
**CANADIAN BROADCAST STANDARDS COUNCIL
QUEBEC REGIONAL COUNCIL**

CFTM-TV re *Mongrain*

(CBSC Decisions 93/94-0100, 93/94-0101, and 93/94-0102)

Decided December 6, 1995

J. Deschênes (Chair)*, P. Audet, Y. Chouinard, R. Cohen (*ad hoc*),
L. Harvey

(*Since Mr. Deschênes' station was directly involved, he abstained from consideration of this matter.)

THE FACTS

On November 23, 1993, during the *Mongrain* show on CFTM-TV (Montreal), in a 24 minute segment, the host discussed a religious group known as the "Raëliens" and interviewed leaders of the group. One of the issues at the time which gave rise to the interview was the removal of a Quebec psychologist from Quebec's Professional Order of Psychologists, apparently because he was also President of the Canadian Raëlien movement. As it was described in the program, his association with this religious group was deemed by the Order to affect his professional conduct. It was also reported during the segment that the psychologist had initiated a complaint with the Quebec Human Rights Commission for discrimination on the basis of religion. Mongrain interviewed both the international leader of the Raëlien movement ("Raël" himself) and Daniel Chabot, the psychologist.

Going into a commercial break, Mongrain introduced the segment with the Raëlien representatives in the following terms:

[translation] After the break; you know the popular saying "Travellers from afar can lie with impunity" or, in Goebbels' words "the bigger the lie, the more likely people are to believe it". We'll be welcoming Raël, the man who's met the Elohim, who's had lunch with Jesus Christ, Julius Caesar, Abraham and all the forefathers.

After the commercial break, Mongrain continued:

[translation] Perhaps you've read the reports in the paper where seven professionals -- doctors, teachers, psychologists, lawyers -- say that they're proud to be Raëliens, but that they never let their personal beliefs interfere with their professional activities. That's what all the controversy is about. Daniel Chabot is a psychologist, and at a conference, he extolled the virtues of masturbation as a means of reaching cosmic orgasm. And now his professional association is pointing a finger at him and telling him: "tisk, tisk, tisk, you're not fit to practice your profession", and an investigation of his conduct is underway.

A *Mongrain* reporter proceeded to discuss the investigation, by the Order's professional inspection committee, into the conduct of the psychologist, Daniel Chabot. The reporter then introduced an interview with a medical doctor, a lawyer, and a psychologist, all members of the Raëlien movement, who presented their reactions to the matter and affirmed that, as professionals, they could and did separate their religious beliefs from their professional conduct. *Mongrain* then began his interview with the leader of the Raëliens:

[translation]

Mongrain: ...the great guru, the great master, you know him, it's Claude Vaurillon. That is your name?

Raël: Yes, it's Raël.

Mongrain: No, it's Claude Vaurillon.

Raël: Well, that's the name I was born with, yes.

Mongrain: Yes. But you were baptized by the Elohim -- given another name, because you were chosen. Let's quickly recap. In '73 you were abducted by the Elohim, extraterrestrial beings who took you to their world, and there, lucky you, you had an opportunity to eat with Jesus Christ, Mohammed, Moses, and the rest of those guys.

Raël: ... I just had a contact on Earth. It's not the first time in human history that they've taken place. They've taken place throughout human history. Since Moses and since the burning bush, since Ezekiel, since Jesus who (...) on a journey It's the same thing. It's the continuation of that line of great messengers who existed in the past. It's a further message that shows the Bible in a new light. And that's really why we have, within our organization, many priests, Catholic priests who are leaving the Catholic religion to come and help me, because it's a continuation.

Mongrain: Right. In any case, you ate with Jesus Christ, Mohammed, Allah, and so on. That's pretty heavy, isn't it? Travellers from afar can lie with impunity; the bigger the lie, the more likely people are to believe it.

Raël: If you interviewed Jesus during his time, I think you would've liked that. You could say the same thing. Each time a messenger arrives with a revolutionary message that changes something for mankind, that brings new values, that offers human beings some liberation -- because, don't forget, the message Jesus brought was revolutionary and the critics of that time said the same thing: he dreamed it, he's crazy, it's not possible. It's the same thing. Any messianic or prophetic vision can be interpreted as crazy by people who are (...).

Mongrain: Are you a Messiah?

Raël: Totally.

Mongrain: Totally?
Raël: Well, yes. Of course.
Mongrain: The last of the great prophets.
Raël: Yes. The last before the return of the Elohim, who will be coming back.
Mongrain: Who are our creators.
Raël: Who are our creators.

