violation of Clause 6 of the *CAB Code of Ethics*.

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. The Deputy Editor of Global News sent substantive replies to each of the complainants although that to the second complainant was not in the form of a point-by-point rebuttal. In any event, on February 25, 2004, at the request of the CBSC, Global did send a further reply dealing with questions raised in the second letter sent by the second complainant (the Global letter was received March 9 by the CBSC). While none of the replies did satisfy the four complainants involved in this adjudication, they did, it appears, satisfy the other initial 15 complainants, who did not pursue this matter any further. Moreover, it should not be forgotten that that complainant dissatisfaction is by definition the case for matters that are then referred to a CBSC Panel for adjudication. Such complainant-broadcaster disagreement ought not, however, to be interpreted as a failure on the part of the broadcaster to fulfil its responsibilities of effective dialogue with the complainant. The Panel considers that the broadcaster has entirely fulfilled its obligations in this regard with respect to the present matter.

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.

Appendix A
To
CIII-TV (Global Television) re Confrontation at Concordia
(CBSC Decision 02/03-1340, -1368, -1514 and -1530, April 26, 2004)

The broadcaster provided a viewer advisory before and throughout the program, which read:

The following program may contain language and content that some viewers may find offensive. Viewer discretion is advised.

The transcript which follows includes the voices of the following persons (other unidentified individuals are identified as student, security guard, etc.), in the order of their appearance in the documentary:

Narrator = Martin Himel (also the writer, director and producer of the documentary)

Interviewer = Martin Himel

Lowy = Frederick Lowy, Rector of Concordia University

Yoni = Yoni Petel (President, Hillel Montreal)

Di Grappa = Michael Di Grappa, Vice-Rector Services, Concordia University

Samer = Samer Elatrash, Vice President, Solidarity for Palestinian Human Rights

Netanyahu = Benjamin Netanyahu, Prime Minister of Israel (1996-9), retired from politics (1999-2002), Foreign Minister (2002-03), out of office in September 2002

Laith = Laith Marouf (Concordia student)

Sabine = Sabine Friesinger, President, Concordia Student Union (through most of the period covered by the documentary)

Hecht = Thomas Hecht, then a member of the Board of Governors, Concordia University

Yves = Yves Engler, then a member of the Concordia Student Union Executive

Isam = Isam Faik, Muslims for Peace

Pipes = Daniel Pipes, Director, Middle East Forum, and Campus Watch

Natalie = Natalie Pomerleau, President, Concordia Student Union (from the end of the period of the documentary on)

[The program itself began over the visual of students putting up Student Council election posters.]

Narrator: The election campaign at Montreal's Concordia University always begins with a race. Concordia has been shaken by a groundswell of hatred and prejudice. And that toxic atmosphere has spread to other universities across the continent. What's at stake here is a lot more

than the selection of a new student government. This vote will determine if tolerance and the right to free speech will return to Concordia.

[Over a background shot of students seated at a meeting and a foreground shot of one student berating another.]

Narrator: Tolerance was violently abused last year on campus.

[A student questions fairness.]

Narrator: An Arab student bullies a Jewish student.

[As a part of the bullying student's actions, he takes off the cap of the Jewish student and stomps on it.]

Narrator: Pro-Palestinian student activists are determined to silence a speech. Fists, threats and curses shove Jewish students away from the doors. A former Israeli Prime Minister, Benjamin Netanyahu, is expected to address Hillel, a Jewish student union. The protesters will do almost anything to stop it.

[Students interact with police.]

Narrator: The Montreal Police proves to be ineffective. A Jewish student walks with his [Israeli] flag. The hostile mob rips and tramples on it. Concordia security can't cope.

Security guard: Please come on. I'm trying to do something for you.

Narrator: Unable to reach the lecture hall, Jews challenge the hostility with a song of peace. That sparks a barrage of hatred.

[Students chanting "Down down Israel, down down Israel."]

Narrator: The Concordia Student Union, the CSU, is anti-Israel, anti-Bush and anti-war in Iraq. The CSU Executive was elected out of voter apathy. Less than 20% of Concordia students voted in the previous election. Samer Elatrash and his supporters occupy the main escalator to block entry to Netanyahu's speech.

[Samer speaking to fellow protesters]

Narrator: Samer is a major backer of the CSU. They abuse and intimidate the students coming to the lecture. The speech is about to take place and Samer is resolved to stop it. So he challenges the police.

[Students challenge police and numbers of police shove them back onto the escalator. Other students break the plate glass windows of the Henry Hall Building.]

Narrator: While the violence rages on in the lobby, Jewish students and other guests are trapped inside the lecture hall. The University's Rector is forced to cancel the speech.

Lowy: At the request of both Mr. Netanyahu's own security and the police, ah, this, he will not come here for the lecture. This is a sad day, not just for you, [interrupted] ...

Students: That's not fair, we want our Jewish leader.

Yoni: I would ask you once again to please take your seats. You are not going outside; the police are clearing the building. I am as upset as you are ...

Narrator: Yoni Petel is the President of Hillel in Montreal. He had invited Netanyahu to Concordia. He tries to insert a rational voice.

Yoni: It is not safe for you to leave this room at this time. The police will be securing the building so that everybody can leave safely. It's very important that we keep the order, okay? They are the ones that lose their minds out there. They are the ones that come and start with us. Remember that. The fact that we were here today is enough to show our Jewish pride. We came into the vipers' nest of anti-Semitism and anti-Israel hatred. 650 people proud. Carry your flags. We went through their demonstrations. The police, they didn't work for us. We did it ourselves. Let's not lose it now. Be proud.

Di Grappa: My name is Michael Di Grappa. I'm Vice-Rector, Services at Concordia University. I would like to announce that the event has been cancelled.

Narrator: Laced with the flags of Saddam Hussein's Iraq, Samer takes pride in denying Netanyahu and the Jewish students their right to free expression.

Samer: Just because, ... just because, ..., now, just because, ... just because this war criminal happens to kill Palestinian people, that doesn't mean he's not a war criminal, that doesn't make him controversial. That doesn't make him interesting. And he remains a war criminal.

Yoni: Netanyahu is not a war criminal. Nothing Netanyahu ever did has come close to a war crime. The real ... That's an excuse. The real point, the real reason that Samer did what he did is because he couldn't bear for people to hear what Netanyahu had to say and so they had to shut him up.

Interviewer: The Concordia issue. You were there. They tried to stop your speech. They rioted. How do you feel about that?

Netanyahu: Well, I've encountered it actually in only two places, I have to say, in Concordia and Berkeley, these bastions of free speech and free thought that cannot tolerate anyone who deviates from their orthodoxies. In fact what you have is an implantation in North America of this same unforgiving fanaticism that says "we will not allow the engagement of a contest of ideas, we will not allow a free market of ideas," which is precisely a microcosm of the problem that we have in these societies that spawn and produce terrorism. They rigidly control what their people hear and see so that they can control what they think and feel. And this is the essence of the problem. If the real solution to this fanaticism is ventilation, the aeration of various ideas, then you got a whiff of the underlying root cause of terrorism in Concordia. That is the unwillingness to have a free exchange of ideas. The root cause of terrorism is totalitarianism.

Narrator: In the months following the Netanyahu riots, the situation went from bad to worse. Pro-Palestinian activists and students on the Council generated a campaign of intimidation in an effort to ban Jewish student movements. Throughout Europe, the United States and Canada, there is an effort to delegitimize Israel as a Jewish state on campuses.

What has transpired on campus mirrors events in the Middle East. Palestinian and Israeli leaders had embraced the Oslo peace process. It envisioned a two state solution: a Palestinian Arab state alongside the Jewish state of Israel. That process collapsed in October 2000. The Palestinians launched their Intifada, their uprising, a ruthless wave of terror, suicide bombings, random shootings targeted primarily Israeli civilians. To stop this unprecedented campaign of terror, Israel launched assassination strikes. They occupied the West Bank. They clamped down curfews. It claimed the lives of many Palestinians. And with the launching of the uprising, anti-Israel activists, backed by student council members launched their own offensive against Hillel, the Jewish student movement in Concordia.

[View of Samer Elatrash speaking on the phone]

Narrator: Samer Elatrash is the brains behind the offensive. He leads Solidarity for Palestinian Human Rights, SPHR. For Samer, sabotaging the Netanyahu speech was a key tactical victory. On one of the walls in Samer's office is a map. It outlines what used to be Arab villages in what is now Israel. In 1948, five Arab armies invaded here to destroy a Jewish state before it was born. The Jews survived the onslaught. Samer and Arabs call that the Nakba, the disaster. During the war, hundreds of thousands of Palestinians became refugees. Samer is clear-cut in his aim, the return of the refugees and the destruction of Israel as a Jewish state.

Samer: I think every Palestinian who wishes to return to their home or to their area or to the territories where he or she used to live or was expelled by force, um, should return. I think that right now what we are looking at, especially given the failure and collapse of the Oslo peace process and the seeming, I think, impossibility of creating the two state solution, one way to resolving [sic] the conflict is to strive for a secular state, that's built on the simple premises of respect for human rights, respect for cultural rights, respect for religious rights, then don't trespass on anyone else's cultural or religious rights, under the framework of a representative government.

Yoni: Well, you know, Samer Elatrash, in saying that, is already denying thousands of years of Jewish history. He's denying my history. It's a racism [sic] in itself. That's the problem. That's why we have no peace in the Middle East. It's because there's an impossibility for the Arabs to recognize the legitimacy of Israel there. There are religious connections, historical connections, archaeological evidence. It's Israel.

My father's side of the family is from Iraq. My grandfather at the age of, I think, about 14, was arrested on charges of Zionism. They were basically thrown out. They really were stripped of everything. Millions of dollars worth of assets were stolen from them.

My family traces its roots to Iraq back to 27 hundred years, which is about as rooted as you can get in a place. The frustrating thing is that everybody talks about Palestinian refugees and Arab refugees; nobody mentions Jewish refugees. There were, you know, almost a million Jews that were thrown out of Arab countries. I absolutely accept that there should be two states west of the Jordan, an Arab state and a Jewish state. The problem isn't that there can't be. The problem is that the Arabs don't want it.

Narrator: Samer has been suspended from studying at Concordia for three years because of his role in stopping the Netanyahu lecture. He has appealed and can attend classes for now.

Samer: My parents were both politically active in Palestine and they left in 1972 to come to Canada and that's where I was born. I lived in the United Arab Emirates for most of my life and I came here five years ago to study.

Narrator: Samer treads a fine line on campus. If he is visibly active politically, the police threaten to arrest him.

Samer: My conditions are that I can't come on campus except for studying. What exactly constitutes studying? If I have to go to the toilet, does that constitute studying? The university could at that point decide that I'm not studying and try to call the police on me.

