
**CANADIAN BROADCAST STANDARDS COUNCIL
NATIONAL SPECIALTY SERVICES PANEL**

CTV Television and CTV Newsnet re news reports
(ghettos and concentration camps in Poland)

(CBSC Decision 04/05-0380 and -0672)

Decided December 15, 2004

R. Cohen (Chair), H. Pawley (Vice-Chair), R. Cugini, M. Harris, M. Hogarth

THE FACTS

On November 8, 2003, during its 11:00 pm newscast, CTV Television broadcast the story of a Holocaust survivor during the course of which the following statement was made: "He was five years younger than his audience when his family was forced into a Polish ghetto for Jews." The CBSC does not have a copy of either the tape of the news item or its transcription; however, both the complainant and the broadcaster are agreed on the text of the challenged sentence.

On April 30, 2004, at about 4:15 pm, CTV Newsnet broadcast a 43-second report about Nazi prison guard John Demjanjuk. The verbatim content of that report was as follows:

A former Nazi soldier will not end his days as an American citizen. A court today ruled against retired auto worker John Demjanjuk but it's not likely the 84-year old will ever be deported. The three-judge panel upheld an earlier decision that revoked Demjanjuk's citizenship. The U.S. government has been trying to prove Demjanjuk's Nazi connections for 27 years. In 1977 the U.S. Justice Department accused him of being Ivan the Terrible, a notoriously sadistic guard at the Polish camp of Treblinka. Demjanjuk insists that it was a case of mistaken identity. In its renewed efforts, Washington didn't link him to Ivan the Terrible but proved he was a guard at camps other than Treblinka.

While it is likely that the November 2003 news item was also aired on CTV Newsnet, the CBSC does not have the details of the time and date of any such rebroadcast. Moreover, both the CTV conventional and specialty service news

broadcasts fall within the ambit of responsibility of the umbrella broadcaster department known as “CTV News”. The broadcaster correspondence with respect to each of the complaints, whether originating on CTV Television or CTV Newsnet, has emanated from the President of CTV News. Accordingly, this CBSC Specialty Services Panel decision deals with both the 2003 conventional and the 2004 specialty service broadcasts.

This is an unusual decision in the CBSC’s experience. It is unusual in terms of the source, nature and timing of the complaints. The first of the broadcasts, namely, that of November 2003, generated a complaint made directly to the broadcaster by the then Ambassador of the Republic of Poland. The dialogue between the complainant and the broadcaster ensued without the file being referred to the CBSC before September 2004, when the Chargé d’affaires of the Polish Embassy met with the National Chair of the CBSC. During the course of this extended time frame, there was a second broadcast, namely, that of April 2004, which resulted in a second complaint registered by the then Polish Ambassador with CTV, again on a direct basis. The broadcaster also engaged in a dialogue on this occasion. When, in the end, the Polish Embassy found itself dissatisfied with the resolution proposed by the President of CTV News, the Chargé d’affaires took the matter to the Canadian Radio-television and Telecommunications Commission (CRTC). The Chair of the Commission responded to him in September 2004 to indicate that the matter had been referred by the CRTC to the CBSC. It was at that point that the Chargé d’affaires visited the CBSC to indicate the Polish Embassy’s dissatisfaction with the position of the broadcaster.

Complaints about both broadcasts having been brought to the attention of the CBSC well after the customary 28-day period during which broadcasters are required to retain logger tapes, CTV did not provide the CBSC with recordings of either of the two news items. The President of CTV News explained, in a letter to the CBSC National Chair, that the “request for logger tapes is well beyond the time periods specified in section 10(5) [of the *Television Broadcasting Regulations, 1987*]. Accordingly, we are unable to comply with your request.” Fortunately, both parties were in agreement regarding the text of the challenged statement in the 2003 broadcast and, in the case of the second broadcast, the Polish Embassy was able to provide the Council with a digital recording of the broadcast. Accordingly, the CBSC has been able to adjudicate the complaints relating to both broadcasts.

Two Preliminary Matters: Timing and Logger Tapes

While the CBSC has a delay-based structure, providing time periods within which complainants, broadcasters and the Council itself are expected to function, these are not generally viewed as rigid or inflexible. The purpose of the Council, after all, is to be responsive to members of the public who have encountered a

program or an element of a broadcast which appears to be problematic and the goals of the private broadcasters' self-regulatory process are best served by trying to resolve an issue rather than preventing its adjudication by reason of delay, which is not by its nature (at least in this instance) a substantive issue. That being said, the absence of a logger tape (or agreement on its contents) will generally be a determinative obstacle to adjudication and its retention *is* a time-sensitive issue, at least insofar as the broadcaster's *obligation* to furnish it is concerned. Where, as in the special circumstances of the present matter, the content may otherwise be determined, that issue evaporates and the CBSC can get on with the exercise of the responsibilities it is expected to pursue.

Additional Broadcaster Membership Obligations as per the *CBSC Manual*

It should also be noted, in the broadcasts at hand, that the broadcaster might have avoided the awkward circumstances in terms of the delays or the order of events by respecting one of its CBSC membership obligations (laid down in the *CBSC Manual*), namely, the obligation to "co-operate fully with complainants by responding quickly and effectively to their concerns and *informing them of their right to bring the matter directly to the CBSC if they are dissatisfied with that reply* [emphasis added]." Rather than advising the Polish Ambassador in its November 2003 or May 2004 letters of his right to bring the matter to the CBSC forthwith, in the event of dissatisfaction with either or both of the CTV News responses, the President of CTV News provided no alternatives to the ambassadorial complainant. The reference of the complaints to the CBSC only occurred as the result of the letter from the Chair of the CRTC and the visit of the Polish Chargé d'affaires in September 2004.

It should finally be noted that the *CBSC Manual* anticipates that there may be circumstances in which broadcasters may have retained logger tapes beyond the 28 days for which they are legally *obliged* to do so. In such an instance, the Council expects that the broadcaster will be co-operative although there is no technical *requirement* that it do so. Since the CBSC has no information which enables it to *conclude* that CTV did have copies of the recordings of the two news reports at material moments (the network neither admitted nor denied possession; it merely concluded, as noted above, that it was "unable to comply" with the Council's request for the tapes), the Panel makes no judgment on the matter; it merely cites the provision from the *Manual* as a pertinent point of information for all broadcasters and members of the public who may read this decision text.

While the broadcaster's obligation, pursuant to broadcast regulation, to retain logger tapes is limited to 28 days, it does occur from time to time that a broadcaster will retain tapes of a program beyond that time. In the event that a tape of the challenged program is in fact available, the CBSC expects that the broadcaster will, as a matter of good faith and co-operation, agree to supply it if required as a part of the adjudication process.

The Complaints

In all, the CBSC received 126 complaints relating to one or the other or both of these news reports, almost all of which were received by the CBSC long after the date of the broadcasts. In its review of these, the CBSC Secretariat concluded that most of the complaints were sent as a result of some external encouragement (such as a newspaper article, a newsletter or a listserv/online discussion group exhortation). The likelihood of an outside influence was also reflected in the fact that many of the letter writers used identical wording. The CBSC has considerable experience in dealing with such common complaint scenarios and it is a rule of the Council that it will only consider letters or e-mails from complainants which, on their face, do not indicate that the writers never actually saw the broadcast about which they were complaining. In the circumstances, only five of the 126 complaints were considered to be eligible for review by a CBSC Adjudicating Panel and, of these five, only two of the complainants requested a Panel ruling.