The two discussed the Raëlien concept of creation; Mongrain then segued into a discussion of the structure of the movement. The interview continued:

[translation]
Mongrain: The Raëlien movement: it's an incorporated movement, we understand.
Raël: Of course, in 44 countries.
Mongrain: Non-profit?
Raël: Non-profit.
Mongrain: So, tax deductible for life and all the rest. How much does it cost?
Raël: To be a member?
Mongrain: Yes.
Raël: You can be a Raëlien for free.
Mongrain: But ten per cent of my income?
Raël: Those who want to. But I mean you can easily...
Mongrain: Conferences, 25 bucks a head, to go and hear about the wonders of cosmic ejaculation.
Raël: You can be a Raëlien for free.
Mongrain: We're going to stop here for a break, because for us it's not free. The advertising must go on. We'll be right back after the break with the psychologist who is under attack by his professional association.

After a commercial break, Mongrain returned to interview the psychologist, Daniel Chabot.

[translation]
Mongrain: Daniel Chabot, who's beside me here, is the man at the centre of the controversy. Daniel Chabot is a psychologist, a professor of psychology in Quebec City, Quebec, the author of two books: *La sagesse du plaisir* and *Plaisir et conscience*. *Plaisir et conscience* is your latest work,....
Mongrain: On the book jacket, there is nothing that tells us you are a Raëlien and leader of the group for Canada.
Chabot: No.
Mongrain: All it says here is that you are a psychologist, and you presume, in the name of intellectual honesty, to say that this book is, moreover, the only serious study on Raëlianism -- That may be. Because who else would be interested in it? But we'll see -- allowing people to form an objective opinion of this philosophy. You are the boss for Canada, and you have an objective study of the Raëlien movement?
Chabot: Well, the reader will be the judge. I based my work on...
Mongrain: No, no, but me, I'm the judge. I've read it.

- Chabot:* You've read it, you must have noticed that there were at least a hundred scientific references in it.
- Mongrain:* Yes. Patched together.
- Chabot:* Well, call it what you like, but I'm telling you that I based my work on the latest scientific data in psychology, hymnology and other related fields to see to what extent Raël's teachings agreed or disagreed with generally recognized teachings and principles.
- Mongrain:* The basic problem -- actually, whether you are a Raélien or Chinese I couldn't care less -- is whether you, as a professional, are capable of not being influenced by this great revelation of your master when dealing with me as a patient, a client, a receptive person in a trusting relationship.
- Chabot:* Listen. First of all, as a psychologist I don't see people in private, individual consultations, and if I did, of course I would be just as capable as a Jew or a Catholic. Among the 5,000 psychologists who make up the Quebec Professional Order of Psychologists, you cannot convince me that I am the only one who belongs to a religious minority and that I am the only one who has ideologies and beliefs. So why would it be different in my case? ... My problem is that I belong to a religious minority, and that's one of my fundamental rights, and if that's held against me -- then that's where there is a problem.
- Mongrain:* But, it becomes my problem if you give me a prescription for masturbation for the next three days when I come to see you.
- Chabot:* Yes, but that doesn't happen.
- Mongrain:* That doesn't happen.
- Chabot:* Of course not. Come on now, let's be reasonable about this. I mean, there's no way -- The thing is, there was a conference on masturbation. It's a taboo subject and it made waves and then, I don't know what happened, I don't know who notified the Professional Order, and suddenly here I am being investigated, ostensibly because I may have been contaminated by my religious beliefs. It's very serious to say such things when you are Vice-President of the Quebec Professional Order of Psychologists.
- Mongrain:* And when you attack the Canadian president of the Raéliens?
- Chabot:* But when you attack an individual's fundamental rights, it doesn't matter who he is or what he does. I'm not the only one who belongs to a professional association.

After some further discussion of an anticipated spiritual centre for the movement, Mongrain discussed the movement in Quebec:

[translation]

- Mongrain:* Raël and Mr. Chabot, how many -- what would you call them -- followers, members do you have?
- Chabot:* Members.
- Mongrain:* Members in Quebec?
- Chabot:* As I often say, it's important to make a distinction between those who are simply friends of the movement and those who are active members. For the first group, it's difficult to say exactly how many - - somewhere between three and five thousand, and for active members -- by that I mean those who are involved in spreading the word -- we have about four to five hundred.

Mongrain: OK, so you, you're the leader, if we can call it...
Chabot: I'm President of the Canadian Raélien movement.

