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## CANADIAN BROADCAST STANDARDS COUNCIL

### QUEBEC REGIONAL PANEL

#### CKRS-AM re comments made on *Champagne pour tout le monde*

(CBSC Decision 06/07-0904)

Decided August 20, 2008

D. Meloul (Acting Chair), R. Cohen (*ad hoc*), M. Ille, G. Moisan, J. Pennefather (*ad hoc*),  
M.-A. Raulet

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### THE FACTS

*Champagne pour tout le monde*, a morning talk show hosted by Louis Champagne, is broadcast weekdays on CKRS-AM (Saguenay-Lac-Saint-Jean) from 6:00 to 10:00 am.

Before delving into the details of this challenged broadcast, it is important to note that the complainant claimed that the episode about which he was complaining had been aired on February 27, 2007, when, in fact, it had been broadcast on February 19. Because broadcasters are only obliged (by the rules of both the CRTC and the CBSC) to retain logger tapes of their broadcasts for 28 days, it is essential for the CBSC to receive accurate information regarding the date of broadcast. When this date has not been correctly identified, there is a risk that the recording of the actual broadcast may be recycled by the time the error is discovered. In the matter at hand, despite the delay, it was only thanks to the collaboration of the broadcaster that the correct date was determined and a recording of the broadcast located. This initial misinformation did, however, result in considerable additional delays before the complaint could be adjudicated.

In any event, as the recording of the challenged broadcast ultimately disclosed, at 9:48 am on February 19, host Champagne interviewed Alexandre Cloutier of the Parti

Québécois. A transcript of the material segments of the interview follows (the transcript of the full interview can be found in Appendix A, available in French only):

[translation]

Champagne: He was the Establishment favourite. The former MNA favoured him and he is now wearing his shoulder boards. He is the PQ candidate in Alma-la-la, but this time the Liberals have a heavy hitter in Alma-la-la, and the first question I want to ask the candidate is, um, what's new in the PQ landscape? Why do the people of Alma, who have voted PQ for 20 years, and when you look at what they got in um, I think they must be in demand to take more than Mr. Cloutier's share. Hello Mr. Cloutier; first of all, congratulations!

Cloutier: Hello!

Cloutier: [Part missing] [...] guys from, from Abitibi.

Champagne: That's because I lived –

Cloutier: I can tell you that the guys are still on our side –

Champagne: I lived –

Cloutier: Mr. Champagne –

Champagne: I lived in Jonquière where the Bloc garnered a 17,000 majority, and then along came Jean-Pierre Blackburn with a majority of 6,000. I saw that just blow away.

Cloutier: Yeah, but if Alma had been the only place to vote, it would still be sovereignty territory, and well –

Champagne: No, no, no! Alma went for Jean-Pierre Blackburn, Mr., um, Mr. Cloutier, unless I read it wrong, Alma turned Conservative in the last federal election!

Cloutier: Well, we could look at the figures together at some point, but what is certain is that the villages were not part of that and the villages voted for sovereignty in favour of Michel, um, I mean in the Roberval area, but that, um, closer analysis, it was the Bloc Québécois at any rate, it was um, federal. I mean, it's, it's another matter at the provincial level. We can rise to power there and let's not forget that Jean Charest um, is the least popular leader at this very moment, so um, their election is far from being won, and with respect to ours, um, we're working on it.

Champagne: Do you not get the impression that with the leader you have now, when he starts –

Cloutier: Pfft.

Champagne: No, no, but when he starts –

Cloutier: You won't let go, will you? You're happy to have me here!

Champagne: No, no, well yes, but the, the, the leader you have, when he starts touring, when the real campaign kicks off –

Cloutier: Yes.

Champagne: Um, he'll have to come from – Do you think that a guy with a different sexual orientation is hard to sell in Alma, in Jonquière, in Chicoutimi?

Cloutier: Um –

Champagne: When that time comes, you have to sell him on the street and not in written material targeting intellectuals. Ho – guys from Alcan, you're going to sell him to the Alcan boys and the Price boys – a homosexual.

Cloutier: Do you think that I plan on going, um, going into factories to talk about the sexual orientation of the candi-, the party leader?

Champagne: Well, you will hear about it, that's for sure! In Jonquière, do you really think that when you present them with another homosexual, you won't be asked the question: "Look here, is the Parti Québécois a club for fags?"

Cloutier: Well, on that point Mr. Champagne, I'm sorry, but you are taking me into an area here –

Champagne: Well yeah, but –

Cloutier: I feel extremely uncomfortable –

Champagne: If I don't do it, someone else will!

Cloutier: I'm sorry, but I can't, um, I can't um, I'm not getting into that, I can't, um –

Champagne: No, no, no, you can't, no, no, well you can't because, the question will be asked. You know it will Mr. Cloutier.

Cloutier: Well yeah, but here's what my answer will be to the guys: an individual's sexual orientation is none of my business. I'm in politics. I look at the platform and when I see it in black and white and I see myself there, well I vote for him. As for the rest, um, what he does in the bedroom, I'm sorry but that's none, that's none of my business. And I won't comment. I'm sorry but those whose sexual orientation differs from mine, but on that score I, I, I, won't follow you there.

Champagne: Ah well, we'll see what happens during the election campaign. I, I hope you realize this issue will be back in the news, as um–

Cloutier: Well, I don't think so Mr. Champagne. I think people know how to balance things out, and people's private lives, listen we've had politicians who have cheated on their wives, and there have been some who –

Champagne: Well, let's talk about, let's talk about public life. He took coke! Are you for coke, the liberalisation of coke?

Cloutier: Of course not.

Champagne: Good.