The First Complainant's First Complaint (re the November 2003 broadcast)

On November 13, 2003, the then Ambassador of the Republic of Poland wrote a letter to the President of CTV News (as noted above, this complaint letter was only provided to the CBSC in September 2004). He said in part (the full text of the letter and all other correspondence are provided in the Appendix):

On Saturday, November 8, 2003 at 11:00 pm, CTV News presented a touching story of a Holocaust survivor. The story said: *"He was five years younger than his audience when his family was forced into a Polish ghetto for Jews"*. [...] The use of such words might leave doubts for Canadian viewers as to who created and operated ghettos in the Nazi occupied Poland during WWII. There should be no doubt about it and any attempt to suggest otherwise is offensive to Poland and Polish people. The duty of media in a democratic country is to inform not to mislead (It shall be the responsibility of broadcaster to ensure that news shall be presented with accuracy and without bias - *CAB Code of Ethics*). There were ghettos for Jews in cities on the territory of Nazi occupied Poland, e.g. Warsaw ghetto, Łódz

□ ghetto or Bialystok ghetto, esta

The Embassy of the Republic of Poland has noted a number of such offensive comments with regard to the history of Poland published in Canadian media. In 1988 the Ontario Press Council upheld a complaint by the Canadian Polish Congress about the use by the *Ottawa Citizen* of a phrase *"Polish concentration camp"*. In our understanding the phrase *"Polish ghetto"* should be regarded in the context of this ruling.

The Embassy's press secretary demanded a correction and an apology in a conversation with the Foreign Editor of the CTV News. As a result the text published on the CTV website was changed and the word *"Polish"* was dropped. It does not however alter the fact that Canadian viewers were given information, which is likely to cause injury to the image of Poland. [...]

The President of CTV News responded to the Public Affairs Officer of the Embassy of Poland on November 20. He said, in principal part:

Your concerns relate to our usage of the term "Polish ghetto" in the context of a CTV News report, regarding a presentation from a Holocaust survivor during Holocaust Education Week in Toronto.

It appears that you take issue with the use of the term, on the basis that you believe it denotes that the Polish people were responsible for setting up these ghettos. You have also provided us with a copy of a Press Council decision that upheld a previous complaint by the Canadian Polish Congress regarding an *Ottawa Citizen* movie review of "Sophie's Choice". The Council found the phrase "Polish concentration camp survivor" in that case to be ambiguous and "could be interpreted to suggest the camp itself was Polish, an incorrect statement in light of the fact that Second World War concentration camps in Nazi-occupied Poland were established and operated by Hitler Germany."

The specific sentence at issue in the CTV broadcast reads as follows:

Nate Liepciger (the survivor) told the students he was five years younger than they were when the Nazis forced his family into a Polish ghetto.

In the context of this statement, especially given that it is preceded by the reference to the Nazis forcing Mr. Liepciger's family into the ghetto, it is quite clear that the adjective "Polish" is clearly denoting a location rather than suggesting in any way that the Polish people or government were responsible for the ghettos. This is clearly different than the situation involving the review by the *Ottawa Citizen* where the term was not provided a context and may therefore be subject to different interpretations.

With respect to the website story, the sentence containing the phrase "Polish ghetto" is immediately preceded by a reference from the survivor of a number tattooed to his arm by the Nazis. In our opinion, given this context, it is certainly clear that the ghettos were created by Nazi Germany and not by the Poles.

We sincerely regret that you were offended and that you feel that the usage of this term is insulting to the Polish nation and to Canada. We can assure you that at CTV, this term was never intended to be offensive or insulting to the Polish community, either here in Canada or in Poland.

In summary, while we understand your concerns and believe in the use of precise language, we believe the term was used in an appropriate fashion. In the course of reviewing your complaint, we came across a broad spectrum of reference material from both mainstream media and teaching establishments (including major universities) throughout North America which use the term "Polish ghetto" in precisely the same way as it was used by CTV - i.e. to generally identify the location of the ghettos that were set up by Nazi Germany during the Second World War. Terms such as Polish ghettos, Italian ghettos, as well as more specific references such as the Warsaw Ghetto, the Lodz Ghetto or the Krakow ghetto, are used interchangeably - depending on the context. In other words, many articles or reports about the Holocaust use both the specific references such as the Warsaw Ghetto when describing this particular ghetto. However, if referring to a number of ghettos that were situated in a specific country, terms such as Italian ghettos or Polish ghettos are commonly used. As I

am sure you are aware, the Nazis established about 365 ghettos throughout Eastern and Central Europe, between 1939-1945.

It is also interesting to note that these same ghettos are also sometimes referred to as "Jewish ghettos". Using the same logic as the Press Council report, such reference could be interpreted to suggest that the Jewish people were responsible for creating these ghettos to intern themselves. It is unlikely however that any reasonable person would interpret the term in such a way.

Clearly however, given the general population's knowledge of the Holocaust, most would understand the phrase to simply mean that it was the Jewish people who were confined to these ghettos.

The First Complainant's Second Complaint (re the April 2004 broadcast)

The Ambassador sent another letter of complaint to the President of CTV News, dated May 6, 2004, which referred to the April 2004 broadcast. It reads as follows:

On Friday, April 30 at 16:15, CTV Newsnet presented information on John Demjanjuk. The CTV anchorwoman said: "*In 1977 the U.S. Justice Department accused him of being Ivan the Terrible, a notoriously sadistic guard at the Polish camp of Treblinka.*" This choice of words is offensive to the Polish people and the Government of Poland. The concentration camp in Treblinka was created by the Nazi Germans, who invaded and occupied Poland during the WWII. The German Nazi occupiers used concentration camps to exterminate Jews, Poles and other nationals, very many of them citizens of the invaded Poland. Therefore, to call the concentration camp in Treblinka "the Polish camp of Treblinka" is an insult to millions of Poles who sacrificed their lives in the fight against Nazi Germany on all possible fronts of the WWII. Those whose families have not experienced the horror of Nazi German occupation are clearly unable to fully apprehend the magnitude of suffering and the heroism of resistance.

The words chosen by the CTV to present the information on Mr. Demjanjuk, hopefully a result of ignorance rather than a bias or prejudice against Poland and the Polish people, are in clear contrast with the guidelines of the Ontario Press Council:

Many years after the end of the Second World War, there is a reason to believe some Canadians have little or no knowledge about death camps that existed in Poland. To avoid misunderstanding, either the context or at least one reference in any article about wartime concentration camps should leave no doubt that the Nazi occupiers set them up and operated them. And in no instance should they be described as "Polish concentration camps."

You have confirmed your knowledge of those guidelines in your correspondence on the similar problem of November 20, 2003 (your reply to my complaint of November 13, 2003).

The President of CTV News replied on May 28. He said in part:

In response to your letter of May 6, 2004, you correctly indicate that CTV has dealt with this issue in the past with our correspondence to your Embassy of November 20, 2003. Our response in this case is similar to our previous response.

Your concerns appear to relate to our usage of the term "Polish camp" in the context of a CTV Newsnet report, regarding a US court ruling upholding an earlier decision which removed the citizenship of John Demjanjuk. You take issue with the use of words, on the basis that you believe it denotes that the Polish people were somehow responsible for the creation of concentration camps during the Second World War.

It is our belief that given the general population's knowledge of the Holocaust, the adjective "Polish" would denote only the location of a camp and not responsibility. However, even if this was not the case, the context of our report on the well known case of John Demjanjuk, a former Nazi soldier believed to be "Ivan the Terrible" by some, clearly establishes the Nazi relationship and would clarify this issue.