Narrator: Security keeps watch on him.

Laith: Come and vote, Wednesday at 1 o'clock against war and racism. Join the strike. Join the continental strike. Come and vote against war and racism ...

Narrator: Samer advances his cause through his supporters. Laith promotes a student union assembly. The implicit message: attacking Saddam Hussein's regime is racism. Security tells them their promotional stand was not booked for the day and it must go. Always expecting trouble, another security agent tapes the scene.

[Heated discussion between Samer, Laith and security guards regarding the table.]

Laith: Okay, so the person that's responsible for this table, that we don't know who he is ... tells them that either we stay here ... or she is ... We can either stay here or we can go in the lobby, whichever they like. It's one of the two. There's no other way about it.

Samer: ... entirely take a decision to move the table, unless we find the decision-makers and I don't know where he or she is. We can wait ...

Guard: In the absence of somebody, then we'll have to move the table.

Samer: In the absence of somebody ... No, that's not a good idea.

Laith: This is student space. You're welcome to leave. You're welcome to leave. You're welcome to stay. Otherwise there's nothing left to do.

Guard: I am asking you, would you move your table?

Laith: It's not my table and I'm not moving it. Nobody is moving it.

Narrator: Intimidated, security backs off. Seven months after the Netanyahu riots, only two students were suspended for a semester. No students faced criminal charges.

Laith: We're in a free country. We're not in Israel, my friend. We're not in Israel. Okay? We're not in Israel.

Narrator: Hillel activists are consistently exposed to this verbal barrage. Yoni Petel is selling tickets for Purim, a Jewish costume party. The Concordia Student Union has banned Hillel. Unlike the Palestinian student organization, Hillel receives no share of the Student Council budget.

Yoni: We can't put up a poster without it being defaced. You can't go to the bathroom without seeing swastikas and all kinds of stuff. It's like a bully in a sandbox. The bully in the sandbox doesn't stop pushing you when you give him your lunch money and he doesn't stop pushing when you tell on him. He stops pushing you when you push him back.

[Student describing the irony of rioters preaching freedom of speech]

Yoni: The Jews at Concordia will not be shut up. We won't be pushed out. We're going to be stronger and stronger and we're going to be more and more present. And the more attempts there are to push us out, the more defiant we become and the more we insist that we are going to stay there and we won't be pushed out.

Narrator: During the election campaign, there is an art festival at Concordia. The prime exhibit is George Bush.

[Various student opinions, including the artists, on the art piece which shows Bush holding a large gun which resembles the twin towers of the World Trade Center and is placed as a phallic symbol.]

Sabine: To me, I see this image as being a critique of George W. Bush. I think that George Bush is being hateful in his policies, in going to war with another country, in accepting that Americans' lives are being threatened because of the foreign policies of the United States, I think. To me I see this as a critique of George W. Bush.

Narrator: Sabine Friesinger and the Concordia student executive are anti-Israel and anti-Bush. Her Council banned Hillel. It was the first time Hillel was banned since Nazi-dominated Austria banned the Jewish movement in the 1930s. The Student Council banned Hillel because Hillel was

calling on Jews to enlist to [sic] the Israeli military. The Council said it violated the law. The RCMP investigated and threw out the case. Hillel has gone to court to get the Student Union to reinstate its funds. The Student Union is now demanding all Concordia clubs and Hillel sign a non-violence pledge to receive funding. Hillel says that is just an excuse to avoid the issue.

Yoni: It was an anti-Semitic decision because I can tell you that the Student Association for Muslim Awareness had links to terrorist websites on their Internet site and the answer was, "Ok, let's investigate. Let's ask them. Let's get them to apologize." They weren't banned. Their funds weren't frozen.

[Student inviting other students to General Assembly. "Show your support against war and racism. ... Stand against war. Stand against racism."]

Narrator: The Concordia student assembly opens in the very hall where activists shut down the Netanyahu speech. They begin with a song about a Muslim student whom they maintain was racially slandered.

Song: Now the students elected a young Muslim lass. She said, "My religion, it has certain rules and I cannot be meeting with you drunken fools."

Lowy: The allegation that a Muslim student Governor was treated badly is not accurate. The woman in question, Ms. Virk, is a student representative who, because of her faith, finds it impossible to be in a room where other people are consuming alcohol.

Song: We told the young lady we must take a stand, we're in Canada now, it's not Pakistan.

Lowy: Twice a year, our Board has a dinner meeting at which time wine is served. In this case, she asked that the Board not serve wine because in her view this would conflict with her religious obligations.

Song: We said your religion is funny and queer, and you've got to learn to be civilized, dear.

Lowy: I have no doubt that she is authentic in terms of her religious beliefs. At the same time, to impose those beliefs on other people who don't share them is not in our tradition. It's not in most people's tradition.

Song: And then they petitioned for an assembly, to say "Fuck you" to racists like me.

Sabine: Every single one of us in this room is making history.

Narrator: Sabine is addressing her voting constituency. This is not just about racism. With student elections just weeks away, she wants them to support her successors, the Clean Slate block.

Sabine: ... We are not alone. Students from across North America are demonstrating and striking against this war in Iraq.

Laith: So basically, we have to vote on this and walk out of this..., walk out and strike with the students at McGill, ... strike with the students at Dawson, strike with the students in vieux Montreal, strike with the students ...

Narrator: Hillel students are about to raise an alternative racism resolution.

[Booing the Jewish student at the microphone.]

Student: Ah, stop it. Stop it, guys. Yes, I'm proposing, do we really want this student union, this student Exec, the Council to even be involved in this inquiry against racism?

[Heckling]

Sabine: I am going to ask people to be respectful.

Student: My solution is to offer an alternative where there is an independent group of people, right, which are not related to the CSU Exec which will promote peace in Concordia and promote fighting against racism and discrimination.

[Booing and heckling by the audience.]

Sabine: That's what we are voting on. OK, *[background voice: "fucking retard"]* those in favour of this substitute motion, hold up your yellow cards.

[No cards are raised in the part of the assembly that is on-screen. Laughter, jeering and cheering. The motion is defeated.]

Narrator: Another Hillel speaker tries to offer his resolution on racism.

Student: I'm saddened that two amendments for the previous motion were passed down *[sic]*. *[Intervention by Sabine Friesinger declaring him out of order.]* Okay, I'm sorry, I'll change the subject. What are people afraid of? To look introspectively at the CSU? Why are people scared to do that? *[Challenged again on this point.]* So, to speak to the second motion, what are people afraid of? Why won't the CSU look at itself, be accountable, be transparent. ... Give us a chance to speak at

the mike. There are 650 people here, I want to be heard. So that's what I'm doing.

[Student is dismissed for speaking out of order and heckled.]

Narrator: Faced with the threat of arrest, Samer avoids the assembly on racism but, in many ways, he's supporting the event.

Yoni: You know why I would classify Samer as anti-Semite? I would tell you that, since he doesn't accept the rights of the Jews to a land of Israel, to a state west of the Jordan river, that's anti-Semitic, in its very nature.

Samer: SPHR tries to draw a difference between who and what Jews are, who have existed long before the state of Israel and who will continue to flourish after the state of Israel. You know we have Jewish girlfriends, there are Jewish guys who have Palestinian girlfriends. It's really, ... I'm afraid, you know, to downpin [*sic*] of the fervour of those who really want to show this as a Jewish/Arab thing at Concordia. It isn't.

Yoni: I don't think he has a great deal of respect for those Jews who are hanging around him. You know, they are the guy [*sic*] he can point to for why he's not an anti-Semite. It's just Zionists he hates, it's not Jews.

Narrator: Concordia may have banned Hillel but it can't ban the central role Hillel plays in Jewish life. And despite what Samer might say, Israel is intimately linked to their Jewish identity. Thousands of Jewish kids from Montreal's universities come to the Hillel Purim party. According to recent surveys, over 90% of Jews identify their Jewishness as linked to Israel. When Samer and other activists say they want Israel wiped out, the vast majority of Jews take that as being anti-Jewish.

Yoni: Hillel by its nature is not usually a political organization. We organize parties, we take care of social, religious, cultural needs of Jewish students. We help them to find them kosher food, we find them places to pray, that's really our focus. The SPHR, on the other hand, is specifically a political lobby group, a political special interest group and their only goal, for the most part, their primary goal, is to throw mud at Israel.

Hecht: This was anti-Semitism. I was the object of their hatred but of a hatred which expressed itself with placards; with a kind of venom which I have not seen on the streets of a city since the horrible days of occupied, Nazi-occupied Europe. What happened on the 9th of September was really a dark day for Concordia. And I think that the university will have to suffer the consequences of this. It will not come, the change

will not come from one day to the other. The perception of Concordia will not be that of an institution where freedom of speech can be freely expressed. Because the way these thugs behaved was not any better than the people who were condemned for such behaviour in 1939 in Europe.

When I tried to enter, somebody approached me with a masked person. They had a hood or something, or a burka, or a shador on, I don't know if it was man or a woman and they kicked me in the groin. They spat on me. I felt as though I was in Bratislava in 1939 again, where they also spat on me because I was a Jew. But that was Czechoslovakia under German occupation and I was experiencing something which I thought would never happen again: that I was guilty of something because I was Jewish. I was guilty of wanting to hear a speech.

Netanyahu: I think in the history of the Jewish people, any physical attack, pogrom, massacre, culminating in the greatest massacre of them all, in the Holocaust, this was always preceded by a campaign of vilification and slander, to prepare the ground for the attack, for destruction. And I think that this should be nipped in the bud, in the wellspring of this poison.

Narrator: Following the assembly on racism, Sabine and her followers join a large protest against the war in Iraq. Many also support the violent offensive against Israel. The demonstration takes place in the heart of the campus. The Student Council is a Quebec union. It collects dues. It has a \$1.2 million annual budget. That's a lot of power for a Student Council.

Sabine: [Speaking to an assembly of people] ... No more blood for oil and no more imperialist wars.

Narrator: Concordia's administration suspects that money has been mismanaged and it has demanded an audit. Iraqi flags surround Palestine here. One of the greatest supporters of the Palestinian uprising is Saddam Hussein. He provides up to \$20,000 for every suicide bomber. And just as the uprising needs Iraqi cash, Samer needs the CSU support for his cause.

Lowy: Concordia Student Union is not even-handed on this issue. They take a very strong Pro-Palestinian, pro-Arab position, for example the Iraq situation, but most particularly the Arab/Israeli problem.

Interviewer: Do you think the CSU is maybe abusing its power?

Lowy: Yes, at times they do.

Interviewer: Could you be more specific?

Lowy: Well, we have serious concerns about how their money is spent. This power has taken student government in directions that really are peripheral to the interests of most students, to the neglect of things that are much more important to most students.