Cloutier: I have never taken drugs in my life, I –

Champagne: No, no, but I'm not interested in hearing about your private life. But, he admitted to it! Was he taking it when he was a Minister? Will he resume taking it?

Cloutier: Mr. Champagne –

Champagne: We don't know.

Cloutier: Mr. Champagne!

Champagne: I'm listening.

Cloutier: We had a nice interview, but I think things are taking a slight turn to issues that in my view are less important for –

Champagne: Not at all, sir, no, but I, with all due respect Mr. Cloutier, plus your generosity, the generosity you have shown in granting me an interview, you need to know that I'm in charge here! I will ask you the questions I see fit to ask.

Cloutier: Yeah.

Champagne: If I, if I, if I were to ask you the same questions the reporters ask you, I wouldn't be doing my job as a radio host!

Cloutier: No, well –

Champagne: I'm interested in other questions, and those are the questions I'm asking you!

Cloutier: I, I'll tell you right now, Mr. Champagne, I'll be far more comfortable when we discuss the party, the Parti Québécois platform, when I'll be called upon to defend my own platform, a platform I plan to present to reporters in the next few days, but –

Champagne: But I'm going to –

Cloutier: But discussing people's private lives, I'm sorry, but that –

Champagne: I'm going to –

Cloutier: Even when the guys will ask me questions, no matter who it is, I don't intend to answer that. People can form their own opinions on that matter. I will not be the one to start talking about who is a homosexual, who is not and so on.

Champagne: Well, no –

Cloutier: I think we'll leave it at that! You told me that you were satisfied when I made my commitments to you, and I think I kept my word. I thank you for, for, for this interview and for following the Parti Québécois leadership race with interest. Yesterday, we won with 75 percent of the vote. We worked very hard and we are very proud of that. I can tell you that we'll be doubling our efforts in the days to follow in order to build an election platform that um – [...]

It appears that the host's comments went relatively unnoticed until a couple of weeks after the broadcast. Then, CKRS and Corus Quebec suspended Louis Champagne from March 6 until March 12. On March 8, CKRS issued a press release which

announced that Champagne would be back on the air on March 12, that he [translation] “recognized that he made unacceptable comments and has agreed to apologize”, and that, on that date, he would make the following statement to his audience:

[translation]

The comments expressed could have been interpreted as homophobic. I now realize that I should have chosen better words to use and I am sincerely sorry. So, to those who were shocked or offended by my statements, I offer my apologies and I assure you that my comments on homosexuality were not intended to be hurtful, disrespectful or discriminatory.

On March 16, Corus’s lawyers sent Louis Champagne a letter reminding him of his own obligations and the broadcaster’s operating principles in the areas of ethical standards and human rights. The host was called upon to sign the letter, acknowledging his recognition of its content.

Then, on March 22, that is to say, three days after the date beyond which broadcasters are no longer obliged to retain logger tapes of their programming (their obligation is only to hold those recordings for 28 days from the date of broadcast), a complainant sent the following complaint to the CRTC, which remitted it to the CBSC in due course. The pertinent parts of the complaint are as follows (the full text of all the correspondence can be found in Appendix B, available in French only):

[translation]

I wish to express my profound disgust concerning the homophobic comments made by radio host Louis Champagne on February 27, 2007 on CKRS 590 AM, Saguenay.

It is absolutely unacceptable that in Quebec, in 2007, a media outlet is allowed to broadcast such hateful propaganda. I am asking that the licence granted to Corus Entertainment for this frequency be immediately revoked unless it takes immediate and drastic measures to prevent a recurrence, including the dismissal without appeal of Mr. Champagne. This individual could be a radio broadcaster in a country where intolerance and discrimination are the norm.

This coarse individual, who should keep his regressive and offensive opinions to himself, is currently getting away with a slap on the wrist from his employer. Homophobia and racism persist in our society precisely because people are still transmitting these types of values to those around them, chiefly parents to their children. When someone communicates homophobic messages publicly and still retains the privilege of expressing his opinions on the air, while suffering no consequences whatsoever, it only serves to legitimise all backward individuals who want to continue the tradition of rejection and exclusion in Quebec.

Yes, he did apologize. The official press release says the following: “The comments made may have been interpreted as homophobic. I now realize that I should have chosen the terms used more carefully and I am sincerely sorry. I therefore apologize to those who were angered or hurt by my remarks and I assure you that my comments on homosexuality were not made with any hurtful, disdainful or discriminatory intent.” How could comments such as “Is it becoming a party of fags?” in referring to the fact that there

are two gays in the Parti Québécois, be made without any hurtful, disdainful or discriminatory intent? The only answer that comes to mind is that he thought the majority of his audience shared his view.

Even if he had chosen his words more carefully, he would have said “Is it becoming a party of homosexuals?” and that would not have been much better. It is as if I said, in reference to a party with several Black MPs, “Is it becoming a party of n\*gg\*rs?”, and I then apologized by saying I meant to say “Is it becoming a party of Blacks?” and that I said n\*gg\*r without any offensive or racist intention.

On June 2, although the complainant had not yet received the broadcaster’s letter, he wrote again to the CBSC, in the following terms:

[translation]

I regret to inform you that the complaint I filed with the CRTC (reference number 339842, CBSC C06/07-0904) concerning the homophobic comments made by radio host Louis Champagne has remained unanswered. I can only conclude that the management of that organisation believes it is above the laws governing your area of activity. I am therefore asking you, the members of the Canadian Broadcast Standards Council, to crack down in a severe and exemplary manner so that such a blunder can never again be repeated in our country.