In fact, in the report itself, the reference to "Polish camp at Treblinka" is preceded by the following: "*The US government has been trying to prove Demjanjuk's Nazi connections for 27 years.*" As well, Treblinka, the particular camp referred to in the report is a well known concentration camp created by Nazi Germany.

[...] I wish to point out that the Ontario Press Council has no involvement with broadcasting in Canada. It does not issue "guidelines" for Canadian broadcasters.

[...]

I disagree with your statement that "Those whose families have not experienced the horror of Nazi German occupation are clearly unable to fully apprehend the magnitude of suffering..." I believe that most Canadians are fully aware of the horrors of World War II. In 1939, Canada was one of the first overseas nations to join the Allied War efforts. Millions of Canadians fought and thousands died in Europe, Africa and Asia. The suffering and heroism from World War II is commemorated in Canada on Remembrance Day – November 11th, during Holocaust memorials, and during the D-Day anniversary.

While we understand your concerns and believe in the use of precise language, we believe the term was again used in an appropriate fashion. [...]

There was not, in the traditional sense, the filing of a Ruling Request with the CBSC by the Ambassador, but the evidence of complainant dissatisfaction left no doubt. It was, in the first place, indicated in documentary form in the letter of August 17 to the Chair of the CRTC and, in the second place, in the form of the visit to the CBSC National Chair in September 2004 noted above.

CRTC Involvement

As also noted above, the Chargé d'affaires of the Embassy of the Republic of Poland sent a letter to the Chair of the CRTC, on August 17. In it, he voiced the

concerns of the Ambassador, which had been expressed in his previous correspondence to CTV.

I would like to inform you that the Embassy of the Republic of Poland in Ottawa has presented to the Department of Foreign Affairs and International Trade Canada the Memorandum of the Government of the Republic of Poland regarding information broadcast by the CTV NewsNet on the Nazi German concentration camp at Treblinka that was not only untrue but also detrimental to Poland and the Polish people. The Government of the Republic of Poland expressed concern about the use of phrase "Polish camp of Treblinka" to describe the German Nazi concentration camp built in the occupied Poland in order to exterminate the inhabitants of our country. The President of the CTV News [...] in his correspondence with His Excellency Ambassador of the Republic of Poland upheld the news report statement and informed that it was a part of the conscious editorial policy of the CTV News. The Government of the Republic of Poland believes that the Government of Canada will undertake appropriate actions to ensure that the dignity of the Republic of Poland, the ally of Canada in NATO, and the Polish people will not be affected by false and harmful information. I have been assured that it is in the mandate of the Canadian Radio-television and Telecommunications Commission to guarantee that standards of true and fair broadcasting are respected. It becomes especially important with regard to the presentation of the tragic history of Holocaust and the German Nazi concentration camps. Therefore, I have taken this opportunity to inform you about the case in hope that you will give it a proper consideration.

The President of CTV News responded on August 18 with both a letter and an attachment that modified the News Department's position regarding the use of the word "Polish". The brief covering letter read:

Thank you for your letter of May 6th pointing out concerns with our news department's use of the phrase "Polish camp of Treblinka," and "Polish Ghetto for Jews."

After reviewing the issue, we agree with your concerns.

I have attached an advisory that has been sent to CTV News staff.

The Polish community in Canada through its letters and telephone calls has been extremely helpful in reviewing this issue with us.

The following advisory was annexed:

Special Attention: CTV News Editors -- Producers -- Writers -- Reporters -- Anchors

Background:

Last November, during a story on a Holocaust survivor, CTV News used the phrase "Polish ghetto for Jews." In April, during a story about Nazi war criminal Walter [sic] Demjanjuk, a script used the phrase: "...the Polish camp of Treblinka." CTV News has received dozens of complaints from Polish Canadians who say that such wording is offensive and inaccurate because it suggests that Poles were responsible for the "ghettoes" and "concentration camps" in Poland during World War 2. They want it clearly stated in any

reportage on this subject, that Nazi Germany was responsible for the forced ghettos and concentration camps in Poland.

After reviewing our stories, reading the correspondence and discussing the issue with Polish Canadians, I agree, that our wording was unclear, and offensive.

CTV News Responsibilities:

1. To report with language that is precise, clear and accurate.
2. To be sensitive to words or phrases that are - or might have the appearance of being - offensive, demeaning or hurtful to a religious, ethnic, or other group.
3. To ensure that historical context is included in our coverage. With the passage of time, history is often forgotten by our viewers, or not learned at all by younger generations. This point was made repeatedly in correspondence from Polish Canadians to CTV News.

On this issue, it is our job to leave no doubt about the historical context of events in Poland during the Second World War: that Poland was invaded by Nazi Germany, that Poland was occupied, that the Nazis forced Polish nationals into ghettos, built prisoner of war camps, and brutalized and murdered millions of Poles - both Jews and non-Jews.

CTV News Policy:

CTV News programs must not use the adjective "Polish" when describing World War 2 concentration camps or ghettos that were created, built and run by Nazi Germany.

Example:

Use: "The Nazi concentration camp at Treblinka, Poland."

Do Not use: "The Polish Camp at Treblinka." - which is imprecise and suggests the Polish people were responsible for the death camp.

On September 13, the CRTC Chair replied to the Polish Chargé d'affaires:

First, let me assure you that we are sensitive to your concerns. The horrible fate of countless innocent people in concentration camps still needs to be heard, over half a century later, and must be explained with utmost clarity for all to understand.

Under the Broadcasting Act, broadcasters are directly responsible for the selection, content and scheduling of their programs. Broadcasters have developed conduct codes that they have agreed to abide by which cover issues such as journalistic ethics. The broadcasting industry's own self-regulating organization, the Canadian Broadcast Standards Council (CBSC), has been mandated to administer these codes and address complaints from the public involving their member stations. The Commission has endorsed this approach of ensuring high standards in broadcasting.

We have received many letters concerning CTV's newscast which we have forwarded to the CBSC asking it to pursue the matter on behalf of the complainants. Rest assured that if the complainants are not satisfied with the CBSC's conclusions, they can pursue the matter with the CRTC.

The Second Complainant (re both broadcasts)

On October 18, 2004, the CBSC received the following complaint dated October 6, which was sent to the CRTC and then forwarded to the CBSC in due course:

I had the opportunity of watching a CTV documentary last November, which I believe was repeated in April this year related to the Holocaust. To my disbelief I heard the program anchor use the phrase: "Polish Ghetto for Jews" and "Polish camp of Treblinka". I wondered for a moment whether Canadian journalists know their modern history since they appeared incapable of distinguishing the difference between camps built by the Nazis in occupied Poland and "Polish camps". This is like blaming the South Africans for inventing the concentration camps in the first place since they were built by the British in South Africa.

It may not appear significant to insult the feelings and dignity of millions of Poles who not only had nothing to do with the establishment of the death camps but suffered immeasurable losses themselves during the last war in those self-same camps. However, CTV is one of a number of reputable media outlets that affect the conscious of the Canadian population and the mistakes they make are repeated by other people with fewer resources or integrity. Now, having heard similar stories repeated from these other media sources, a growing portion of the Canadian public believes that Poland built the ghettos and concentration camps of their own volition.

[...]

My discussions with my Canadian friends confirm my anxiety. Those Canadians who are in the habit of reading books are less vulnerable to this kind of revisionist 'history lesson', but others firmly believe that the majority of Poles were anti-Semitic and did in fact build and run those camps and ghettos. A great harm has been done to Poland and Polish people both in Canada and abroad by such careless CTV programming.