Sabine: One thing I'm disappointed at is the way the inquiry into racism and discrimination is interpreted. It's interpreted by the Rector and the administration as being something bad, something where people will point fingers, "This is racist, this is this."

Lowy: The CSU was taking an adversarial position against the administration and they have for the last three or four years.

Narrator: What may change the whole picture here are student elections. There are new groups evolving that want to shift the focus, to shift the focus away from political activism to student issues that pertain directly to the campus.

The elections are now just a few days away. The Evolution not Revolution party has become a serious contender against Samer's choice, the Clean Slate party. Evolution wants to bring some peace to the campus. Concordia's reputation for extreme political activism goes back more than three decades. In 1969, the issue was racism against Caribbean students. Activists destroyed \$2 million worth of computers.

Lowy: It's part of the tradition of the University. The thing that I think is different about Concordia than many other universities is the very rich ethnic mix that we have. It involves different cultures, different religions, different ethnic communities, different values. And these come into clash occasionally, they come into conflict. What is new here is the degree of vehemence, even to the point of violence, that we had last September, around the Arab/Israeli problem.

[Students talk about elections, and Hillel as the "Jewish student union".]

Yoni: Okay, you can cheapen the word "terrorist" however you want, and then we'll just call the CSU a terrorist regime. And we should need regime change at Concordia.

Yves: No, no, no, what are you implying? What are you implying? No, be fucking honest about it. What are you implying?

Yoni: What am I implying? You tell me.

Yves: You just made a fucking implication of anti-Semitism. A very clear implication of it. That's disgusting.

Yoni: I'll say it straight out. You guys banned Hillel. You're the first people to ban the Jewish student union on campus since Austria in the 1930s. There's not an implication. I didn't have to say anything.

Yves: First of all, there isn't a Jewish student union. Hillel is a group. As I understand it, a cultural group.

Yoni: Hillel is the Jewish student union on this campus.

Yves: No, no. Hillel isn't a student union.

Narrator: Hillel is sponsoring a 24 hour information campaign on Israel. At Concordia, that attracts a lot of attention.

Samer: Every time I come and debate, someone calls security on me.

[Students all speaking together.]

Narrator: What's going on in this campus is not exclusive to Concordia. There have been clashes between pro-Israeli and pro-Palestinian students at York. There have been confrontations at Harvard and in Berkeley in the United States. And in Europe, professors have called for an academic boycott against Israeli professors.

Later that evening, Hillel sponsors a lecture. And wherever a Hillel speaker comes, so do the protests. In this case, Muslims for peace oppose the speaker. And whenever Hillel invites speakers, they are often branded as racists.

Isam: And we are not against his freedom of speech but freedom of speech should not infringe the freedom of other people and jeopardize their existence within the society.

Narrator: The speaker is Daniel Pipes. What angers the protesters is his contention that there are radical Muslim forces like Al-Qaeda that have declared war against the West. The Hillel activists warn him to expect problems. Pipes specializes in helping Jewish students cope with the intimidation tactics on campus.

Pipes: It is a war. This is war. And what war finds is that each side has war goals. The Palestinian war goal is destruction of Israel, nothing less. The Israeli war goal is the acceptance of Israel by its enemies.

Student: How do you substantiate your claim then that there's this Palestinian desire to destroy Israel when, really, Israelis attacked Palestine first in that sense?

Pipes: The key point today is, do you want to destroy a *[unintelligible]* country of six million people or do you not? Your history is not entirely accurate. *[The student then picks up his jacket and leaves the hall.]* There were incursions on both sides. There was a lot of preliminary skirmishing. The question still arises, do you want to destroy it or not?

Narrator: Daniel Pipes runs Campus Watch from Philadelphia. It is a monitoring service that points out anti-Israeli activity on campuses throughout North America and Europe.

Pipes: The campuses are islands of repression in a sea of tolerance. There's a freedom of speech that exists in the media, it exists in the political world, it exists even in corporations. It does not exist in the place it's supposed to exist, most especially, namely, the university. There is not freedom of speech.

[Scene from York University protest, snippets of which are intercut with the following words of Daniel Pipes].

Pipes: The implication at Concordia was my own visit to York in late January. I was invited by a student group at York University in Toronto to speak about the Middle East. And the Middle East student association decided that wasn't a good idea. And for a few hours, they had closed down my talk. At which point the President of York, Lorna Marsden, said no, it would take place. Which it did. So of course it worked and I understood this dramatic and very visible police presence to be a way of signalling that Concordia would not take place again. So the lesson was, at least in my case, learned.

Narrator: Hillel is ending their Israel day with mid-East delicacies. Security is keeping a close watch. The Palestinian table and the Hillel stand co-exist side by side.

Student: ...you racist shit.

Narrator: An Arab student can't take it.

[Heated discussion between students.]

Lowy: It's totally out of keeping with our character. It's out of keeping with Canada's character. I do believe that it threatens something very

valuable in our society, something that goes right to the core of what it means to be a Canadian, that is, tolerance for other people and including people with whom one doesn't agree.

Narrator: So this really has to stop.

Lowy: It has to stop.

Narrator: It's far from stopping. It's getting a lot worse. War has erupted in Iraq. In downtown Montreal, a large anti-war protest is taking place. Concordia activists are participating. The lead poster is viciously anti-Semitic. It shows an American princess masturbating a Jewish caricature. He's wearing a skull cap. As he reaches climax, dollars signs surround his head, and he spills Iraqi oil. Nazi cartoonists used the same style in their anti-Semitic propaganda.

Laith: This has to continue and grow. Hopefully. We have to effect change. And people have to just remember that it's all in their hearts, the power to make a difference, not to give in to fascism.

Narrator: It was exactly this fascist tactic of slander used by Nazis that worked so well in dehumanizing Jews. That led to the Holocaust. Where will this hatred go? Quebec history is stained with anti-Semitism. It's facing a dangerous resurgence now. With this growing atmosphere of hostility, Concordia students face their responsibility to vote. Will they vote for more of the same with Clean Slate? Or change with Evolution? Evolution supporters lobby hard to fight voter apathy. Concordia students are tired.

Student: The problem is is [sic] when activism takes over the whole reason why we're at school, 'cause we're here to learn, basically. That's our main goal. And when school gets cancelled, like, it's just, all the reasons why I come to school just don't make sense anymore.

Narrator: The voting continues until evening. The turnout is still very low. The count goes on throughout the night. Samer is here. This is a defining moment. Sharon, a Hillel activist, is here as well. Hillel has put its backing behind Evolution. By 6 am, there is news.

Student: Well it wasn't even close. All right? Clean Slate, 1097 votes. Evolution not Revolution, 22?? votes.

Narrator: Sharon hugs the winner, Natalie Pomerleau. Samer demands a recount. It is hard for him to accept the defeat.

Natalie: Our approach is that the Concordia Student Union shouldn't actually be taking sides on different activist ideas, that they shouldn't be

protesting on one side, that it's a divisive issue, and neglecting other students [*sic*]. So we'll be encouraging clubs to be active but the CSU itself won't be involved in protests.

Narrator: Will change come to Concordia? Will hatred and intolerance of Jews end on campus? Will the administration find the resolve to put a decisive end to intimidation? We'll have to wait and see.

Appendix B
To
CIII-TV (Global Television) re Confrontation at Concordia
(CBSC Decision 02/03-1340, -1368, -1514 and -1530, April 26, 2004)

I. The Complaints

Complaint file C02/03-1340

Initial complaint:

The CRTC forwarded the following complaint to the CBSC on May 25, 2003:

Company Name: Canadian Muslim Forum
Message:
Confrontation @Concordia
Presented on Global TV Friday May 9, 2003 at 7:00 PM
By: Martin Himel

As the videotape shows in the program, we have observed the following:

1. Biased presentation of Jewish relations with Muslim and Arab students on Concordia university campus:
 - a. The TV program has presented Hillel, a pro-Zionist Jewish student association, as a cultural group, while known to campaign for recruitment for IDF (Israeli Defense Force) on the campus.
 - b. The TV program has presented the student demonstration against Mr. Netanyahu's visit to Concordia as a breach of the principle of freedom of speech, while Hillel, sided [*sic*] by the Rector Dr. Lowy (known for his Zionist allegiance), has opted to violate freedom of speech by banning entrance to students with opposing views to Mr. Netanyahu's political views.
 - c. Global TV's program has chosen to keep silent about the outcome of the case defended in court by the Canadian Jewish Congress on behalf of Hillel.
 - d. The TV program has presented excerpts of interviews or speeches with four pro-Israeli and anti-Arab speakers:
 - i. Dr. Fredric Lowy, Concordia Rector, admitted to being a Zionist.
 - ii. Mr. Tom Hecht; former Concordia governor, speaking about the Nazi era and linking it to what he sees it as anti-Jewish sentiments in Concordia.
 - iii. Mr Benjamin Netanyahu (Former Israeli foreign minister and prime minister) speech was against Arab and Muslim and linking Concordia students' activism to terrorism.
 - iv. Mr. Daniel Pipe; a well known anti-Islam and anti-Arab speaker in North America, attempting to blame the multiethnic population of Concordia as a threat to Canadian values.
2. Anti-Semitic accusations against Quebec and groups of citizens:
 - a. The TV program has accused Quebec's anti-war movement "Échec à la Guerre", coalition of 200 different local Quebec organizations, of anti-Semitism.

- b. The TV program has accused Concordia Student Association (CSU) of being anti-Bush and anti-war as if it is a crime.
 - c. The TV program has launched a smearing campaign and accused the Muslim Student Association (MSA) of having links to terrorist groups while ignoring to invite the MSA to present its point of view.
 - d. The TV program has attacked Jewish groups who hold opposing political views to Israel (ie, Jewish alliance against occupation) and tried to confuse Israel with Judaism to the disagreement of several Jewish groups who were denied the opportunity to present their point of view.
3. Hate propaganda and racism against Muslim Arabs in general and Palestinians in particular:
- a. The TV program has accused Arabs of failing Oslo, and presented Arabs and Muslims as responsible for spreading hate propaganda and supporting terrorist organization (in his interview with a Jewish magazine, Dr. Lowy said the same thing).
 - b. The TV program has manipulated the history of the Middle East by presenting the creation of Israel while omitting the violation of the human and political rights of the Palestinians to [sic] their homeland.
 - c. The TV program has focused on cases of discrimination against Arab Jews in Arab Countries without presenting anything about the other point of view where there are many Arab Jews enjoy living [sic] in their home land Arabic countries up to date.
4. Covering-up the administration's mishandling of the student conflict on the campus:

The TV program has presented:

- a. Dr. Lowy refusing to investigate the discrimination in Concordia with no valid reason as if it doesn't exist.
- b. The problem of Concordia as if it is a problem of one or two students.