I would also like to point out that the result of this process will be at the center of the biggest lawsuit and the biggest media operation designed to counteract homophobia ever undertaken in Canada. I consider this unfortunate event as *the* point at which ALL Canadians will have to understand that homophobia is not acceptable in our society – a reality that seems to be contradicted by the totally [missing word] attitude shown by CKRS and Corus Québec in this matter.

Given the lack of any response to the complaint I filed with the CRTC, I am obliged to call for the resignation of the Director of CKRS as well as of the President of Corus Québec, as they have clearly displayed their inability to condemn such low behaviour as making homophobic comments on the air, in Quebec, in 2007. This behaviour should be part of a distant and shameful past. In their willingness to endorse the acts of Louis Champagne, these two individuals, whose first duty is to preserve the quality of the content presented to the public, haven proven they are incapable of properly managing an information media and ensuring that no defamatory or hateful comment finds its way to the airwaves.

On June 18, the General Manager of CKRS responded to the complainant as follows:

[translation]

The Canadian Broadcast Standards Council (the “CBSC”) has asked us to follow up on your letter in which you lodge a complaint concerning comments made by Louis Champagne (the “Host”) on CKRS-AM (the “Station”) on February 27, 2007.

We are aware of the comments to which you refer, and we agree that the language used by the Host was not suitable for broadcast. As you may be aware, Corus Québec expressed its opposition to these comments by declaring publicly that it finds them unacceptable and that they in no way reflect the opinions of Corus Québec. Please note, moreover, that we discussed these issues with the Host and that he apologized for his remarks on the air on Monday, March 12.

On August 3, having now received the broadcaster's letter, the complainant repeated his request for a ruling by the Quebec Regional Panel in the following words:

[translation]

I would like to know if I should send another letter to confirm that I am maintaining my complaint against CKRS. I consider my ruling request to be still valid, given that CKRS has not seen fit to reply within the required deadline. I await your answer by telephone in the shortest possible time.

## THE DECISION

The Quebec Regional Panel examined the complaint under the following provision of the Canadian Association of Broadcasters' (CAB) *Code of Ethics*:

*CAB Code of Ethics*, Clause 2 (Human Rights):

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

The Quebec Panel Adjudicators listened to a recording of the broadcast and read all of the correspondence. The Panel concludes that the broadcaster violated the aforementioned Code provision.

### Entitlement to Air Abusive or Unduly Discriminatory Comments

The CBSC has long since established and confirmed the principle that it is not every on-air comment that mentions, or could even be fairly characterized as discriminatory toward, an identifiable group that will breach Clause 2 of the *CAB Code of Ethics*. That would, after all, trammel freedom of expression to an undue extent. It is eminently reasonable that there be societal entitlement to notice, touch on, discuss, probe, satirize or even laugh at the expense of identifiable groups in a broadcast, without falling afoul of that codified standard. CBSC Panels have supported that principle in numerous previous decisions, two of which are referred to here. Although those decisions dealt with comedic content, they each describe that underlying principle.

In the first of these, *CKTF-FM re Voix d'Accès* (CBSC Decision 93/94-0213, December 6, 1995), this Panel dealt with the issue of limits on offensive comedic content in the following terms:

There are those which are sanctionable and those which, even if tasteless or painful to some, are not. It would be unreasonable to expect that the airwaves be pure, antiseptic and flawless. Society is not. Nor are individuals in their dealings with one another. Nonetheless, the airwaves are a special and privileged place and those who occupy that territory are expected to play a more restrained and respectful social role.

That principle was extended in a later decision of the National Specialty Service Panel. In *Comedy Network re Comedy Now ("Gord Disley")* (CBSC Decision 05/06-0290, January 20, 2006), that Panel stated:

The goal of the Human Rights Clause, of the CBSC and of the National Specialty Services Panel is not to ensure *purity* on the airwaves; it is to protect against *harmful* speech. It is not to avoid *any* tasteless reference on the airwaves, it is to avoid *costly* references. The task of the CBSC is to balance cost and freedom, freedom and cost. It is a difficult endeavour but not a thankless one.

It is, therefore, to be expected that there may be comments that will offend some identifiable groups that will, nonetheless, be tolerable in terms of the Human Rights Clause.

### **Is It Ever Acceptable to Discuss Homosexuality of Politicians?**

It is undoubted that a broadcaster may discuss subjects that can be discriminatory in nature. This Panel also considers it reasonable for a broadcaster to raise and discuss issues related to homosexuality. [See, for example, the decision of this Panel supporting this principle in *CFJP-TV (TQS) re Quand l'amour est gai* (CBSC Decision 94/95-0204, December 6, 1995).] The question remains whether there was anything that exceeded the bounds of acceptability in the discussion of homosexual candidates or the alleged predominance of homosexual politicians in a particular political party. Was it fair for the host to raise the subject of the receptivity of voters to homosexual candidates, whether in a negative or positive way? How, he asked his interviewee, would such sexual orientation of any candidate go over with the electorate in Alma, Jonquière or Chicoutimi? It was clearly an uncomfortable line of questioning for Alexandre Cloutier but not, in the view of the Panel, *per se* problematic from a codified standards perspective. The issue was fair game, and perhaps even relevant to voters, as host Champagne had suggested. Moreover, the leader of the political party being discussed had publicly disclosed his own homosexuality. It was not an untouchable subject. As is perhaps equally clear, M. Cloutier was free to avoid replying to such probing. The issue for the Panel has to do with the *manner in which* the discussion unfolded.



## The Tone of the Discussion

As anticipated above, there are boundaries to potentially offensive commentaries; however, those limits are neither mathematically nor scientifically measurable. They are dependent on the considered evaluation of thoughtful Adjudicators. Commentary that is either abusive or *unduly* discriminatory will exceed the Panel's threshold of acceptability. While there is, as noted, no formula, Panels will consider, in the case of radio, the words used, the tone of the speaker, and the context of the usage, in assessing whether the comments breach the Code or not.