I am 61. I have lived in Canada since 1986. My children attended primary and secondary schools here in Canada and graduated from Canadian Universities. My spirit has been lifted by witnessing the tolerant and anti-racist education my children received in Canada.

My only anxiety is that such an education can be seriously disrupted by the poison of bad journalism, irrespective of who the direct victim is; indirectly everyone is a loser. I am afraid that in the future my children may become the victims of intolerance brought about by the spread of such historical lies.

I would like to add a couple of personal remarks. My father went through the hell of the Warsaw uprising in 1944, after which he had to endure the hell of Mathausen Concentration Camp, which was a "Death Camp". He was later imprisoned in Schomberg concentration camp. He shared those atrocities with Jews, Catholics and atheists during his time in the camps just as he had his pre-war life in Warsaw since racial prejudice was unknown in my home. Unfortunately, despite surviving the war the experience caused him to pass away very young. He would be very surprised to hear the stories aired by your station. I cannot help feeling a sense of personal outrage since those stories were an insult to the memory of my father.

One last story. My wife's mother's parents hid a Jewish girl for several months during the terrible German occupation in Poland. They risked their lives and the lives of their four kids. You have to know that Poland was the only country in which Germans introduced the death penalty for hiding/helping Jews. The reason that such a law was necessary was the high rate of disobedience towards the anti-Semitic laws of the Third Reich in Poland.

I am sure that there are thousands of interesting stories concerning the actions of Polish people during the occupation, but they do not very often come through the Canadian outlets. The media are known as the "third force" of a nation. However, in order to retain this position they cannot compromise the truth with half-truths. There is a tremendous moral and social responsibility resting on their shoulders, which I am sure, is burdensome. However, it must be maintained to the highest standards possible. [...]

The President of News at CTV responded on April 28.

In November 2003 a CTV News report used the phrase "Polish Ghetto for Jews". In April 2004 an item aired on CTV Newsnet using the phrase "Polish Camp at Treblinka". Complaints to CTV News about this English usage said the wording was offensive because it implied that Poland and Polish people were responsible World War Two concentration camps and ghettos.

After reviewing the issue and conferring with Polish Canadians, CTV News agrees with these concerns.

An editorial advisory has been issued to CTV News employees instructing them not to use the adjective "Polish" as a geographical locator, when describing World War Two concentration camps or ghettos that were built and run by Nazi Germany.

The editorial advisory to CTV News staff restates our responsibilities;
 - to report with language this is precise and accurate.
 - to be sensitive to words or phrases that are, or might have the appearance of being offensive, demeaning or hurtful to a religious, ethnic or other group.

If you were offended by these news items, we apologize. The wording was unintentional and the context of the items makes it clear that Nazi Germany was responsible for concentration camps and ghettos in Poland during World War Two.

Some individuals wrote to CTV News to explain that precise wording on this issue is important because, with the passage of time history is often forgotten, or not learned at all by younger generations. CTV News also agrees with this point, that historical context is important to accurate reporting.

Dissatisfied with the broadcaster's response, the complainant returned his Ruling Request dated November 2, along with a letter, which reads in pertinent part:

I have to disagree with a key statement of the letter phrased as follows: "The wording was unintentional and the context of the items makes it clear that Nazi Germany was responsible for concentration camps and ghettos in Poland during World War Two". In fact, the wording was not unintentional and the context was not clear.

What I expect and require from the President of a prestigious Canadian Broadcasting company is an aired rectification of the misleading information as well as a sincere apology to the viewers. The apology should be addressed to all my compatriots who were watching the News report, including those who did not file a formal complaint.

THE DECISION

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

CAB Code of Ethics, Clause 5 – News

(1) It shall be the responsibility of broadcasters to ensure that news shall be represented with accuracy and without bias.

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.

RTNDA Code of (Journalistic) Ethics - Article One (Accuracy)

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

The National Specialty Service Panel Adjudicators viewed the recording of the April 30, 2004 broadcast and reviewed all of the correspondence relating to both broadcasts. The Panel concludes that, in the case of both the November 8, 2003 and the April 30, 2004 broadcasts, CTV Television and CTV Newsnet respectively breached each of the foregoing Code provisions.

The Nature of the National Designation

At issue is, of course, the use of the adjective "Polish" in juxtaposition with either the term "ghetto" or the term "[concentration] camp". On the one hand, the original position of CTV News was that the word was merely a geographical or topographical indicator. On the other hand, the complainants argued, in effect, that it is historical, ethnographic or cultural, that the appending of "Polish" to ghetto or camp implies an involvement of the Polish people in the confinement or

murder of the inmates in either instance. To better understand the meaning or import of a national adjective, the Panel considered definitions provided by numerous dictionaries of national adjectives, including “Polish”, of course, and the words “English”, “French” and “German”, since they all partake of common characteristics. The *Oxford English Dictionary (OED)* defines “Polish” as “Of or pertaining to Poland or its inhabitants” or “In the names of things of actual or attributed Polish origin.” *Webster’s Third International Dictionary* says: “**a:** of, relating to, or characteristic of Poland **b:** of, relating to, or characteristic of the Poles.” The 4th edition of the *American Heritage Dictionary of the English Language* adds a reference to culture, “Of or relating to Poland, the Poles, their language or their culture.” The *OED* defines “English” as “Of or belonging to England or its inhabitants,” “Marked by the characteristics of an Englishman. Often in laudatory sense: Possessed of the virtues claimed as particularly ‘English’.” In the case of “French”, the *OED* says, “Of or pertaining to France or its inhabitants” and “Having the qualities attributed to French persons or things; French-like.” Of French, *Webster’s* says, “**a:** of or belonging to the people, the culture, or the civilization of France [...] **b:** befitting, derived from, or suggesting the people or the culture of France [...]: settled by the French.” In the case of “German”, the *OED* says, “Of or pertaining to Germany or its inhabitants”, “Marked by the characteristics of a German; German-like” and “In names of things of actual or attributed German origin.” Of German, *Webster’s* says, under two separate word entries, “a native or inhabitant of Germany” and “**a:** of, or relating to, or characteristic of Germany **b:** of, relating to, or characteristic of the Germans.”

In other words, there is, in all of the foregoing examples, an ethnographic or cultural connection drawn between the national adjectives and the matters to which they apply. This is not to suggest that there is no geographical connotation to a national adjective but rather that such a term consistently extends well beyond simple geographical application. One can discern in all of those definitions the link between the use of the term and the *inhabitants* of the country, their *characteristics* and their *attributes*. Such adjectives are, in a national sense, very personal and local. However obvious the following example may be, the term “Polish” would not be applied to a tourist or temporary visitor *to* Poland, despite his or her geographical presence there, although it would be to a Pole travelling in *another* country. It would also be applied to a thing of *actual* Polish origin or, one appreciates, of legitimately attributed Polish origin. Thus, the Panel understands that the city of Oswiecim is undeniably Polish, having been established more than 700 years before the Second World War, while, the camp known as Auschwitz, in the suburbs of Oswiecim, on the other hand, was created by order of the head of the Nazi SS, Heinrich Himmler, a non-Pole, in 1940.