Consequently, the Canadian Muslim Forum (CMF) considers the above-mentioned Global TV program (Global TV is a station owned by Mr. Israel Asper who is known for diffusing hate propaganda against Canadian Muslims and Arabs) a clear and outrageous exercise of hate propaganda against Arabs and Muslims, and as a result we demand a full investigation of the program and the practices of this media group.

Broadcaster's Response:

The broadcaster responded to the complainant on June 16, 2003 with the following:

Dear Mr. [...],

This letter is written in response to the email that you sent to the Canadian Broadcast Standards Council on May 25, 2003 in reference to our documentary Confrontation at Concordia.

Global Television considers audience responses to our programming as extremely important, and we thank you for your opinions regarding the documentary.

As you are aware, under the *Broadcasting Act*, broadcasters, including Global Television are required to provide a broad spectrum of information and entertainment programming for "men, women and children of all ages, interests and tastes". Television programming is required to be diverse and appeal to a wide variety of audiences. What one viewer might consider an interesting or amusing program might lead another to turn the channel.

In the documentary *Confrontation at Concordia*, the issue is not about who is right and who is wrong about the events that are portrayed in the film. It is clear that each side has grievances, each side has pain, and each side has its arguments. What is at the core of the documentary is how the students chose to express their arguments - with intolerance, violence and disrespect towards the principles of free speech and meaningful debate. By exploring the students' actions, the documentary intends to point the way towards a more constructive atmosphere in which to air their grievances.

In a larger context, what is most important to us as a broadcaster, is a recognition that healthy controversy is essential to the maintenance of democratic institutions. Our responsibility as programmers is to deliver news, opinion, comment and editorial views on all issues including those that are controversial in nature. We feel strongly that we accomplish this objective by providing full, fair and proper presentation of such issues within the broader spectrum of our programming schedule.

We value and respect the fact that you have an interest in our programming and that you were thoughtful enough to let us know your reaction. We are sensitive to the concerns and beliefs of our viewing community. Our purpose is to provide informative programming, to entertain, and not to offend our viewers. We will therefore give full consideration to your comments and make sure that we apprise the producer of your opinions as well.

Sincerely,
signed
Global News

The CBSC received a Ruling Request Form from this complainant on June 23.

Complaint file 02/03 1368

Initial complaints

A complaint dated May 29, 2003 was sent to the CBSC by the law firm *Melançon, Marceau, Grenier et Sciortino* representing a number of complainants mentioned in the following letter:

Melançon, Marceau, Grenier et Sciortino

Montréal, le 29 mai 2003 (PAR TELECOPIEUR)

Conseil canadien des normes de la radiotélévision
C.P. 3265, Succursale D

Ottawa (Ontario) KIP 6H8

Madame,
Monsieur,

Nous représentons les personnes suivantes :

- Madame Sabine Friesinger, présidente de Concordia Student Union;
- Concordia Student Union, association d'étudiants, dûment reconnue pour représenter les étudiants non diplômés de l'Université Concordia;
- Monsieur Leith Marouf, étudiant à l'Université Concordia et membre de S.P.H.R.;
- Monsieur Samer Elatrash, étudiant à l'université Concordia et membre de S.P.H.R.;
- S.P.H.R., Solidarity for Palestinian Human Rights, association oeuvrant à l'Université Concordia.

Global T.V., ayant une licence émise par les autorités compétentes, a produit un « documentaire » appelé « Confrontation at Concordia » transmis sur les ondes de Global T.V. le ou vers le 9 mai 2003, à 21H00, selon la connaissance de nos clients.

Ce « documentaire » est le produit final d'enregistrements, poursuivis pendant des dizaines et des dizaines d'heures, auxquels nos clients ont collaboré à titre d'invités.

Nos clients ont accepté d'y participer sous les représentations, qui se sont révélées fausses, de produire un documentaire sur les conflits entre étudiants à l'Université Concordia.

Ce « documentaire » peut être assimilé de la propagande sioniste, un espèce de commercial qui dénigre la Concordia Student Union, le Solidarity for Palestinian Human Rights, leurs dirigeants et membres.

Ce document fait exprimer à nos clients, des opinions qui ne sont pas les leurs et met sur leur bouche des mots qu'ils n'ont jamais prononcés.

Le narrateur, malicieusement, dit que la présidente de Concordia Student Union est anti-Israel alors que l'on évite de faire entendre ses commentaires qui expriment des positions qui sont celles votées par l'O.N.U. et appuyées par les représentants politiques canadiens.

Le document traite nos clients de terroristes et pousse l'ignominie jusqu'à dire que M. Samer Elatrash et le S.P.H.R. ont besoin du support de la Concordia

Student Union de la même façon que les palestiniens qui se font exploser dans les lieux publics en Israël ont besoin de Saddam Hussein.

Il ne faut pas oublier que Global T.V. fait partie du consortium CanWest, les propriétaires duquel ont imposé à tous les journaux qu'ils possèdent des éditoriaux nationaux, écrits à Winnipeg, enlevant ainsi aux équipes éditoriales locales l'autonomie et l'indépendance. Ils ont de plus, donné directives de ne pas publier des articles critiquant la politique israélienne et les actions du gouvernement présidé par monsieur Ariel Sharon.

Le supposé documentaire ne démontre aucun respect pour les personnes ayant accepté d'y participer, constitue une diffamation malicieuse, attise la haine contre toute personne se déclarant en faveur des droits du peuple palestinien et plus particulièrement vis-à-vis nos clients. Notre cliente, madame Sabine Friesinger, a été engueulée, royalement, par une serveuse de restaurant qui avait vu le « documentaire ». M. Samer Elatrash a été invité par une personne, sur un autobus, à retourner dans son pays. Evidemment, ce téléspectateur ne pouvait pas imaginer, après avoir vu le « documentaire » et avoir écouté les commentaires du narrateur, que le pays de monsieur Elatrash puisse être le Canada.

Le dit « documentaire » ne démontre aucun équilibre et objectivité dans l'analyse des conflits, entre étudiants, sur le Campus universitaire. Les étudiants d'origine juive sont les victimes d'agressions et de racisme, les autres sont les agresseurs qui leur enlèvent le droit de parole et les maltraitent comme faisaient les nazistes en Allemagne. Voilà le thème central et la thèse préconçue. Un simple visionnement de ce documentaire fera comprendre ce qui est ci-haut décrit et même plus.

Il ne s'agit pas d'une simple bavure journalistique, commise de bonne foi, mais d'un plaidoyer diffamatoire, non objectif, raciste, non éthique et irrespectueux des droits de nos clients et du public canadien.

Ce qui est ci-haut reproché n'est qu'une partie de ce qui est reprochable. Nos clients sont disposés à fournir d'autres détails et commentaires, s'ils s'avéraient nécessaires.

Il semble que les enregistrements au complet aient dépassé 100 heures pour un produit final d'environ 45 minutes. Il s'agit d'un collage sciemment construit pour démontrer la thèse de départ des réalisateurs.

Dans ce documentaire, on traite de la venue à Montréal de l'ancien premier ministre d'Israël et de la conférence qui n'a pu avoir lieu à cause de la contestation des étudiants de Concordia. Cet événement est traité comme la preuve de la privation du droit de parole des juifs canadiens et des étudiants d'origine juive à Concordia. Il n'est pas sans intérêt de souligner que la venue au

Canada de l'ancien premier ministre avait été parrainée par Israël Asper, le patron de CanWest.

Nos clients demandent que toute ordonnance soit rendue en accord avec vos règlements et votre mandat, y compris toute ordonnance, décision, recommandation apte à sauvegarder les droits de nos clients et du public canadien.

En espérant le tout conforme, veuillez recevoir nos meilleures salutations.

MELANÇON, MARCEAU, GRENIER et SCIORTINO

Signed

c.c.: Global TV

The complainants' representative law firm followed the initial complaint with another document dated June 3 which contained more detailed analysis, including transcripts of segments from the documentary and further comments:

Excerpts from "Confrontation at Concordia" and our comments

1. Segment: Footage of September 9th window breaking; candidates putting up posters

NARRATOR: The election campaign at Montreal's Concordia University always begins with a race. Concordia has been shaken by a ground swell of hatred and prejudice. And that toxic atmosphere has spread to other universities across the continent. What's at stake here is about a lot more than the selection of a new student government. This vote will determine if tolerance and the right to free speech will return to Concordia.

Comment: When taken in context with other statements made by the narrator throughout the documentary, these words set the tone for the documentary's main message: that it is the pro-Palestinian side that has caused the "groundswell of hatred and prejudice" at Concordia, whose "toxic atmosphere has spread to other universities across the continent." By stating that the "vote will determine if tolerance and the right to free speech will return to Concordia", and later on presenting the main candidates as the Palestinian-favoured Clean Slate versus the moderate Evolution slate, the message is clear.

2. Segment: September 9th, 2002

NARRATOR: Tolerance was violently abused last year on campus. An Arab student bullies a Jewish student. Pro-Palestinian student activists are determined to silence a speech. Fists, threats and curses shove Jewish students away from the doors. (Israeli flag being taken and trampled on by one person) The hostile mob rips and tramples on it [the Israeli flag] Unable to reach the lecture hall, Jews challenge the hostility with a song of peace.

Comment: Note that the "hostile mob" in question is really just one individual, who rips the Israeli flag and tramples on it. The crowd behind him is sitting down and looking on.

NARRATOR: *That sparks a barrage of hatred. ("down, down Israel!")*

Comment: Although it is correct to show that there was anti-Semitic activity on September 9th, it is unfair that none of the anti-Arab remarks or assaults are shown. It is also unfair to accord the "barrage of hatred" to the entire anti-Netanyahu demonstration, when really acts of anti-Semitism were in the fringe minority. One easy way for this to be cleared would have been to present the protest organizers' point of view on the anti-Jewish activity, which the documentary fails to do. (CAB 6)

The Concordia student union, the CSU, is anti-Israel, anti-Bush and anti-war in Iraq.

The CSU executives were elected out of voter apathy. Less than 20% of the students voted.

Comment: The charge that the Concordia Student Union is anti-Israel is totally fraudulent and unsubstantiated. The current CSU leadership has never taken an official position on the conflict. There is, however, a standing resolution adopted by the CSU in March 2001, passed by a student referendum, which calls on Israel to respect international law and withdraw from the occupied territories, mirroring Canada's stance and relevant UN resolutions. This is a position held by virtually the entire international community save for Israel and the United States (after 1970), and many in Israel, including political parties in the Israel Knesset such as Meretz, Hadash, Balad. This position has been called anti-Israel by proponents of the occupation and settlements, and is not representative of the Israeli public, some of whom refuse to serve in the territories. Some, including most recently Prime Minister Ariel Sharon, argue that it is in Israel's best interests to end the occupation and create a Palestinian state.