In *CHFI-FM re The Don Daynard Show* (CBSC Decision 94/95-0145, March 26, 1996), the Ontario Regional Panel set a standard, which has been consistently applied by the various CBSC Panels ever since, when it determined that the joke told in that challenged broadcast, "while ethnically pointed, was neither demeaning nor abusive. [...] It poked fun but did not bludgeon. It tickled but was not nasty." That principle was extended in the *Comedy Now* decision of the National Specialty Service Panel referred to above. In the words following the text cited above, that Panel noted:

When the afflicted are protected, the laughers moan. When the laughers are protected, the afflicted suffer.

It then approved the *Daynard* principle. In the *CKTF-FM* decision, the Panel concluded that any description of Newfies as [translation] "assholes", however humorously intended, breached the standard. It was, to apply the *Daynard* decision principle, nasty, not tickling; it bludgeoned rather than merely poked fun. Similarly, in *CHOM-FM and CILQ-FM re the Howard Stern Show* (CBSC Decision 97/98-0001+, October 17 and 18, 1997), this Panel, together with the Ontario Regional Panel, decided that

the expressions "peckerheads", "pussy-assed jack-offs", "scumbags", "pussies", "Frig the French" and "Screw the French" are clearly as abusive as the term "assholes" used by the host in the *CKTF-FM* matter.

In *CHOI-FM re Le monde parallèle de Jeff Fillion* (CBSC Decision 02/03-0115, July 17, 2003), Jeff Fillion and his co-hosts discussed R&B singer Barry White, who was then sick in hospital. Fillion, who did not like the singer's romantic, easy-listening style of music, snidely remarked that, although Quebec City's Radio énergie team considered themselves "rockers", their constant play of his songs revealed the contrary. Fillion concluded by calling Radio énergie and its employees a [translation] "bunch of faggots" ["gang de fifis" in French]. In the circumstances of that broadcast, this Panel concluded that the use of the term "faggots" was not in breach of the Code.

The host's comments about the incompatibility of the style of Barry White's music with Fillion's perception of the musical mandate of Quebec and Montreal (where he worked as Programming Director) "rock" stations were, in accordance with his wont, flippant and insulting, but they do not amount to a breach of any Code provision.

[...]

Given that the insult “faggots” was hurled anonymously at radio stations and their unidentified staffs, the offensiveness was even more remote. There was no breach of any Code provision on this account.

In the *Comedy Now* decision referred to several times, the conclusion of Disley’s challenged comic routine went as follows:

So Pride Day’s coming up, huh? I’m not a fag myself; if I was, I’d tell ya. I can’t, so I won’t. I mean, really, homophobia in the year 2000 looks particularly stupid, doesn’t it? ‘Cause it’s the year 2000. And we’re all in the same freaking boat, so just get over it. This is what I tell people that I come across that I don’t want to bother with, who are homophobic.

Fags renovate like a [muted phrase: “son of a bitch”]. Me, I’m not good with tools. I mean, renovating for me is putting a candle in a bottle, you know. Am I in the right apartment? Homosexual men have projects around the house. You hand a fag a square foot and say “make it attractive”, no problem. I mean I know men with bachelor apartments and sliding doors. Like French doors. Window boxes, hardy cacti. Man, you walk into a house full of straight boys and suggest a project, you know what you get? “Uhh, you mean like take the empties back? I’ve got some popsicle sticks; you can build a birdhouse. What?”

A viewer took issue with the use of the word “fag”. The Panel considered the usage of that potentially offending word *acceptable* in the circumstances of *that* challenged broadcast. It concluded that the use of the word “was distinctly un-nasty.” It went on to say that the usage in that comedy routine was “benign, light-hearted, distinctively tickling” and not in breach of the Code. The Panel did, however, anticipate that there might in future “be circumstances in which it might be presented in a sneering, derisive, nasty tone.”

In the matter at hand, the Quebec Panel considers that it has encountered just such an instance. While the interview under consideration was anything but a comedy routine, the Panel considers that a “sneering, derisive and nasty” comment is as problematic in terms of the Human Rights Clause in a non-comedic case as it was in the comedic example anticipated by *Comedy Now*. It considers that Louis Champagne’s tone was “sneering, derisive and nasty”, hence in breach of Clause 2 of the Code.

As to the word “fag” [“tapette” in French] itself, the Panel considers that it balances tentatively on the fence, acceptable in some circumstances as noted above, but totally unacceptable, when used in the aggressive, hostile manner of the February 19 broadcast of *Champagne pour tout le monde*, where its effect was spread more widely, and perhaps more derisively by reason of the broad stroke, in the characterization of the political party as a [translation] “club for fags”.

## **Broadcaster Responsiveness**

It is the practice of all CBSC Adjudicating Panels to assess the broadcaster's responsiveness to the complainant. It is often the case that the broadcaster does not agree with the complainant; even in such cases, it is expected that its representatives charged with replying to complaints will address the complainant's concerns in a thorough and respectful manner. The present case is particularly unusual. The station and its parent company, Corus Quebec, agreed with the complainant, admitted the inappropriateness of Champagne's comments, dissociated themselves from those comments, suspended the host for a week, generated an on-air apology from the host himself, and had its lawyers send the host a letter making its standards clear and requiring the signed acknowledgment of the host. It should be noted, parenthetically, that the broadcaster indicated that the apology was aired ten days before the complaint was even filed. Moreover, in an additional collaborative step, Corus located a recording of the challenged broadcast after the date as of which the broadcaster was legally entitled not to have retained a copy. The Panel considers that the steps taken by CKRS and Corus Quebec, and the response of the station's General Manager to the complainant have more than fulfilled the broadcaster's obligation of responsiveness.