The Historical Nature of Camp Description in the Documents and Literature

Nor is the propriety of the designation of concentration, extermination or slave labour camps as “camps *in Poland*” new, a concession to what one might today describe as “political correctness”. From the time of the Second World War when the notion of such abominable camps began to invade governmental and later public consciousness, a distinction was drawn between the national location of the camps and the nationality of their creators. Even in the case of the principal, but not sole, victims of the extermination practices, namely, the Jewish people, such a distinction was made. In the minutes of a meeting of the Executive of the Jewish Agency on June 11, 1944 in Jerusalem, where there was discussion of the prospect of destroying the camps by bombardment, the term used was “the death-camps in Poland, such as: Oswiecim, Treblinka, etc.” (Quoted in Michael Neufeld et al., eds., *The Bombing of Auschwitz*, New York: St. Martin’s Press, 2000, at p. 253; similar language is used in a document quoted at p. 262) In a letter of July 24, 1944 from J.J. Smertenko, of the Emergency Committee to Save the Jewish People of Europe, Inc., to President Franklin Roosevelt, the former refers to “the extermination centers in Poland”, while two paragraphs later in the same document, Smertenko refers perfectly correctly to the “Czechoslovakian and Polish underground sources”. (Quoted *ibid.*, at p. 272) In a telegram of June 24, 1944, sent by the U.S. Minister to Switzerland, Leland Harrison, to the Secretary of State, Cordell Hull, the former referred to “the extermination camps of Ausehitz [*sic*] (Oswiecim) and Birke Nau (Rajska) in western upper Silesia.” (Quoted *ibid.*, at p. 257; similar language is used in documents quoted at pp. 258, 261, 263, 267) In a correct adjectival use, in a Report of Meeting with members of the American Refugee Board, I.L. Kenen referred to the “question of the destruction of the Nazi extermination facilities” for the Nazis were the *creators* of the camps. (Quoted *ibid.*, at p. 275)

The practice of terminological distinction of camps by the adjectival or other designation which would have the creators separated from the topographical location has been continued. One of the leading Holocaust historians and cartographers, Sir Martin Gilbert, in a 1978 map, entitled “German Official Plans for the ‘Final Solution’, 20 January 1942”, referred in his explanatory legend to “the first Nazi extermination camp” at Chelmno (west of Warsaw in what was then occupied Poland) and the camp was designated on the map itself by a swastika. (Martin Gilbert, *The Holocaust: A Record of the Destruction of Jewish Life in Europe during the Dark Years of Nazi Rule*, New York: Hill and Wang, 1979, at p. 14) Indeed, so as to avoid any uncertainty, he virtually uniformly used the swastika as a cartographical indicator for all of the camps in the volume. In one of the maps, namely, “Jewish Revolts, 1942-1945”, Gilbert also used a contrapuntal cartographic technique by designating the 20 camps or ghettos within which the Jews revolted by a star of David. (*ibid.*, at p. 42) In his later, and more extensive, *Atlas of the Holocaust* (London: Michael Joseph, 1982), while consistently and scrupulously avoiding the use of Czech, Estonian, Polish or other national adjectives to describe concentration, extermination or slave labour

camps, Gilbert even adopted the conquest-acknowledging term “Greater Germany” to encompass the geographical area in which virtually all of the foregoing camps were located and, on at least one occasion, referred to “German-occupied Poland” in his text (see p. 115). The Panel also finds it particularly relevant to note that, in the *index* to his *The Holocaust: The Jewish Tragedy* (London: Fontana Press, 1986), under “Poland”, Gilbert had a sub-entry “the first death camp, established by the Germans on the soil of (December 1941)”.

The Application of the Usage to the Matters at Hand

At issue for the Panel is not whether one may find other examples, even at respected institutions or media outlets - the President of CTV News used the phrase “both mainstream media and teaching establishments (including major universities) throughout North America” – using the word “Polish” in the challenged style but whether such usage is correct, accurate and proper. The CTV News President’s argument was initially that examples such as the Warsaw Ghetto, the Łódź

□ Ghetto, the B

ghettos established by the Nazis during the Second World War were appropriate and “interchangeable” usages of the “geographical” references that he considered “Polish” or “Italian” ghettos to be. The Panel respectfully disagrees with that initial position and acknowledges that CTV News ultimately rejected that position as well.

In any event, the Panel considers it essential to define its position on this issue. It concludes that the equivalent of the proper noun, or name, of a city is *not* the same as the national *adjective* “Polish”. Warsaw, Treblinka, Łódź, Auschwitz, Birkenau, Bialystok, Chelmno and so on are, as *place* names, the equivalent of “in Poland” as a geographical designator. They do not imply any *involvement* in the matters occurring in those locations. They are the appropriate designation for a camp or a ghetto. If an *adjective* is sought in such a Second World War context, it should of course be “Nazi”, “Nazi German” or “German” and, when using the phrase “in Poland”, it is preferable to differentiate traditional historical Poland from its wartime incarnation (it should never be forgotten that it was the Nazi invasion of Poland on September 1, 1939 that led to the declaration of war on Germany by Britain, France, Australia and New Zealand on September 3 and by Canada on September 10) by the use of qualifiers such as “in occupied Poland” or “in Nazi-occupied Poland”.

In any event, while acknowledging the subsequent change of position on this point by CTV News, it is the position of the National Specialty Services Panel that the use of the terms “Polish ghetto for Jews” and “Polish camp of Treblinka” in news broadcasts on the dates indicated above was an inaccurate representation of the news and constituted an unfair and improper presentation of news in breach of Clauses 5 and 6 of the *CAB Code of Ethics* and an inaccurate and

unfair informing of the public about “events and issues of importance” in breach of Article 1 of the *RTNDA Code of (Journalistic) 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 present complaint files are examples of demanding issues brought to the attention of a broadcaster. Although neither the complainants nor ultimately this Panel, shared the *initial* substantive views of the President of CTV News, it is clear that he made a considerable effort to be responsive to the issues raised by the complainants at every opportunity. His replies were substantial, thoughtful and timely. Moreover, in the end, apparently upon further reflection, CTV News altered its policy on the issue of the use of the national adjectival designation “Polish” and shared its internal memorandum to CTV News Editors, Producers, Writers, Reporters and Anchors with the complainants. In other words, with the exception of their initial failure to advise complainants of their right to bring this file to the attention of the CBSC in the event of their dissatisfaction with CTV News’s side of the issue, the service’s responsiveness was exemplary. CTV has amply fulfilled its membership obligations of *responsiveness* on this occasion.

Content of Broadcaster Announcement of the Decision

The important and acknowledged CTV News change of position with respect to the substantive concern of the complainants does not, however, alter the unavoidable finding of the National Specialty Services Panel with respect to the November 2003 and April 2004 broadcasts themselves.

Accordingly, in keeping with customary CBSC practice, CTV Television and CTV Newsnet are each required to: 1) announce this decision, in the following terms, once (for each service) during prime time within three days following the release of this decision and once (for each service) within seven days following the release of this decision during the course of the two time periods in which the respective news reports were run; 2) within the fourteen days following the broadcast of the announcements, to provide written confirmation of the airing of the statement to the complainants who filed the Ruling Requests; and 3) to provide the CBSC with that written confirmation and with air check copies of the broadcasts of all of the foregoing announcements.

In the case of CTV Television, it is the following announcement that is to be used:

The Canadian Broadcast Standards Council has found that CTV has breached the terms of provisions of the Canadian Association of Broadcasters' *Code of Ethics* and the Radio-Television News Directors Association *Code of (Journalistic) Ethics* in a news report of November 2003. The CBSC concluded that, by referring to "Polish ghetto for Jews", CTV's report implied an involvement on the part of the Polish people, when the responsibility for the creation of the ghetto in question lay with the Nazis who then occupied Poland. The CBSC found the use of the national adjective "Polish" an inaccurate representation and an unfair and improper presentation of news in breach of Clauses 5 and 6 of the *CAB Code of Ethics* and an inaccurate and unfair informing of the public about "events and issues of importance" in breach of Article 1 of the *RTNDA Code of (Journalistic) Ethics*.