The fact that this position can be labeled "anti-Israel" is indicative of the overall level of honesty and integrity displayed by the documentary's producer.

NARRATOR: *Samer Elatrash and his supporters occupy the escalators to block entry to Netanyahu's speech. Samer is a major backer of the CSU.*

Comment: This misrepresents the demonstration. The demonstrators represented diverse backgrounds and political leanings, attended due to many reasons not necessarily shared by others, or by Samer. The term "supporters" is inaccurate, and paves the way for attacking the demonstrators through attacking Samer, as well as vilifying Samer due to the actions of some protestors, by labeling them as his "supporters".

NARRATOR: *They abuse and intimidate the students coming to the lecture. The speech is about to take place and Samer is resolved to stop it. So he challenges the police. (shot of protesters moving down the escalators and being beaten by the police). Laced in the flags Saddam Hussein's Iraq, Samer takes pride in denying Netanyahu and the Jewish students their right to free expression. (Samer shown giving speech on top of van)*

Comment: The narrator fails to mention that Samer is in fact "laced" in Palestinian, Iraqi and Canadian flags, as well as a bevy of signs and banners. This is the first of the attempts to insinuate the fraudulent charge that both the

SPHR and the CSU support Saddam Hussein. An Iraqi flag is no more symbol of support for Saddam Hussein than a Canadian flag is for Jean Chrétien. (R1, C7)

Further, the footage is shown out of chronological order. The speech occurred at the *start* of the protest, where Samer was addressing the crowd about Netanyahu's record. He was not "taking pride in denying Jewish students free speech" -- nor has he ever.

YONI PETEL: *Netanyahu is not a war criminal. Nothing that he has ever did [sic] has come close to a war crime. That's an excuse. The real point, the real reason why Samer did what he did is because he couldn't bear for people to hear what Netanyahu had to say and so they had to shut him up.*

Comment: Here, Yoni offers his opinion on why Samer participated in the demonstration, speculating of his motivations and intentions. Yet Samer is given no chance to respond and offer his own reasons. Nor is Samer or anyone else offered the chance, before or after, to refute Yoni's claim that Netanyahu is indeed a war crime [sic]. This despite the fact that the producer had hours of interview footage with Samer where he clearly stated his case against Netanyahu and his reasons for participating.

[cut to interview with Netanyahu]

NARRATOR: *The Concordia issue: You were there, they tried to stop your speech, they tried to stop you from speaking, they rioted. How do you feel about that?*

BENJAMIN NETANYAHU: *I've encountered it in only two places. In Concordia and Berkeley, these "bastions" of free speech and free thought that cannot tolerate anyone who deviates from their orthodoxies. In fact what you have is an implantation in North America of the same unforgiving fanaticism that says we will not allow the engagement of a contest of ideas; we will not allow a free market of ideas. Which is precisely a microcosm of the problem that we have in these societies that spawn and produce terrorism. They rigidly control what their people hear and see so that they can control what they think and feel. And this is the essence of the problem. If the real solution to fanaticism is ventilation, the oration of various ideas, then you got a whiff of the underlying root cause of terrorism in Concordia. That is the unwillingness to have a free exchange of ideas. The root cause of terrorism is totalitarianism. Any physical attack pogrom massacre[.] This was always preceded by a vilification of [sic] to prepare the ground for the destruction; a campaign of vilification and slander. The wellspring of this poison.*

Comment: Again, no opportunity is provided for anyone on the pro-Palestinian side to refute these charges. It is also illuminating that Himmel takes it for granted that the protesters "rioted", when the protesters would offer a different interpretation: that they peacefully occupied the escalators until they reacted to brutality perpetrated by the police.

COMMERCIAL BREAK

3. Segment: Post-Sept. 9th and "the campaign of intimidation"

NARRATOR: *Months following the Netanyahu visit the situation went from bad to worse. Pro-Palestinian activists and students on the council generated a campaign of intimidation in an effort to ban Jewish student movements. Throughout Europe, the United States and Canada, there is an effort to de-legitimize Israel as a Jewish state on campuses.*

Comment: The charge that "Pro-Palestinian activists and students on the council [i.e. the CSU] generated a campaign of intimidation in an effort ban Jewish movements" is completely without merit. Tellingly, the narrator chooses to offer no proof of this ludicrous charge.

NARRATOR: *What had transpired on campus mirrors events in the Middle East. Palestinian and Israeli leaders had embraced the Oslo peace process. It envisioned a two state solution: a Palestinian Arab state alongside the Jewish state of Israel. That process collapsed in October 2000. (cut to suicide bombing aftermath) The Palestinians launched their intifada, their uprising, a ruthless wave of terror suicide bombings random shootings targeted primarily Israeli civilians.*

Comment: The narrator's statements grossly misrepresent the breakdown of the peace process, with the message that Israel was willing to make peace, and that the Palestinians refused and launched a campaign of terror and intimidation against innocents. The evidence points to the contrary. As for the intifada, it broke out following the provocative visit of Ariel Sharon to the Al-Aqsa mosque, one of the Muslim religion's holiest sites, in late September 2000. The unrest actually began the day after, when Israeli troops shot and killed several unarmed Palestinian demonstrators. In the first two months of the Palestinian's "ruthless wave of terror", 28 Israelis lost their lives, over half of them in the month of November. By contrast, in the same period 233 Palestinians, 73 of them youth under the age of 18 years old, were killed by Israeli forces, a ratio of over 8 to 1 (all figures according to B'Tselem, the Israeli human rights organization, www.btselem.org, see "Statistics").

As for the peace process, a grossly misleading map is shown to attempt to reinforce the narrator's argument that its collapse can be blamed on the Palestinians. The map shows a final settlement of Israel existing within its pre June 1967 borders and a Palestine within the West Bank and Gaza. Yet nothing to this [sic] was ever offered by the Israelis, who made clear that the final settlement would be made on their terms, including the retention of large illegal settlement blocs that have effectively divided the territories into separate cantons. It is thus why one would never be able to find the depicted map in any official or unofficial form, simply because it has never been presented. To give an indication as to why, note that during the Oslo years from September 1993 to July 2000, settlement activity in the Occupied Territories accelerated, with the settler population actually doubling in size. Thus the program presents a fraudulent interpretation of the roots of the current armed conflict.

NARRATOR: *To stop this unprecedented campaign of terror, Israel launched assassination strikes. They occupied the West Bank. They clamped down curfews. It claimed the lives of many Palestinians. And with the launching of the uprising, anti Israel activists, backed by student council launched their own offensive against Hillel, the Jewish student movement in Concordia.*

Comment: As explained to the narrator by Samer in un-broadcast interviews, the SPHR's aim is not to target student groups like Hillel, but to promote

understanding and awareness of Israeli human rights abuses in the occupied territories. SPHR has organized lectures on campus, organized rallies, documentary showings and media awareness efforts. There has not been a single lecture, pamphlet or campaign by SPHR that has been directed at or even made more than minimal mention of Hillel. By equating SPHR's human rights work with "an offensive against Hillel", the narrator skirts around the issues addressed by SPHR, attempts to smear their work as anti-Semitic, in line with his biased version of the events in the Middle East, which attempt to establish Palestinian aggression as the root cause of the conflict.

NARRATOR: *Samer Elatrash is the brains behind the offensive. He leads Solidarity for Palestinian Human Rights, SPHR.*

Comment: Samer does not lead the SPHR. At the time of the interview he was VP Media relations for the Concordia branch of SPHR, a national organization that has ten branches in different campuses across the country. Samer has never identified himself as a leader, or the brains behind anything. This is a fabrication that has no basis in any facts or anything Samer mentioned to the narrator at any point during the interviews.

NARRATOR: *For Samer, sabotaging Netanyahu's speech was a key tactical victory. On one of the walls in Samer's office is a map. It outlines what used to be Arab villages in what is now Israel. In 1948, five Arab armies invaded the Jewish state before it was born Samer and Arabs call that Al-Nakba the catastrophe.*

Comment: Again, Samer is attributed to a position that he does not vocalize in any form seeing "sabotaging Netanyahu's speech [as] a key tactical victory." The narrator's interpretation of the 1948 war is grossly misleading, and, again, no one is offered the opportunity to challenge it. In this regard, it's worth noting that by the time the Arab armies attacked in May 1948, over half of the 800,000 Palestinian refugees of that war had already fled or had been expelled from their homes. *Samer is clear-cut in his aim: the return of the refugees and the destruction of Israel as a Jewish state.*

Comment: Once again, Samer's "clear-cut aim" does not come from his mouth, but by what the narrator attributes to him.

SAMER ELATRASH: *I think that every Palestinian who wishes to return to the home or to the area or to the territories where he or she used to live or was expelled by force, um, should return. I think that what we have now with the collapse and failure of the Oslo peace process and the seeming, I think, impossibility of creating the two state solution, one way of resolving the conflict is to strive for a secular state, create a state which is built with the simple premise of respect for human rights, respect for culture, religion, under the framework of a representative government.*

Comment: This is quoted out of context. The line on the refugees paraphrases UN General Assembly Resolution 194, which affirms the right of Palestinian refugees to the homes from they fled or were expelled. Resolution 194 was subsequently added into the preamble of the UN Resolution recognizing Israel's sovereignty, making Israel's respect for it a precondition of acceptance into the UN. The quote also comes after Samer had expressed support for a two-state solution, but pointed out the seeming impossibility for this to occur given the ever increasing number of illegal Israel settlements in the West Bank and Gaza.

During the Oslo "peace process", Israel sought to hold on to and expand most of these settlements, making the creation of a viable Palestinian state all but impossible. Samer expressed his doubts that these settlements could be removed, as Israeli politicians would be too scared to challenge one of the largest voting blocks in Israel. As such, he proposes another scenario, a one-state solution based on principles of democracy and equality for all, regardless of race or religion. No effort is made here to contextualize his statements.

YONI PETEL: *You have what Samer Elatrash and his supporters [are] saying. That is denying thousands of years of Jewish history; it's racism within itself. There is an impossibility of the Arabs denying the existence of Israel to recognize the legitimacy of Israel. There is archeological evidence. It's Israel. Nobody mentions Jewish refugees. The problem is the Arabs don't want it.*

Comment: Again, neither Samer nor anyone else is given the chance to respond to this serious charge.