## **Announcement of the Decision**

It is customary, in circumstances in which the CBSC concludes that there has been a code breach, for the broadcaster to announce the decision once during peak listening hours within three days following the release of the decision and once more within seven days following the release of the decision during the time period in which the challenged programming was broadcast. Where the broadcaster has, however, taken steps that the Panel views as equivalent to such an announcement, it does not require the CBSC-mandated announcement to be made. This is a recognition, on the one hand, that the broadcaster has taken the initiative and, on the other, that it has done so rapidly, at a time which is necessarily far closer to the time when the problematic programming was aired. In the present case, the host was suspended and his return to the airwaves was marked by an apology aired even before the complaint ultimately considered by the Quebec Panel was received. This Panel considers the language of the Ontario Regional Panel in *OMNI.1 re an episode of the Jimmy Swaggart Telecast* (CBSC Decision 04/05-0097, April 19, 2005) to be apt:

[The Ontario Panel] recognizes the exemplary, timely and sincere step the station has taken to announce to its audience its regret for the broadcast of the Swaggart comments. It does not consider that anything more is required of OMNI.1 with respect to the resolution of this file.

The Quebec Panel is equally satisfied with the broadcaster's public statements on this occasion.

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

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## ANNEXE A

### Décision du CCNR 06/07-0904 CKRS-AM concernant des commentaires faits dans le cadre de *Champagne pour tout le monde*

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*Champagne pour tout le monde* est une émission de causerie matinale animée par Louis Champagne, diffusée sur les ondes de CKRS de 6h00 à 10h00, du lundi au vendredi. L'épisode en cause a été diffusé le 19 février 2007. M. Champagne a fait une entrevue avec M. Alexandre Cloutier, du Parti Québécois, à 8h50. Voici une transcription de l'entrevue :

Champagne: Il était le favori de l'*establishment*. L'ancien député l'a favorisé et il a remporté ses épaulettes. Il est le candidat péquiste dans Alma-la-la, mais dans Alma-la-la cette fois, le Parti Libéral a un gros nom, et la première question que je pose au candidat, c'est, euh : qu'est-ce qu'y a de nouveau dans le paysage du PQ? Pourquoi les gens à Alma, qui ont voté pendant 20 ans pour le Parti québécois, pis, quand on regarde ce qu'ils ont obtenu en euh, je pense ils doivent être en demande, pour obtenir plus de la part de Monsieur Cloutier. Bonjour Monsieur Cloutier, félicitations d'abord!

Cloutier : Bonjour!

Cloutier : [il manque une petite partie entre segments] [...] gars de, d'Abitibi.

Champagne : C'est parce que j'ai vécu –

Cloutier : J'peux vous dire que les gars sont encore de notre bord –

Champagne : J'ai vécu –

Cloutier : Monsieur Champagne –

Champagne : J'ai vécu Jonquière 17,000 de majorité au Bloc, pis Jean-Pierre Blackburn 6,000 de majorité, j'ai vu ça fondre au soleil, moi.

Cloutier : Ouais, mais si y'avait juste Alma qui avait voté, ce serait encore souverainiste, pis là –

Champagne : Non, non, non! Alma a viré pour Jean-Pierre Blackburn, Monsieur euh, Monsieur Cloutier, à moins que j'aie une mauvaise lecture, aux dernières élections fédérales, Alma a viré conservateur!

Cloutier : Ben on pourrait regarder les chiffres ensemble à un moment donné, mais ce qui est certain, c'est qu'y avait pas les villages, pis les villages ont voté souverainiste du côté de Michel, euh, voyons, euh, du côté de Roberval, mais ça, euh, l'analyse fine, de toute façon, c'était, le Bloc Québécois, c'était euh, fédéral. J'veux dire, c'est, c'est autre chose au provincial. Nous on peut prendre notre pouvoir, là, pis, euh, il faut pas oublier que Jean Charest euh, c'est le chef le moins populaire au moment où on se parle, alors euh, leur élection est loin d'être faite, pis la nôtre, euh, on travaille dessus.

Champagne : Vous avez pas l'impression qu'avec le chef que vous avez là, quand qu'il va se –

Cloutier : Pfft.

Champagne : Non non, mais quand qu'il va se –

Cloutier : Vous m'lâchez pas. Vous êtes content de m'avoir, là!

Champagne : Non-non, ben là, ben oui, mais le, le, le chef que vous avez là, quand il va s'promener, quand la véritable campagne va démarrer –

Cloutier : Oui.

Champagne : Euh, va falloir qu'il vienne de, pensez-vous que c'est pas dur à vendre, un gars d'orientation sexuelle différente dans Alma, pis dans Jonquière, pis dans Chicoutimi, vous?

Cloutier : Euh –

Champagne : Là faut le vendre sur le terrain, là. Pas dans, à des intellectuels là, qui, au bout de crayon, là. Des ho-, les gars de l'Alcan, vous allez lui, allez lui vendre ça aux gars de l'Alcan, pis aux gars d'Price, là, un homosexuel.

Cloutier : Pensez-vous que j'veais aller euh, j'veais aller dans les usines puis parler de l'orientation sexuelle du candi-, du chef du parti?