In the case of CTV Newsnet, it is the following announcement that is to be used:

The Canadian Broadcast Standards Council has found that CTV Newsnet has breached the terms of provisions of the Canadian Association of Broadcasters' *Code of Ethics* and the Radio-Television News Directors Association *Code of (Journalistic) Ethics* in a news report of April 2004. The CBSC concluded that, by referring to "Polish camp of Treblinka", CTV Newsnet's report implied an involvement on the part of the Polish people, when the responsibility for the creation of the concentration camp in question lay with the Nazis who then occupied Poland. The CBSC found the use of the national adjective "Polish" an inaccurate representation and an unfair and improper presentation of news in breach of Clauses 5 and 6 of the *CAB Code of Ethics* and an inaccurate and unfair informing of the public about "events and issues of importance" in breach of Article 1 of the *RTNDA Code of (Journalistic) Ethics*.

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

APPENDIX

CBSC Decision 04/05-0672 & -0380 CTV Television and CTV Newsnet re news reports (ghettos and concentration camps in Poland)

The Correspondence

The First Complainant's First Complaint (re the November 2003 broadcast)

On November 13, 2003, the then Ambassador of the Republic of Poland wrote the following letter to the President of CTV News:

On Saturday, November 8, 2003 at 11:00 pm CTV News presented a touching story of a Holocaust survivor. The story said: *"He was five years younger than his audience when his family was forced into a Polish ghetto for Jews"*. The same information was published on the CTV website under the title: *"Students moved by Holocaust survivor's story"* credited to CTV.ca News Staff. The use of such words might leave doubts for Canadian viewers as to who created and operated ghettos in the Nazi occupied Poland during WWII. There should be no doubt about it and any attempt to suggest otherwise is offensive to Poland and Polish people. The duty of media in a democratic country is to inform not to mislead (It shall be the responsibility of broadcaster to ensure that news shall be presented with accuracy and without bias - *CAB Code of Ethics*). There were ghettos for Jews in cities on the territory of Nazi occupied Poland, e.g. Warsaw ghetto, Łódź ghetto or Białystok gh

The Embassy of the Republic of Poland has noted a number of such offensive comments with regard to the history of Poland published in Canadian media. In 1988 the Ontario Press Council upheld a complaint by the Canadian Polish Congress about the use by *The Ottawa Citizen* of a phrase *"Polish concentration camp"*. In our understanding the phrase *"Polish ghetto"* should be regarded in the context of this ruling.

The Embassy's press secretary demanded a correction and an apology in a conversation with the Foreign Editor of the CTV News. As a result the text published on the CTV website was changed and the word *"Polish"* was dropped. It does not however alter the fact that Canadian viewers were given information, which is likely to cause injury to the image of Poland. Therefore, I believe that a formal apology is in order. I await your reply.

The broadcaster responded to the complaint in a letter dated November 20, 2003:

We acknowledge receipt of your facsimile of November 12, 2003 and understand that you have also spoken to [the] Foreign Editor at CTV News, with respect to this matter.

Your concerns relate to our usage of the term "Polish ghetto" in the context of a CTV News report, regarding a presentation from a Holocaust survivor during Holocaust Education Week in Toronto.

It appears that you take issue with the use of the term, on the basis that you believe it denotes that the Polish people were responsible for setting up these ghettos. You have also provided us with a copy of a Press Council decision that upheld a previous complaint by the Canadian Polish Congress regarding an *Ottawa Citizen* movie review of "Sophie's Choice". The Council found the phrase "Polish concentration camp survivor" in that case to be ambiguous and "could be interpreted to suggest the camp itself was Polish, an incorrect statement in light of the fact that Second World War concentration camps in Nazi-occupied Poland were established and operated by Hitler Germany."

The specific sentence at issue in the CTV broadcast reads as follows:

Nate Liepciger (the survivor) told the students he was five years younger than they were when the Nazis forced his family into a Polish ghetto.

In the context of this statement, especially given that it is preceded by the reference to the Nazis forcing Mr. Liepciger's family into the ghetto, it is quite clear that the adjective "Polish" is clearly denoting a location rather than suggesting in any way that the Polish people or government were responsible for the ghettos. This is clearly different than the situation involving the review by the *Ottawa Citizen* where the term was not provided a context and may therefore be subject to different interpretations.

With respect to the website story, the sentence containing the phrase "Polish ghetto" is immediately preceded by a reference from the survivor of a number tattooed to his arm by the Nazis. In our opinion, given this context, it is certainly clear that the ghettos were created by Nazi Germany and not by the Poles.

We sincerely regret that you were offended and that you feel that the usage of this term is insulting to the Polish nation and to Canada. We can assure you that at CTV, this term was never intended to be offensive or insulting to the Polish community, either here in Canada or in Poland.

In summary, while we understand your concerns and believe in the use of precise language, we believe the term was used in an appropriate fashion. In the course of reviewing your complaint, we came across a broad spectrum of reference material from both mainstream media and teaching establishments (including major universities) throughout North America which use the term "Polish ghetto" in precisely the same way as it was used by CTV – i.e. to generally identify the location of the ghettos that were set up by Nazi Germany during the Second World War. Terms such as Polish ghettos, Italian ghettos, as well as more specific references such as the Warsaw Ghetto, the Łódz Ghetto or the Krakow ghetto, are used interchangeably – depending on the context. In other words, many articles or reports about the Holocaust use both the specific references such as the Warsaw Ghetto when describing this particular ghetto. However, if referring to a number of ghettos that were situated in a specific country, terms such as Italian ghettos or Polish ghettos are commonly used. As I am sure you are aware, the Nazis established about 365 ghettos throughout Eastern and Central Europe, between 1939-1945.

It is also interesting to note that these same ghettos are also sometimes referred to as "Jewish ghettos". Using the same logic as the Press Council report, such reference could be interpreted to suggest that the Jewish people were responsible for creating these ghettos to intern themselves. It is unlikely however that any reasonable person would interpret the term in such a way.

Clearly however, given the general population's knowledge of the Holocaust, most would understand the phrase to simply mean that it was the Jewish people who were confined to these ghettos.

Hoping this clarifies this matter.

The First Complainant's Second Complaint (re the April 2004 broadcast)

The Ambassador sent another letter of complaint to the President of CTV, dated May 6, 2004, that reads as follows:

On Friday, April 30 at 16:15 CTV Newsnet presented information on John Demjanjuk. The CTV anchorwoman said: "*In 1977 the U.S. Justice Department accused him of being Ivan the Terrible, a notoriously sadistic guard at the Polish camp of Treblinka.*" This choice of words is offensive to the Polish people and the Government of Poland. The concentration camp in Treblinka was created by the Nazi Germans, who invaded and occupied Poland during the WWII. The German Nazi occupiers used concentration camps to exterminate Jews, Poles and other nationals, very many of them citizens of the invaded Poland. Therefore, to call the concentration camp in Treblinka "the Polish camp of Treblinka" is an insult to millions of Poles who sacrificed their lives in the fight against Nazi Germany on all possible fronts of the WWII. Those whose families have not experienced the horror of Nazi German occupation are clearly unable to fully apprehend the magnitude of suffering and the heroism of resistance.