NARRATOR: *Samer has been suspended for three years for his role of stopping the lecture. He has appealed the decision and can attend classes. Samer advances his cause through his supporters (shows Laith Marouf mobilizing for a Concordia Student Union General Assembly)*

Comment: This gives the impression that Samer ordered Laith to distribute the pamphlets. Once again, Samer is designated as a leader and Laith as supporter. In reality, Samer had nothing with organizing or advertising the CSU's General Assembly. (R3)

NARRATOR: *Laith's implicit message is that attacking Saddam Hussein's regime is racism.*

Comment: This is total innuendo, an obviously ridiculous message with the effect of portraying Samer and Laith as supporters and apologists for Saddam Hussein. The General assembly had two questions on the table, each completely independent of the other: The first calling for an independent and public inquiry into racism and discrimination at Concordia University, the second endorsing a student strike against the pending war on Iraq. The documentary makes no effort to explain this.

NARRATOR: *Security tells [them] that their table is not booked for the day. Always expecting trouble, another security agent tapes the scene. (Debate ensues between security and Laith & Samer) Intimidated, security walks away.*

LAITH MAROUF: *This is student space, we're not in Israel!*

NARRATOR: *Hillel activists are consistently exposed to this verbal barrage. The CSU has banned Hillel. Unlike the Palestinian student organization, Hillel receives no share from the student council budget.*

Comment: The Concordia Student Union never banned Concordia Hillel. On December 2nd 2002, the CSU's Council of Representatives (the union's de-facto Board of Governors) suspended Hillel for passing out a recruitment flyer for the Mahal program, which enlists international Jewish youth in the Israeli army (IDF).

The advertised program includes 4.5 months of training in "handling weapons, close combat, combat drills, disguise, etc." When the Hillel president refused to apologize to the council for the flyer, the council voted to suspend Hillel until they apologize for the flyer and/or until the university administration intervened to make a judgment as to whether the suspension was fair (at heart was the question of whether or not the flyer violated Canada's Foreign Enlistment Act). A few days later, the suspension was amended to allow Hillel to table and hold events on campus, but to withhold their funding until they signed a pledge against racism and military -- a requirement that would be placed on *all* other CSU-funded clubs as well. It is disingenuous, to say the least, to call this course of action a "ban."

YONI PETEL: *We can't even put up posters without them being defaced, can't go to the bathroom without seeing a swastika. Jews at Concordia will not be pushed out.*

Comment: At this point, it's important to note that Yoni Petel *is not even a Concordia student*. Who is he to speak for Concordia Hillel students in saying that "we can't even put up posters without them being defaced, can't go to the bathroom without seeing a swastika"? Tellingly, no Concordia Hillel student is interviewed backing this up, nor is there any footage of Concordia's hundreds of bathrooms of the supposed swastikas. This is innuendo allowed to pass unchallenged and unsubstantiated.

COMMERCIAL BREAK

4. Segment: The CSU and Hillel

NARRATOR: *Sabine and the CSU executive are anti-Israel and anti-Bush. The CSU banned Hillel. It was the first time that Hillel was banned since Nazi-dominated Austria banned the Jewish movement in the 1930's. The student council banned Hillel because it was asking students to volunteer for the Israeli army. The RCMP investigated and threw out the complaint.*

Comment: Again, the unfair charges that the CSU is "anti-Israel" and that it "banned" Concordia Hillel are made, see above for our commentary on these issues. The reference to Nazi-dominated Austria can be interpreted as an attempt to smear the CSU as Nazis and anti-Semites. Given the facts, this is not just a gross insult to the CSU but to the memory of all victims of the Holocaust.

YONI PETEL: *[compares the SAMA incident to the Hillel suspension to argue for CSU hypocrisy] On SAMA's website they had links to terrorist websites.*

Comment: Again, no attempt is made to hear the CSU's side of the story. The facts of the SAMA affair are clear: In August 2002, the website for Concordia student club Students for Muslim Awareness (SAMA) was found to have links to a Holocaust-denying website. After SAMA apologized to the Concordia Student Union and promised to remove the offending material from its website, the Council passed a motion condemning SAMA, and the matter was closed.

RECTOR FREDERICK LOWY: *[In discussing the case of Sobia Virk, a Muslim student on Concordia's Board of Governors]. To impose those beliefs is not in our tradition or anyone's tradition.*

Comment: The woman in question, Sobia Virk, is not consulted. A CSU official, David Bernans, is shown singing a song about the case, but this does not represent a fair balance.

YONI PETEL: *Why Samer is an anti-Semite. I think he doesn't have respect for the Jews around him. There, the guy, he can point to say that he is not an anti Semite. It's just Zionists that he hates and not Jews.*

This is the only indirect reference to the many Jewish students that do not share the Hillel point of view on the state of Israel. Samer, nor any of the Jewish students in question, are offered the chance to [comment on] Yoni's opinion on Samer's alleged lack of respect for and usage of "the Jews around him."

NARRATOR: *The CSU has banned Hillel, but it can't ban the central role that Hillel plays in Jewish life. Despite what Samer might say, according to recent survey, 90% of Jews identify their Jewishness as being linked to Israel. When Samer and other activists say that they want Israel wiped out, the vast majority of Jews take that as being anti-semitic.*

Once again, Samer is attributed to holding a point of view that he does not express himself. The narrator is once again speaking for him, ascribing to him the extremely defamatory charge that he wants to see "Israel wiped out."

PETEL: *Hillel is not a political organization. We find them places to pray, for food. SPHR their only goal is to throw mud at Israel*

THOMAS HECHT: *I was the object of their hatred. A hatred that expresses itself with placards; with a venom that I have not seen on the streets since the horrible days of Nazi occupation. Since I was in Nazi occupied Germany. What happened on the 9th was a dark day for Concordia. I think that the university will have to suffer the consequences of this. It will not come; the change will not come from one day to another; the freedom of speech. The perception of Concordia will be that of any institution where freedom of speech can be freely expressed. The way these thugs behaved was not any better than the people who were condemned for such behavior in 1939. (cut to an image of Kristallnacht, the November 1938 Nazi campaign of murder and terror against Jews.)*

When I tried to enter they approached me with a masked person. They had a mask, I don't know a shador, a hood, I don't know, I couldn't tell whether it was man or a woman and hit me in the groin. They spat on me I felt as though I was in Czechoslovakia, where they also spat on me because I was a Jew. But that was Yugoslavia under German occupation, I was experiencing something that I thought would never happen again. That I was guilty of something because I was Jewish. I was guilty of wanting to see a speech.

Comment: What Hecht describes as experiencing on September 9th is certainly anti-Semitism. But to compare what occurred that day with the actions of the Nazis is ridiculous. When a picture of the broken window on Sept. 9th fades into the broken window of a Jewish home or establishment during Kristallnacht, a very clear comparison is being made of Sept. 9th to a vicious, murderous campaign of a state terrorist force against innocent victims. That is harshly unfair and injurious to the pro-Palestinians who are being compared to Nazis, and is also an incredible insult to the victims of the Holocaust. No matter what one's feeling about the broken window on September 9th, it is a fact that the window

was broken when no Jews were around -- except for those Jews who were among the crowd that was being beaten by the police. Regardless, to compare that act with Nazi terror campaign is so inappropriate that no commentary can do it justice.

And not detract [*sic*] from what Hecht suffered on that day, but it's also worth noting that he was one of the organizers of the Netanyahu event. Does the fact that it was thwarted possibly put him in a position to be all the more biased against the crowd that shut it down? Should this possible conflict of interest have been mentioned by the narrator?

COMMERCIAL BREAK

5. Segment - anti-war demonstration

NARRATOR: *Following the assembly on racism, Sabine and her followers join a large protest against a war in Iraq, many also support the violent offensive against Israel. The demonstration takes place in the heart of the campus. The student council budget is 1.2 million dollars. That's a lot of power for a student council. The administration has demanded an audit of the student union.*

Comment: No evidence is offered to support the claim that the anti-war protesters support the "violent offensive against Israel." This is yet another fraudulent and libelous claim.

NARRATOR: *Iraqi flags surround Palestine here. One of the greatest supporters of the Palestinian uprising is Saddam Hussein. He provides up to \$20,000 for every suicide bomber... And just as the Intifada needs Iraqi cash, Samer needs the CSU support for his cause. Lowy has serious concerns about how this money is spent.*

Comment: The narrator compares the Saddam Hussein-Palestinian terrorist relationship to that of Samer and the CSU, and implies that the CSU mismanages its funds to support the SPHR.

NARRATOR: *The elections are now just a few days away. Samer's choice, the clean slate party. Evolution wants to bring some peace to the campus.*

Comment: Again, Samer is ascribed a position that he does not articulate. And by saying that the party he supposedly does not favour, Evolution, "wants to bring some peace to the campus," it is thus implied that Samer does not want to bring any peace to campus.

LOWY: *What is new here is the degree of vehemence, even to the point of violence, what we had last September, around the Arab Israeli problem.*

6. Segment: Israel Day on Campus Daniel Pipes

[Daniel Pipes talk at McGill, shows Muslims for Peace picket outside]:

NARRATOR: *What angers the protesters is his contention that there are radical Muslim forces like al-Qaeda who have declared war against the west.*

Comment: Yet no protester is quoted as saying so. Once again, a pro-Palestinian viewpoint has been presented by the narrator's own ludicrous inventions. Had a genuine protester of Daniel Pipes been allowed to express his/her point of view, they might have pointed out that their opposition rests on the fact that people like Mr. Pipes attempt to exploit the terrorist atrocities of 9/11 to justify waging a campaign of war and hatred against Muslim and Arabs worldwide. They would object because Mr. Pipes continuously attempts to associate all Arabs and Muslims with a shameful terrorist group like Al-Qaeda.

COMMERCIAL BREAK

The Palestinian and Hillel table co-exist side by side. An Arab student can't take it.

Comment: The Arab student in question is Laith Marouf, who curiously has already been identified by name in an earlier segment of the documentary. So why now refer to him solely as an "Arab student"? That aside, there is no proof offered that Laith "couldn't take" Hillel's Israel day. In reality, he was reacting to the arguments of one individual who was addressing a Hillel-organized gathering. The individual in question argued that Christianity and Judaism are essentially one entity while Islam is in confrontation with both. In the course of his argument the man claimed that Muhammed is a fake prophet who called Christian and Jewish prophets liars, and that Islam is nothing more than a collection of stolen stories from the Torah and the Bible put in a blender to have an instant religion. The *Global* camera filmed this presentation, and thus knew full well what Laith was reacting to. By stating that he was reacting to Hillel's activities, and not an argument with an individual, is a gross misrepresentation.

LOWY: It is out of keeping with Canada's character it threatens something that goes within the core of what it means to be Canadian - that is tolerance for other views. It's getting a lot worse. It has to stop.

Comment: As it follows Laith's tirade, the "It" to which Lowy refers to as being "out of keeping with Canada's behaviour" is undoubtedly a reference to the "Arab student's behaviour."