Champagne : Ben vous allez vous en faire parler, par exemple! Pis à Jonquière, pensez-vous que, quand vous arrivez avec un autre homosexuel, vous, vous allez pas vous faire poser vraiment la question : « Coudonc, le Parti Québécois, c'est tu un club de tapettes? »

Cloutier : Ah, là Monsieur Champagne, j'm'excuse, mais là, vous m'emmenez sur un terrain avec ça, là, –

Champagne : Ben ouais, mais –

Cloutier : J'me sens extrêmement mal à l'aise –

Champagne : Si c'est pas moi, c'est un autre qui va le faire!

Cloutier : J'm'excuse, mais moi, j'peux pas, euh, j'peux pas, euh, j'embarque pas là-dedans là, j'pas, euh, –

Champagne : Non, non, non, vous pouvez pas, non non, ben vous pouvez pas parce que, la question va vous arriver, m'sieur Cloutier, vous l'savez.

Cloutier : Ben ouais mais moi j'vais répondre aux gars : l'orientation sexuelle d'une personne, ça me regarde pas, pis moi j'fais de la politique, je regarde le programme, pis quand c't'écrit noir sur blanc, pis j'me reconnais là-dedans, ben j'vote pour lui, pis le reste, euh, ce qu'il fait dans sa chambre à coucher là, je m'excuse là, mais moi, c'est pas d'mes, c'est pas d'mes affaires. Pis j'me mettrai pas à commenter, ceux qui ont pas la même orientation sexuelle que moi, j'm'excuse, mais là-dessus, là, je je je, j'vous suis pas, là.

Champagne : Ah ben on, on va voir pendant la campagne électorale. Je, j'espère que vous savez que ça, que ça va revenir dans l'actualité, ça, comme, euh –

Cloutier : Ben je le crois pas moi, Monsieur Champagne. J'pense que les gens savent faire la part des choses, pis la vie privée des gens, écoutez, on a eu des politiciens qui ont trompé leurs femmes, pis y'en a eu qui ont –

Champagne : Ben on va parler, on va parler de la vie publique : il a pris de la coke! Êtes-vous pour la coke, la libération de la coke?

Cloutier : Bien sûr que non.

Champagne : Bon.

Cloutier : J'ai jamais pris de drogue de ma vie, je –

Champagne : Non, non, mais je, j'veux pas savoir votre vie privée vous, mais là il l'a avoué! Y en a tu pris quand il était ministre? Y va tu recommencer à n'en prendre?

Cloutier : Monsieur Champagne –

Champagne : On l'sait pas, ça.

Cloutier : Monsieur Champagne!

Champagne : J'écoute.

Cloutier : On a fait une belle entrevue, pis j'pense que là c'est en train un peu de tourner sur des choses qui, à mon sens sont moins importantes pour –

Champagne : Mais non, mais Monsieur, non, mais, je, avec tout le respect que je vous dois, Monsieur Cloutier, pis, à part ça la générosité, la générosité que vous avez à m'accorder une entrevue, j'vais vous dire que c'est moi qui mène le jeu! Moi j'vais vous poser des questions que j'entends.

Cloutier : Ouais.

Champagne : Si j'ai, si, si j'ai, si j'suis pour vous poser les mêmes questions que les journalistes vous posent, j'ferais pas mon rôle d'animateur!

Cloutier : Non, ben –

Champagne : Moi j'entends d'autres questions, et j'vous pose ces questions-là!

Cloutier : Je, j'vous l'dis tout de suite, Monsieur Champagne : je vais être beaucoup plus à l'aise lorsqu'on va parler du Parti, du programme du Parti Québécois, lorsque j'aurai à défendre mon propre programme que je présenterai dans les prochains jours aux journalistes, mais là –

Champagne : Mais j'vais –

Cloutier : Mais là, parler de la vie privée des gens, m'excuse, mais ça –

Champagne : J'vais –

Cloutier : Même quand les gars vont me poser des questions, peu importe qui, là, moi, j'ai pas l'intention d'y répondre à ça, les gens feront leur propre opinion là-dessus. C'est pas moi qui vais me mettre à parler de qui est homosexuel, qui l'est pas, pis etcetera.

Champagne : Ben non –



Cloutier : Je pense qu'on va s'en tenir à ça! Vous m'aviez dit que vous étiez satisfait à, en vous donnant mes engagements, pis j'pense que j'ai respecté ma parole, j'vous remercie de, de, de m'accorder ces entrevues, et d'suivre avec intérêt la, la course à l'investiture du Parti Québécois; hier on a gagné avec 75 pour cent du vote. On a travaillé extrêmement fort et on en est très fiers, pis j'peux vous dire qu'on va mettre les bouchées doubles dans les prochains jours pour construire une plateforme électorale qui euh –

Champagne : Est-ce que –

Cloutier : Je l'espère les gens vont se reconnaître là-dedans –

Champagne : Est-ce que vous allez rencontrer celui que vous avez battu, qui, qui rue dans les brancards à matin?

Cloutier : Monsieur Simard?

Champagne : Est-ce que c'est le premier gars que vous allez aller rencontrer?

Cloutier : Monsieur Simard? Ben j'm'entends –

Champagne : Pour, pour faire la paix?

Cloutier : J'm'entends –

Champagne : L'unité du Parti, c'est important!

Cloutier : J'm'entends très bien avec Monsieur Simard, euh, –

Champagne : Mais ça a pas, c'est pas c'qui sort dans les journaux, là. Il s'en va dans l'Sud pendant la campagne électorale; il n'est sûrement pas content du résultat d'hier.

Cloutier : Ben –

Champagne : Est-ce que vous avez tenté de le, de le ramener dans le, dans le droit chemin?