The words chosen by the CTV to present the information on Mr. Demjanjuk, hopefully a result of ignorance rather than a bias or prejudice against Poland and the Polish people, are in clear contrast with the guidelines of the Ontario Press Council:

Many years after the end of the Second World War, there is a reason to believe some Canadians have little or no knowledge about death camps that existed in Poland. To avoid misunderstanding, either the context or at least one reference in any article about wartime concentration camps should leave no doubt that the Nazi occupiers set them up and operated them. And in no instance should they be described as "Polish concentration camps."
(<http://www.ontpress.com/about/index.asp>)

You have confirmed your knowledge of those guidelines in your correspondence on the similar problem of November 20, 2003 (your reply to my complaint of November 13, 2003).

I demand an apology and a correction to be broadcast by the CTV Newsnet.

The broadcaster responded to the complainant on May 28, 2004:

In response to your letter of May 6, 2004, you correctly indicate that CTV has dealt with this issue in the past with our correspondence to your Embassy of November 20, 2003. Our response in this case is similar to our previous response.

Your concerns appear to relate to our usage of the term "Polish camp" in the context of a CTV Newsnet report, regarding a US court ruling upholding an earlier decision which removed the citizenship of John Demaniuk. You take issue with the use of words, on the basis that you believe it denotes that the Polish people were somehow responsible for the creation of concentration camps during the Second World War.

It is our belief that given the general population's knowledge of the Holocaust, the adjective "Polish" would denote only the location of a camp and not responsibility. However, even if this was not the case, the context of our report on the well known case of John Demaniuk, a former Nazi soldier believed to be "Ivan the Terrible" by some, clearly establishes the Nazi relationship and would clarify this issue.

In fact, in the report itself, the reference to "Polish camp at Treblinka" is preceded by the following: "*The US government has been trying to prove Demaniuk's Nazi connections for 27 years.*" As well, Treblinka, the particular camp referred to in the report is a well known concentration camp created by Nazi Germany.

This situation is clearly different than the Ontario Press Council case involving the review by the *Ottawa Citizen*, where the term "Polish concentration camp survivor" was not provided a context and may therefore have been subject to different interpretations. I wish to point out that the Ontario Press Council has no involvement with broadcasting in Canada. It does not issue "guidelines" for Canadian broadcasters.

We sincerely regret that you were offended and that you feel that the usage of this term is insulting to the Polish nation and to Canada. We can assure you that at CTV, this term was never and has never been intended to be offensive or insulting to the Polish community, either here in Canada or in Poland.

I disagree with your statement that "Those whose families have not experienced the horror of Nazi German occupation are clearly unable to fully apprehend the magnitude of suffering..."

I believe that most Canadians are fully aware of the horrors of World War II. In 1939, Canada was one of the first overseas nations to join the Allied War efforts. Millions of Canadians fought and thousands died in Europe, Africa and Asia. The suffering and heroism from World War II is commemorated in Canada on Remembrance Day – November 11th, during Holocaust memorials, and during the D-Day anniversary.

While we understand your concerns and believe in the use of precise language, we believe the term was again used in an appropriate fashion. As previously indicated in the case of the term "Polish ghetto", a broad spectrum of reference material from both mainstream media and teaching establishments throughout North America use the term "Polish camp" in precisely the same way as it was used by CTV – i.e. to generally identify the location of the concentration camps that were set up by Nazi Germany during the Second World War. Similar such references also include Polish death camps and Polish concentration camps, again to denote the location of the camps, not the country or people responsible for same.

Hoping this clarifies this matter.

The Chargé d'Affaires of the Embassy of the Republic of Poland sent a letter dated August 17 to the Chair of the CRTC, voicing the concerns of the Ambassador which were expressed in the previous correspondence to CTV.

I would like to inform you that the Embassy of the Republic of Poland in Ottawa has presented to the Department of Foreign Affairs and International Trade Canada the Memorandum of the Government of the Republic of Poland regarding information broadcast by the CTV Newsnet on the Nazi German concentration camp at Treblinka that was not only untrue but also detrimental to Poland and the Polish people. The Government of the Republic of Poland expressed concern about the use of phrase "Polish camp of Treblinka" to describe the German Nazi concentration camp built in the occupied Poland in order to exterminate the inhabitants of our country. The President of the CTV News [...] in his

correspondence with His Excellency Ambassador of the Republic of Poland upheld the news report statement and informed that it was a part of the conscious editorial policy of the CTV News. The Government of the Republic of Poland believes that the Government of Canada will undertake appropriate actions to ensure that the dignity of the Republic of Poland, the ally of Canada in NATO, and the Polish people will not be affected by false and harmful information. I have been assured that it is in the mandate of the Canadian Radio-television and Telecommunications Commission to guarantee that standards of true and fair broadcasting are respected. It becomes especially important with regard to the presentation of the tragic history of Holocaust and the German Nazi concentration camps. Therefore, I have taken this opportunity to inform you about the case in hope that you will give it a proper consideration.

The President of CTV News responded on August 18 with the following letter and attachment:

Thank you for your letter of May 6th pointing out concerns with our news department's use of the phrase "Polish camp of Treblinka," and "Polish Ghetto for Jews."

After reviewing the issue, we agree with your concerns.

I have attached an advisory that has been sent to CTV News staff.

The Polish community in Canada through its letters and telephone calls has been extremely helpful in reviewing this issue with us.

The following advisory was attached to the letter:

August 18, 2004

Special Attention: CTV News Editors -- Producers -- Writers -- Reporters -- Anchors

Background:

Last November, during a story on a Holocaust survivor, CTV News used the phrase "Polish ghetto for Jews." In April, during a story about Nazi war criminal Walter [sic] Demjanjuk, a script used the phrase: "...the Polish camp of Treblinka." CTV News has received dozens of complaints from Polish Canadians who say that such wording is offensive and inaccurate because it suggests that Poles were responsible for the "ghettoes" and "concentration camps" in Poland during World War 2. They want it clearly stated in any reportage on this subject, that Nazi Germany was responsible for the forced ghettoes and concentration camps in Poland.

After reviewing our stories, reading the correspondence and discussing the issue with Polish Canadians, I agree, that our wording was unclear, and offensive.

CTV News Responsibilities:

1. To report with language that is precise, clear and accurate.
2. To be sensitive to words or phrases that are – or might have the appearance of being – offensive, demeaning or hurtful to a religious, ethnic, or other group.
3. To ensure that historical context is included in our coverage. With the passage of time, history is often forgotten by our viewers, or not learned at all by younger generations. This point was made repeatedly in correspondence from Polish Canadians to CTV News.

On this issue, it is our job to leave no doubt about the historical context of events in Poland during the Second World War: that Poland was invaded by Nazi Germany, that Poland was occupied, that the Nazis forced Polish nationals into ghettos, built prisoner of war camps, and brutalized and murdered millions of Poles – both Jews and non-Jews.

CTV News Policy:

CTV News programs must not use the adjective "Polish" when describing World War 2 concentration camps or ghettos that were created, built and run by Nazi Germany.

Example:

Use: "The Nazi concentration camp at Treblinka, Poland."

Do Not use: "The Polish Camp at Treblinka." – which is imprecise and suggests the Polish people were responsible for the death camp.

Please call me if you have any questions.

On September 13, the Chair of the CRTC responded with the following:

Thank you for taking the time to write to me to express the concerns of the government of the Republic of Poland about the use of the phrase "Polish camp of Treblinka" on CTV Newsnet.

First, let me assure you that we are sensitive to your concerns. The horrible fate of countless innocent people in concentration camps still needs to be heard, over half a century later, and must be explained with utmost clarity for all to understand.