7. Segment: Montreal Anti-War Demo

NARRATOR: *Concordia activists are at the demo.*

Comment: Laith is the only "CSU activist" shown. An anti-Semitic sign of an American masturbating a grossly stereotypical Jewish character is shown. Laith, nor any other "CSU activists" are anywhere near. Yet Laith is immediately quoted as saying:

It was exactly this type of fascist slander that gave rise [to a] tactic of slander that was used by the Nazis that worked so well in dehumanizing Jews. That led to the Holocaust. Where will this hatred go (with shot of anti war demo). . .

Comment: Thus, Laith is made to look as if he supports the cartoon and its anti-Semitic message.

Violations - Summary

This trail of omissions, distortions and innuendo consistently violates the relevant clauses of the CAB and RTNDA codes of ethics throughout the program

Conclusion

APPENDIX I: Approximate calculation of air time allotted to pro-Palestinians and pro-Israel/anti-Palestinians

Pro-Palestinians Israel	anti-Palestinin/pro- Israel
Samer Elatrash: 96 seconds	Benjamin Netanyahu: 63 seconds
Laith Marouf: 14 seconds	Frederick Lowy: 184 seconds
Allison Moore: 20 seconds	BB Netanyahu: 70 seconds
Muslim Student: 10 seconds	Yoni Petel: 208 seconds
Sabine Friesinger: 46 seconds	Natalie Pormaleau: 25 seconds
	Thomas Hecht: 107 seconds

Note: These figures denote only the amount of time allotted to interview subjects. The figures do not include the narrator's own statements and remarks about the Palestinian side, which include the following:

"Ground swell of hatred and prejudice"; "toxic atmosphere"; "tolerance was violently abused last year on campus"; "fists threats and curses shove Jewish students away from the doors"; "the hostile mob rips and tramples on it"; "Jews challenge the hostility with a song of peace"; "barrage of hatred"; "Petel injects a voice of reason"; "laced in the flags of Saddam Hussein's Iraq"; "pro-Palestinian activists and students on council generated a campaign of intimidation to ban Jewish student movements"; "Throughout Europe, the US and Canada, there is an effort to de-legitimize Israel as a Jewish state on campuses"; "Palestinians launched their Intifada, their uprising, a ruthless wave of terror suicide bombings blah blah Israel responded yadayada poopoo"; "Anti Israel activists, backed by

student council launched their own offensive against Hillel, the Jewish student movement on campus."; "Samer clear cut in his aims, the destruction of Israel as a Jewish state"; "Samer and Arabs"; "advances his cause"; "CSU has banned Hillel"; "Samer and other activists say that they want Israel wiped out" ;"an Arab student can't take it"; "where will this hatred go?"

On June 17, the representatives of the complainants sent in a signed Ruling Request Form.

Broadcaster's Response

The broadcaster responded with the following letter on June 20:

This letter is written in response to your faxed letter (May 29, 2003) to the Canadian Broadcast Standards Council in reference to the documentary *Confrontation at Concordia*.

Global Television considers audience feedback to our programming to be important and, we thank you for your opinions regarding the program.

As you are aware, under the *Broadcasting Act*, broadcasters, including Global Television are required to provide [sic] a broad spectrum of information and entertainment programming for "men, women and children of all ages, interests and tastes." Television programming is required to be diverse and to appeal to a wide variety of audiences. What one viewer may consider to be a satisfactory reflection of an event or sequence of events might be considered by another viewer to be misrepresentative of that event or events.

We recognize, respect and accept the complaints made by your several clients regarding the documentary, *Confrontation at Concordia*. However, the issue is not of "right" and "wrong" perceptions of the events portrayed in the film. It is clear that both sides have grievances, each side has pain, arguments and anger. Each side claims justice as its objective.

The core issue of this point-of-view documentary involves the students' manner of expressing these arguments and the unfortunate intolerance, violence and disrespect of principles of free speech and respectful debate. The documentary also strived to make clear that much of the blame for this chaotic period in Concordia University's history is shared by an apathetic student body – which allowed the election of a radical student council – and a less competent university administration which failed to respond to the initial manifestations of intolerance and intimidation.

In a larger context, what is important to Global Television as a broadcaster, is the recognition of healthy controversy as essential in the maintenance of democratic institutions. Our responsibility as programmers is to deliver news, opinion, comment and editorial viewpoints on all issues including those that are controversial in nature. We believe strongly that we accomplish this objective by providing full, fair and balanced presentation of such issues across the broader spectrum of our programming schedule.

We strongly disagree with your suggestion that the program was malicious, defamatory, or unethical.

That said, we value and respect the fact that those whom you represent have an interest in our programming and, that they made an effort to share their views with us. We will therefore give full consideration to your comments and ensure they are with the producer of Confrontation at Concordia.

Yours sincerely,
Signed
Global TV News.

Additional correspondence

The complainants' representative responded to the broadcaster on June 27 with the following text received by the CBSC on July 4:

Dear Mr. [...]:

Our clients were informed of your response to our letter (May 29, 2003) to the Canadian Broadcast Standards Council in reference to a so-called documentary, "Confrontation at Concordia".

They consider your explanation to be unsatisfactory. In fact, you are only defending the said documentary. As an example: How could you justify the passage in the said documentary where Ms. Friesinger says that Concordia Student Union Policy on the Middle East is in accordance with the United Nations Resolutions, and the narrator qualified Ms. Friesinger and the Concordia Student Union as being anti-Israel? Is this a fair and balanced presentation? Is this not a malicious, diffamatory [*sic*] and unethical way to portray a guest opinion on a specific controversial issue?

Consequently, your response is considered futile by our clients and they are asking, by the present letter, the Canadian Broadcast Standards Council to exercise his power in the reference to the complaint, dated May 29, 2003.

Yours sincerely,
Melançon, Marceau, Grenier et Sciortino
Signed

Complaint file C0203-1514

Initial Complaint

The CRTC forwarded the following complaint to the CBSC dated July 2, 2003:

Message:
Name of television station: Global TV
Date & Time of program: July 2, 2003 10:00 PM (Documentary program about Concordia university)

This program promotes hatred against Palestinians and unfairly shows them [that they] have no rights to live in Palestine. It shows Benjamin Netanyahu as a good man while in fact he was accused in Belgium of war crimes against the Palestinians during his military service. It shows the Palestinians as criminals while ignore [sic] the fact that Israel kills Palestinian kids every day; how come it ignores the Palestinian kid "Mohamed EIDora" who was killed on TV and the whole world watched him die!! I believe this program is very biased and inaccurate and I demand that at least this TV channel gives the same chance to Palestinians to express their point of view.

The complainant submitted a Ruling Request Form on July 24 attached to the following message:

Hello [...],
Thanks for your followup [sic]. I'd like to mention that in your first email to me (received July 2) it says that if I don't receive a response from the broadcaster within 21 days then I have the right to send a complaint form. So based on that I waited until July 23 (21 days) and at that time I didn't receive any responses so I faxed my complaint.

Thanks,

The CBSC's Correspondence Officer replied to the complainant explaining that the broadcaster had asked for an extension on some responses regarding the documentary.

Broadcaster's Response

The broadcaster responded on August 8 with the following:

August 8, 2003

[name]
e-mail:[...]

Re: Complaint regarding Confrontation at Concordia CBSC# C02/03-1514

Dear Mr.[...],

Global Television considers audience feedback to our programming to be important and, we thank you for your opinions regarding Confrontation at Concordia.

As you are aware, under the *Broadcasting Act*, broadcasters, including Global Television are required to provide a broad spectrum of information and entertainment programming for "men, women and children of all ages, interests and tastes." Television programming is required to be diverse and to appeal to a wide variety of audiences. What one viewer may consider to be a satisfactory reflection of an event or sequence of events might be considered by another viewer to be misrepresentative of that event or events.

We recognize, respect and accept the complaints made by you and other viewers regarding the documentary, Confrontation at Concordia. However, the issue is not of "right" and "wrong" perceptions of the events portrayed in the film. It is clear that both sides have grievances, each side has pain, arguments and anger. Each side claims justice as its objective.

In a broader context, what is important to Global Television as a broadcaster, is the recognition of healthy controversy as essential in the maintenance of democratic institutions. Our responsibility as programmers is to deliver news, opinion, comment and editorial viewpoint on all issues including those that are controversial in nature. We believe strongly that we accomplish this objective by providing full, fair and balanced presentation of such issues across the broader spectrum of our programming schedule.

That said, we value and respect the points made in your complaint. We will therefore give full consideration to your comments and ensure they are shared with the producer of Confrontation at Concordia.

Yours sincerely,
Signed
Global Television Network

The complainant submitted a signed Ruling Request Form on August 11.

Complaint file C02/03-1530

Initial Complaint

Note: The complainant sent several correspondences in which he explained his position before he received the broadcaster's response.

The CRTC forwarded the following complaint to the CBSC on July 4, 2003 which was followed by another dated July 8.

From:[...]
Sent: July 4, 2003 12:19 PM
To: procedure@crtc.gc.ca
Subject: Complaint against Can West Global

I am making a formal complaint against Can West Global Television.

Martin Himel's documentary titled "Confrontation at Concordia" made some derogatory generalizations about Quebec.

I am offended that a Montreal based radio, Anglophone radio station, allowed some of the comments to be made that used one minority to besmirch another.

The fact that majorities use minorities to attack other minorities is divisive. Global CanWest has no business broadcasting this into Quebec.

I complained to four people at Global about this when they aired these comments the first time a few months ago. They did not respond to my complaint. They ignored me. All I asked was for them to phone me.

They then aired this poorly constructed documentary again a few days ago. I am now complaining to the CRTC.

I have discussed this with a famous columnist, who shall remain anonymous. Let's see where this goes.

MESSAGE #2:

I wonder if Global TV will take the same forever to answer the CBSC as they have me. Also I wonder if the CBSC will make you at the CRTC wait forever.

I dislike disparaging generalizations. Especially mean-spirited ones based on ignorance and sycophancy. The anglophone majority has often used minorities to besmirch other minorities. The anglophone press especially has a history of this.

Regardless I will standby and follow this up till the end.

The Correspondence Officer at the CBSC replied to the complainant asking for additional details and information to which the complainant answered by the following:

I think I was clear. Disparaging remarks about Quebec. Stating that Quebec was anti-Semitic. That is stupid, ignorant and inflammatory cheap-shots that did not belong there. I don't like hearing dumb remarks like this from Anglophone media, reporting about events at an Anglophone university by Anglophone students. Especially not Ontario based media owned by a British citizen.

I want an explanation from Global. They can keep their free speech explanations. They insulted Quebec. I want an apology.

Now what do you want Mrs.[...]? A VHS cassette. Do you want me to get from Global for you?

The complainant followed his message by another, dated July 9, after being informed of the complaint process at the CBSC:

Mrs. [...]

It is protocols like this that make make [*sic*] people shy away from complaining. However you seem like a professional person so I will continue.