Cloutier : Euh, Monsieur Champagne, euh, j'pense que Monsieur Simard est entièrement libre de la façon dont il entend suivre son, euh, son, son, voyons, de, qu'il entend [Champagne rit] jouer son rôle, euh, dans les prochaines semaines, et pis euh, –

Champagne : Donc vous irez pas l'voir?

Cloutier : Ah ben c'est sûr qu'il a sa place dans mon équipe et, écoutez, on s'est vu, on s'est parlé à plusieurs reprises durant la campagne, pis y'a jamais, jamais, jamais, jamais eu d'froid entre lui pis moi. Il remet en cause la règle du 90 jours, pis mettez-vous dans ses souliers, c'est normal : le monsieur a vendu 350 cartes de membre, pis, euh, il y en a beaucoup là-dedans qui pouvaient pas voter – ou peut-être 400, peu importe là, mais y en a beaucoup qui pouvaient pas voter –, fait que c'est extrêmement frustrant là, quand tu fais du porte à porte, là, pis tu vends tes cartes, pis tu remplis ça sur le coin d'une table, pis tu t'gèles etcetera; pis l'monde après ça y t'appelle pour te dire « Écoute, tu m'as vendu une carte pis tu m'as dit que j'pourrais voter, pis j'peux pas voter ». Fait que t'sais, là c'est normal qu'y ait un peu de frustration accumulée, mais, mettez-vous dans ses souliers : j'pense qu'y'a réagi tout à fait normalement.

Champagne : Mais il pourrait pas y avoir, on en parle – j'vais terminer là-dessus – il pourrait pas y avoir, compte tenu que les élections ne sont pas à date fixe, j'comprends moi, qu'un gars, il dit « Bon, y'a des élections qui s'déclenchent »; le gars y va, il part sa machine, il commence à vendre des cartes, pis on y dit « Houp! C'est les anciennes cartes qui comptent; les nouvelles, non ». « Ouais, mais on l'savait pas! » Si les élections étaient à date fixe, on connaîtrait davantage les règles du jeu! Mais étant donné qu'les, les règles du jeu n'sont pas connues, j'comprends un militant, m'a dire, « R'garde, moi j'fais signer des, des, des cartes aux membres, pis je, je »; je l'comprends, sa frustration, l'gars!

Cloutier : Vous avez entièrement raison, Monsieur Champagne. Moi, c'est une des positions aussi que j'tiens : on devrait au Québec avoir des élections à date fixe, comme y'a en Ontario, pis comme y'a à Vancouver, pis pas aller en élections juste quand les sondages sont bons pour le parti, pis quand qu'on voit que l'autre parti est, euh, dans l'trouble. Malheureusement, moi, cette façon d'gouverner-là, moi aussi j'suis tout à fait mal à l'aise avec ça. Écoutez, moi j'me suis lancé dans cette course en investiture là, euh, on pensait à un moment donné que l'élection était, allait avoir lieu en automne. À un moment donné on s'est dit, « Mon Dieu, ça va être à l'automne juste 2008 », pis finalement on est rendus en printemps 2007, mais, euh, moi aussi, j'pense que ça nuit euh, à la saine démocratie.

Champagne : Bon, on aura l'occasion de se reparler de tout ça Monsieur Cloutier, la campagne est même pas commencée!

Cloutier : Merci Monsieur Champagne!

Champagne : À la prochaine!

Cloutier : Au revoir.

Champagne : Il est neuf heures cinq.

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## ANNEXE B

### Décision du CCNR 06/07-0904 CKRS-AM concernant des commentaires faits dans le cadre de *Champagne pour tout le monde*

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#### La plainte

La plainte suivante en date du 22 mars 2007 a été envoyée au CRTC et acheminée au CCNR :

Madame, Monsieur,

Permettez-moi de vous signifier mon profond dégoût concernant les propos homophobes de l'animateur Louis Champagne, propos tenus le 27 [sic] février 2007 sur les ondes de CKRS 590 AM au Saguenay.

Il est absolument inadmissible, au Québec, en 2007, qu'un média soit autorisé à diffuser de telles propagandes haineuses. Je demande que la licence attribuée à Corus Entertainment pour cette fréquence lui soit immédiatement retirée si elle ne prend pas des mesures drastiques et immédiates pour qu'un tel événement ne se reproduisent [sic] plus, incluant le renvoi sans appel de Monsieur Champagne. Ce monsieur pourrait aller faire de la radio dans un pays où l'intolérance et la discrimination sont la norme.

Ce grossier personnage, qui devrait garder ses opinions rétrogrades et offensantes pour lui, s'en tire présentement avec une tape dans le dos de son employeur. S'il y a encore de l'homophobie et du racisme au sein de notre société, c'est justement parce que des gens transmettent encore de telles valeurs autour d'eux, principalement les parents aux enfants. Que quelqu'un véhicule des messages d'homophobie publiquement et se mérite encore le privilège d'exprimer ses opinions sur les ondes en restant complètement impuni ne fait que légitimer tous les gens non-évolués qui désirent perpétuer la tradition du rejet et de l'exclusion au Québec.

Oui, il a présenté des excuses. « Les propos exprimés ont pu être interprétés comme étant homophobes. Je réalise maintenant que j'aurais dû mieux choisir les termes utilisés et je suis sincèrement désolé. Ainsi à ceux qui ont été choqués ou blessés par mes paroles, je présente mes excuses et je vous affirme que mes propos sur l'homosexualité ne comportaient aucune intention blessante, méprisante ou discriminatoire », dis le communiqué officiel. Comment les propos « est-ce que c'est en train de devenir un parti de tapettes », en se référant au fait qu'il y a deux gays dans le Parti québécois, pouvaient-ils être dits sans intention blessante, méprisante ou discriminatoire? La seule réponse qui me vient en tête est qu'il pensait que la majorité de son auditoire était de son avis.