Under the *Broadcasting Act*, broadcasters are directly responsible for the selection, content and scheduling of their programs. Broadcasters have developed conduct codes that they have agreed to abide by which cover issues such as journalistic ethics. The broadcasting industry's own self-regulating organization, the Canadian Broadcast Standards Council (CBSC), has been mandated to administer these codes and address complaints from the public involving their member stations. The Commission has endorsed this approach of ensuring high standards in broadcasting.

We have received many letters concerning CTV's newscast which we have forwarded to the CBSC asking it to pursue the matter on behalf of the complainants. Rest assured that if the complainants are not satisfied with the CBSC's conclusions, they can pursue the matter with the CRTC.

The Polish Embassy's Chargé d'affaires met with the CBSC's National Chair in September 2004 to emphasize his concern and request follow-up on his complaint.

The Second Complainant's Complaint (re both broadcasts)

On October 18, 2004, the CBSC received the following complaint dated October 6 which was sent to the CRTC and then forwarded to the CBSC in due course.

To whom it may concern,

I had the opportunity of watching a CTV documentary last November, which I believe was repeated in April this year related to the Holocaust. To my disbelief I heard the program

anchor use the phrase: "Polish Ghetto for Jews" and "Polish camp of Treblinka". I wondered for a moment whether Canadian journalists know their modern history since they appeared incapable of distinguishing the difference between camps built by the Nazis in occupied Poland and "Polish camps". This is like blaming the South Africans for inventing the concentration camps in the first place since they were built by the British in South Africa.

It may not appear significant to insult the feelings and dignity of millions of Poles who not only had nothing to do with the establishment of the death camps but suffered immeasurable losses themselves during the last war in those self-same camps. However, CTV is one of a number of reputable media outlets that affect the conscious of the Canadian population and the mistakes they make are repeated by other people with fewer resources or integrity. Now, having heard similar stories repeated from these other media sources, a growing portion of the Canadian public believes that Poland built the ghettos and concentration camps of their own volition.

A couple of months ago, I heard a CBC broadcast on a Jewish ghetto in Warsaw, which expressed a cynical opinion concerning the behaviour of Poles while the Germans burned the ghetto during the uprising. Nobody thought to mention that the only way the insurgents could have obtained their weapons was from the Polish underground. Neither was there any mention of the thousands of Poles who risked their lives to smuggle Jews from the Ghetto to the countryside surrounding Warsaw. (I refer you Roman Polanski's "Pianist". The film, which is based on the memoir of Wladyslaw Szpilman, [was] directed by Polanski, himself a Polish Jew who escaped from the Warsaw Ghetto with the help of Polish patriots.)

My discussions with my Canadian friends confirm my anxiety. Those Canadians who are in the habit of reading books are less vulnerable to this kind of revisionist 'history lesson', but others firmly believe that the majority of Poles were anti-Semitic and did in fact build and run those camps and ghettos. A great harm has been done to Poland and Polish people both in Canada and abroad by such careless CTV programming.

I am 61. I have lived in Canada since 1986. My children attended primary and secondary schools here in Canada and graduated from Canadian Universities. My spirit has been lifted by witnessing the tolerant and anti-racist education my children received in Canada.

My only anxiety is that such an education can be seriously disrupted by the poison of bad journalism, irrespective of who the direct victim is; indirectly everyone is a loser. I am afraid that in the future my children may become the victims of intolerance brought about by the spread of such historical lies.

I would like to add a couple of personal remarks. My father went through the hell of the Warsaw uprising in 1944, after which he had to endure the hell of Mathausen Concentration Camp, which was a "Death Camp". He was later imprisoned in Schomberg concentration camp. He shared those atrocities with Jews, Catholics and atheists during his time in the camps just as he had his pre-war life in Warsaw since racial prejudice was unknown in my home. Unfortunately, despite surviving the war the experience caused him to pass away very young. He would be very surprised to hear the stories aired by your station. I cannot help feeling a sense of personal outrage since those stories were an insult to the memory of my father.

One last story. My wife's mother's parents hid a Jewish girl for several months during the terrible German occupation in Poland. They risked their lives and the lives of their four kids. You have to know that Poland was the only country in which Germans introduced the death penalty for hiding/helping Jews. The reason that such a law was necessary was the high rate of disobedience towards the anti-Semitic laws of the Third Reich in Poland.

I am sure that there are thousands of interesting stories concerning the actions of Polish people during the occupation, but they do not very often come through the Canadian outlets. The media are known as the "third force" of a nation. However, in order to retain this position they cannot compromise the truth with half-truths. There is a tremendous moral and social responsibility resting on their shoulders, which I am sure, is burdensome. However, it must be maintained to the highest standards possible. I experienced the appallingly bad Polish-Communist media and I know what social harm such media may inflict.

In conclusion, I firmly believe that good journalism predominates at the CTV, but in order not to prejudice it the CTV should publicly and in a loud voice apologise to the Polish community for the mistakes they committed in their news report.

The President of CTV News responded to the complainant in a letter dated October 27, 2004:

This letter is in response to complaints filed to the Canadian Radio-television and Telecommunications Commission and the Canadian Broadcast Standards Council.

In November 2003 a CTV News report used the phrase "Polish Ghetto for Jews". In April 2004 an item aired on CTV Newsnet using the phrase "Polish Camp at Treblinka". Complaints to CTV News about this English usage said the wording was offensive because it implied that Poland and Polish people were responsible World War Two concentration camps and ghettos.

After reviewing the issue and conferring with Polish Canadians, CTV News agrees with these concerns.

An editorial advisory has been issued to CTV News employees instructing them not to use the adjective "Polish" as a geographical locator, when describing World War Two concentration camps or ghettos that were built and run by Nazi Germany.

The editorial advisory to CTV News staff restates our responsibilities;

- to report with language this is precise and accurate.
- to be sensitive to words or phrases that are, or might have the appearance of being offensive, demeaning or hurtful to a religious, ethnic or other group.

If you were offended by these news items, we apologize. The wording was unintentional and the context of the items makes it clear that Nazi Germany was responsible for concentration camps and ghettos in Poland during World War Two.

Some individuals wrote to CTV News to explain that precise wording on this issue is important because, with the passage of time history is often forgotten, or not learned at all by younger generations. CTV News also agrees with this point, that historical context is important to accurate reporting.

The Polish community in Canada through its letters and telephone calls has been helpful in reviewing this issue with us.

Thank you for taking the time to write and for your interest in CTV News.

The complainant sent his signed Ruling Request Form dated November 2, along with the following letter:

To whom it may concern,

This letter is in response to yours, dated October 21, 2004. At the same time this letter is an attachment to a Ruling request Form.

Yesterday, I received a letter dated October 28, 2004, from [the] President of the CTV News. In his letter, [the President of CTV News] explains his position with respect to the issue in question (filed by CBSC as referenced above). I believe you may be in possession of a copy of his letter.

[The President of CTV News] apologized to me as a potential victim of the offence. I accept the apology on a personal level. I do, however, feel that there are a couple of issues remaining to be addressed.

I have to disagree with a key statement of the letter phrased as follows: "The wording was unintentional and the context of the items makes it clear that Nazi Germany was responsible for concentration camps and ghettos in Poland during World War Two". In fact, the wording was not unintentional and the context was not clear.

What I expect and require from the President of a prestigious Canadian Broadcasting company is an aired rectification of the misleading information as well as a sincere apology to the viewers. The apology should be addressed to all my compatriots who were watching the News report, including those who did not file a formal complaint.