The call letters for Global in Montreal are public knowledge yet you ask for them.
CJNT

<http://www.canwestglobal.com/feb2101.html>

CKMI

<http://www.geocities.com/tvhatton/mtl-local/ckmi.html>

I name the documentary and producer, yet you ask what date what time. July 2, 2003 in the evening. I'll get my copies of TV guide and give you both dates and times. I was expecting a load of questions, so I kept them.

That rag of a documentary "Confrontation at Concordia" by Martin Himel is already in the spotlight for being shoddy.

<http://www.globeandmail.com/servlet/ArticleNews/TPPrint/LAC/20030702/RVDOYL02GTA/TPE>

Do you want copies of the two emails that I sent to Global also? Copies of the email I sent to an independent journalist, do you want that?

Look. Here is my complaint. When an [sic] TV station uses a minority to besmirch another, this is unacceptable. Minorities fall into traps like this all the time. Martin Himel is Jewish (a minority). In order to please his Anglo-Saxon masters at Global, he besmirched Quebec (a minority). This is unacceptable.

On July 10, the complainant provided further information in the following email:

Mrs. [...]

I have just verified my records. "Conflict at Concordia" was aired Wednesday 2 July 2003 at 10 PM on Global Quebec the channel 46 station in Montreal. It was also aired as on Friday, 9 May 2003.

The gist of it is that Global Can West films a bunch of beer drinking Concordia college kids behaving like territorial children. The editing showed the juvenile rantings [sic] of the Pro Palestinian Clun [sic] and the Pro Israel Club. All Anglophones at an Anglophone university aired on an Anglophone station owned by Anglo-Saxon owned CanWest.

At the end a statement is made that Quebec was anti-Semitic. This is stupid, out of place statement. Martin Himel should know better than to pander to his Anglo-Saxon masters.

Using one minority to besmirch another, how cheap of Can-West.

As for anti-Semitic histories, think it is a toss up who was worse in Canada in the first half of the 20th century. However, war criminals, holocaust deniers and the KKK are usually found outside Quebec.

The complainant attached a Ruling Request Form to the latter email.

On July 25, the complainant sent the following email to the CBSC inquiring about the broadcaster's response:

Mrs [...]

It has been two weeks. I still have no response. Do not worry. I expected this.

The trick that Global CanWest is using is typical of impolite, mediocre organizations that have contempt for the public. How can one be satisfied or not satisfied with a response that is never given???? They did not respond before, they are not responding now and they do not intend to respond. The CBSC has no teeth and no jurisdiction over anyone.

I have copied by [sic] Federal and Provincial Government contacts. I have informed the CRTC.

Thanks for your attempts Mrs Chu. I know that you have little power to change this.

PS I saw a very intelligent documentary discussing issues between some representatives of the Quebec Jewish community and representatives of the Quebec media. It was on Radio Quebec 23 or 24 Jul 2003, late in the evening. An intelligent dialogue of people talking about getting their share, being politically correct and [about] how to communicate.

Broadcaster's Response

On August 6, the broadcaster responded with the following letter:

Dear Mr. [...]

This letter is written in response to your e-mail correspondence (July 4, 8, 9 2003) to the Canadian Broadcast Standards Council in reference to the documentary *Confrontation at Concordia*.

Global Television considers audience feedback to our programming to be important and, we thank you for your opinions regarding the program.

As you are aware, under the *Broadcasting Act*, broadcasters, including Global Television are required to provide a broad spectrum of information and entertainment programming for "men, women and children of all ages, interests and tastes." Television programming is required to be diverse and to appeal to a wide variety of audiences. What one viewer may consider to be a satisfactory reflection of an event or sequence of events might be considered by another viewer to be misrepresentative of that event or events.

We recognize, respect and accept the complaints made regarding the documentary, *Confrontation at Concordia*. However, the issue is not of "right" and "wrong" perceptions of the events portrayed in the film. It is clear that both sides have grievances, each side has pain, arguments and anger. Each side claims justice as its objective.

The core issue of this point-of-view documentary involves the students' manner of expressing these arguments and the unfortunate intolerance, violence and disrespect of principles of free speech and respectful debate. This documentary did not examine anti-Semitism in Montreal nor were minorities used to "attack other minorities", as stated in your email. It's a chronicle of intolerance and reflects the creator's interpretation of the historical record of events.

In a larger context, what is important to Global Television as a broadcaster is the recognition of healthy controversy as essential in the maintenance of democratic institutions. Our responsibility as programmers is to deliver news, opinion, comment and editorial viewpoint on all issues including those that are controversial in nature. We believe strongly that we accomplish this objective by providing full, fair and balanced presentation of such issues across the broader spectrum of our programming schedule.

We do value the fact that you made an effort to share your views with us and apologize that a Global representative did not return your call. We will therefore give full consideration to your comments and ensure they are shared with the producer of Confrontation at Concordia.

Yours sincerely,

Additional Correspondence

The complainant sent the following response to the broadcaster on August 8.

Dear [...]

Thank you for your response.

I want you to hear very directly what I have to say right now. I resent, totally, having an Ontario based television corporation voice disparaging generalizations about Québec. Maybe you can find where TéléQuébec pipes anti-Ontario or anti-Alberta comments into Ontario and Alberta.

As for "each side" as you stated. Anglophone pro-Palestinian and Anglophone pro-Israeli kids are being obnoxious with each other and you have to state that Quebec was anti-Semitic. What does Québec have to do with this?

You have never answered why you chose to say this in a documentary about a bunch of loud mouthed Concordia students.

Shame on you. Go ahead and be divisive. Go ahead and be anti-French, anti-Québec and anti-Québécois. What do you do know about this place anyway?

Majorities will always use other minorities to attack other minorities. Global has done exactly that. You're simply stating that "no it wasn't." [It] is certainly your right but that does not change what was said in that documentary.

Yours sincerely,

On February 25, 2004, at the request of the CBSC, the broadcaster sent a further reply dealing with questions raised in the second letter sent by the second complainant.

Dear Mr.[...],

You are quite correct in your perception that my response to all of the complaints regarding the Global TV documentary, "Confrontation at Concordia" were [sic] similar in style and content. To be honest, we felt that the specific points raised were either without merit or were acceptably answered in our original response(s).

That said, it is my pleasure to offer further enlightenment to the CBSC's National Conventional Television Panel by responding to each of the points in the attachment to your letter of February 24th. As well, we would like to thank the panel for carefully reviewing the complainant's "transcripts" of the program, and noting that the panel discovered inaccuracies in its "quotations".

Regarding:

Segment 1, page 1, comment 1

There is no doubt that a "groundswell of hatred and prejudice" existed at Concordia in the period considered by the documentary. It is also clear that that documentary apportioned responsibility among several individuals and organizations. (including the University administration and an apathetic student body)

The Comment's assertion is not correct.. [sic] although perceptions of "context" may vary among viewers.

Segment 2, page 2, comment 2

To the best of my knowledge, no remarks of an "anti-Arab" nature or, [sic] remarks relevant to the protest organizers point of view were suppressed. The producer of the program confirms that no such remarks were available for consideration.

Segment 2, page 2, comment 3

A journalistic assessment does not require "official positions". A body of evidence can be assembled over a period of time that supports a fair characterization of individual and group attitudes and behavior. In addition, partial response [sic], we would suggest that the fact that "some" Israelis refused to serve in the West Bank and Gaza, does not support the complainant's assertion that any particular [sic] view is "not representative of the Israeli public".

Segment 2, page 3, comment 6

In any television documentary a great deal of "footage" is shot and not used. The ratio might be 20 to 1 - or higher. The producer of "Confrontation" did, indeed, interview Samer Elatrash at length regarding his perceptions of the controversy and his motivation for participating. In the end the producer used the material he considered relevant to his documentary treatment and assembled it in the form that was broadcast. In my 40 years as a journalist - a good many of those years reporting, writing and producing documentaries for networks in

Canada and abroad - CTV, CBC NewsMagazine and The Journal, Global, NBC, and World Monitor - I've found that interview subjects often dispute the selection, length or assembly of interview "clips".

Segment 3, page 4, comment 1

Himel's assertion can be supported in a number of ways, most easily by sampling archived media coverage of events at Concordia University during the period considered by the documentary.

Segment 3, page 5, comment 3

There was no "unbroadcast material" that would support the complainants [*sic*] assertion, nor do we feel additional material was required to "corroborate" Himel's assertion. Only the most naive - or ideologically biased - observer would conclude that Hillel was not a primary target of the SPHR.

Segment 3, page 6, comment 7

There is no evidence to support the assertion that the quotation of Samer Elatrash is "quoted out of context", as alleged. As stated above, "context" is very often a subjective issue. But, we at Global are comfortable in our belief that the program producer fulfilled our expectations of accuracy, balance, and context.

Segment 3, page 7, comment 9

The visual link is justified in the producer's view. As the broadcaster, we saw/see no reason to challenge that view.

Segment 3, page 8, comment 11

The complainants are quibbling. It is clear that the CSU, by a variety of actions - the suspension of Hillel, coercive demands, and withdrawal of funding - aggressively tried to harass and/or shut Hillel down. There was undeniably a period in which a fair-minded viewer would conclude Hillel was effectively "banned" in the colloquial sense of the term.

Segment 3, page 8, comment 12

The relevance of swastikas in Concordia washrooms is not determined by the existence - or not - of "footage". It is widely accepted, first and foremost by staff and administration of Concordia University, that the offending symbols did appear in washrooms and were removed as quickly as possible.

Segment 4, page 10, comment 5

Global TV believes that Himel's characterization of Samer's views is fair and reasonable. There is certainly no evidence that Samer would dissociate himself from those of his friends and colleagues who hold those views.

Segment 5, page 11, comment 1

The complainant's criticism that no evidence was offered to support the claim that "many also support the violent offensive against Israel" is irrelevant. Global believes it is fair to characterize the statement as a commonly-held attitude.

Segment 6, page 11, comment 1

No. Global believes the narrator's assertion was justified. The CSU, during its radical years, and militants of the SPHR openly voiced support for the Intifada. Contorted logic would be required to assign a non-violent dimension to the Intifada.

Segment 6, page 12, comment 2

No. Global does not believe the "shot" of Marouf is taken out of context.

Segment 7, page 11, comment 1

The narrator states, as the complainant has transcribed, "Concordia activists are at the demo." There was no specific reference to the CSU.

Finally, Mr. [...], in response to the final question in your letter of February 24th, Global Television does not believe it necessary to characterize the style or content of our documentaries other than to warn of possible "disturbing images". While this program dealt with volatile issues, we felt - and continue to believe - that our viewers are quite capable of assessing the content as presented.

Sincerely,

Signed

Global TV News