Même en choisissant mieux ses mots, il aurait alors dit : « est-ce que c'est en train de devenir un parti d'homosexuels? », cela n'aurait guère été mieux. C'est comme si j'avais dit à propos d'un parti qui compte plusieurs députés noirs « est-ce que c'est en train de devenir un parti de nègres? », et que je m'excusais en disant que je voulais dire « est-ce que c'est en train de devenir un parti de noirs? » et que j'avais dit nègres sans intention offensante ou raciste.

Je suis aussi choqué de la façon légère qu'a eu Corus Québec de passé [sic] l'éponge sur ce faux pas qui aura des répercussions sur la réputation des gens des régions ainsi que sur l'affluence touristique cet été au Saguenay et dans les environs. J'aimerais que le CRTC mette cette station sous tutelle, en attendant qu'elle prouve qu'elle a pris les moyens nécessaires pour que cet incident ne se reproduise jamais. Je voudrais aussi que le CRTC revoit sa décision d'accorder une fréquence FM à une station qui de toute évidence veut continuer à diffuser des contenus qui ne méritent pas d'être sur les ondes. J'aimerais que le CRTC prenne en considération le tort que de tels propos causent dans notre société.

Je vous remercie à l'avance de l'attention que vous porterez au dossier et vous prie d'agréer, Madame, Monsieur, l'expression de mes sentiments les plus distingués.

**Le plaignant a ensuite envoyé la lettre suivante, en date du 2 juin 2007, avec sa demande de décision jointe :**

Madame, Monsieur,

Je suis désolé de devoir vous informer que ma plainte déposée auprès du CRTC (référence 339842, CCNR C06/07-0904) concernant les propos homophobes de l'animateur Louis Champagne est restée sans réponse. Je ne peux qu'en conclure que la direction de cet organisme croit être au-dessus des lois qui régissent votre secteur d'activité. Je réclame donc de vous, membres du Conseil canadien des normes de la radiotélévision, que vous sévissez de manière sévère et exemplaire pour qu'une telle bévue ne se reproduise plus jamais dans notre pays.

J'aimerais aussi vous signaler que le résultat de la présente démarche se trouvera au centre du plus important recours judiciaire et de la plus importante opération médiatique visant à contrer l'homophobie jamais entreprise au Canada. Je considère cet événement malheureux comme LE point à partir duquel TOUS les Canadiens devront comprendre que l'homophobie n'est pas acceptable dans notre société, une réalité que semble contredire l'attitude totalement de CKRS et de Corus Québec dans ce dossier.

L'absence de toute réponse suite à ma plainte déposée devant le CRTC me force à demander la démission du directeur de CKRS ainsi que du président de Corus Québec vue leur incapacité évidente à sanctionner un comportement aussi bas que de tenir des propos homophobes en ondes, au Québec, en 2007, comportement qui devrait faire partie d'un passé lointain et honteux. Par leur volonté de bonifier l'action de Louis Champagne, ces deux personnages, dont le devoir premier est de préserver la qualité du contenu présenté au public, nous ont prouvé leur incapacité à gérer correctement un média d'information et à s'assurer qu'aucun propos diffamatoire et haineux ne se retrouve sur les ondes.

Je compte sur vous, honorables membres du CCNR, pour rendre justice dans ce dossier afin de minimiser le tort causé par la complète irresponsabilité de certains acteurs importants du secteur des médias au Québec.

En vous remerciant à l'avance de l'attention que vous porterez à ce dossier, je vous prie d'agréer, Madame, Monsieur, mes salutations les plus distinguées.

### **La réponse du radiodiffuseur**

**CKRS a envoyé la réponse suivante en date du 18 juin 2007 :**

Le Conseil canadien des normes de la radiotélévision (le « CCNR ») nous a demandé de donner suite à votre lettre, dans laquelle vous formulez une plainte à propos de commentaires diffusés par Louis Champagne (l'« Animateur ») sur les ondes de CKRS-AM (la « Station ») le 27 février 2007.

Nous sommes bien conscients des commentaires dont vous vous référez, et nous convenons que le langage utilisé par l'Animateur n'était pas approprié pour diffusion. Comme vous le savez peut-être, Corus Québec s'est prononcé contre les commentaires en question, en déclarant publiquement que nous les trouvons inacceptables, et qu'ils ne reflètent en rien les opinions de Corus Québec. De plus, veuillez noter que nous avons discuté de ces questions avec l'Animateur, et qu'il a présenté ses excuses concernant ses propos en ondes lundi le 12 mars.

Nous prenons très au sérieux nos responsabilités de diffuseur et nous nous efforçons de veiller à ce que l'ensemble de notre programmation soit conforme à la *Loi sur la radiodiffusion*, au *Règlement des radiocommunications*, ainsi qu'aux normes et au *Code de déontologie* auxquels nous sommes assujettis en tant que membre du CCNR.

Nous, de la Station, reconnaissons l'importance des réactions de nos auditeurs et nous apprécions le fait que vous ayez communiqué avec nous. Nous espérons que la présente répondra à vos attentes.

Veuillez agréer, Monsieur [plaignant], nos salutations distinguées.

## **Correspondance additionnelle**

Le plaignant a fait une deuxième demande de décision le 3 août 2007 avec le courriel suivant :

J'aimerais savoir si je dois vous refaire parvenir une autre lettre pour confirmer que je maintiens ma plainte contre CKRS. Je considère ma demande de décision toujours valide étant donné que CKRS n'a pas cru nécessaire répondre dans les délais requis. J'attends votre réponse téléphonique dans les plus brefs délais.