During a final segment of the interview, Mongrain and Raël discussed the nature of the movement, as a sect and as a religion:

[translation]

Mongrain: ... Raël, is it in 2035 that they're coming back, the Elohim?
Raël: Before 2035, as soon as possible, and I am very happy to...
Mongrain: Will the ignoramuses like us, we the primitives, be saved?
Raël: I don't believe you're that much of an ignoramus....
Mongrain: We're not in danger?
Raël: I think that in fact that -- and I watch your program sometimes when I'm in Quebec -- you're a defender of human rights that I was just referring to and which are the most important value on Earth.
Mongrain: And I defend against taking advantage of the naïveté of others too. I hope that's not the case here.
Raël: There is no naïveté; on the contrary. You've just quoted people who are cultured, who've been to university. No, if I were surrounded by those who are really primitives, then people would say, "He's taking advantage of their naïveté." Look at Daniel, ask him questions. He's just published two books; do you think he is naïve?
Mongrain: So it's a movement, it's not a sect?
Raël: You can call it a sect. It was said that the first Christians were a sect, and they insisted on it, and I think why not have the right to be a sect and say: "Yes, I'm a sect and I'm proud of it." Why not give some nobility to this word -- religious minority or sect?

The interview closed with a very brief recap of Chabot's complaint before the Human Rights Commission.

The Complaints

Several viewers wrote to the Canadian Radio-television and Telecommunications Commission (CRTC) to complain about the program. In a letter of November 29, 1993, one viewer stated:

[translation]

I was deeply disgusted by Mongrain's attitude toward his guests, Daniel Chabot and Raël, who were also his victims ... He not only disappointed me but deeply disgusted me. I thought he was on the side of the victims of the injustice in our totalitarian society that cannot seem to get rid of its prejudices. Instead, he showed he is on the side of the narrow-minded wretches who try to think on behalf of his audience, as though the people who listen to him were incapable of thinking for themselves. I find Mongrain's arrogance and contempt quite unwarranted. What on earth does he have to fear from the Raéliens to be so rude to them?. He presents himself as a man who fights for the victims of our system. I see him more as an opportunist who fights battles that have already been won!

A second viewer wrote on November 25, 1993:

[translation]

Whatever happened to this journalist cum hero, defender of rights and freedoms, of widows and orphans... Is that not him we see now on Télé Métropole [sic], on Tuesday, November 23, 1993... discrediting, insulting, verbally abusing and calling liars his guests, Raël, Daniel Chabot, and all those who support them...

The same viewer wrote to the CBSC on February 18, 1994 to state that:

[translation]

The show's host, Mr. Jean-Luc Mongrain launched an attack on his two guests, discrediting them, calling them liars and using disgraceful language. For example, he introduced his guests by saying, "travellers from afar can lie with impunity." During the interview with Raël, he said in an arrogant tone: "...the bigger the lie, the more likely people are to believe it", "...I defend against taking advantage of the naïveté of others..." In short, he publicly insulted them and made it sound as though they had the worst intentions in the world.

A third viewer, identifying herself as a follower of the movement, wrote directly to Mr. Mongrain on November 27, 1993:

[translation]

I deplore your lack of professionalism and objectivity on Tuesday's show... Not only did you introduce Raël as a liar, but you pushed your arrogance so far as to basely make fun of Daniel Chabot and the six professionals who support him in his battle for respect of his fundamental right to belong to a philosophical movement. You have abused your role as host...

...You have shown a lack of respect not only for Raël and Daniel Chabot but, through them, for thousands of honest people who support them.

...On Tuesday evening, you demonstrated your narrow-mindedness, and your attitude is tantamount to inciting hatred toward the members of the religious minority to which I belong.

The CBSC sent the complaints to CFTM-TV for response.

The Broadcaster's Reply

In his response to all three complainants, M. Bernard Guérin, Legal Counsel for CFTM-TV, defended the station's programming choice in stating:

[translation]

The *Mongrain* program is a news and public affairs program that presents current events and comments on them, while at the same time allowing for different points of view on the subject presented, and sometimes also for editorial comments.

Mr. Jean-Luc Mongrain's program followed a conference organized by the Raélien movement, at which Mr. Daniel Chabot extolled the virtues of pleasure. Mr. Chabot was subsequently investigated by the Quebec Professional Order of Psychologists, which was especially critical of him for having exercised his profession in a sensationalistic manner. The facts surrounding this investigation and the absence of any formal complaint against Mr. Chabot were presented in a completely objective manner at the start of the program by the journalist, France Gauthier.

Later in the program, the founder of the Raélien movement was invited to explain what the movement was all about. In addition, Mr. Daniel Chabot also presented his point of view concerning the investigation into his conduct.

While acknowledging that "Raël" and Mr. Chabot were the subjects of an intensive interview, we believe that they were treated properly and objectively, thus complying in every respect with the code of ethics to which Télé-Métropole adheres.

You will agree with us that, for society in general, the Raélien movement is a controversial subject of public interest, which, while being treated impartially, warrants a certain detachment and a critical approach where the assertions made by the movement are concerned.

The complainants were not satisfied with the station's response and requested that their files go before the Quebec Regional Council for their consideration.

THE DECISION

The CBSC's Quebec Regional Council considered the complaints under the *Code of Ethics* of the Canadian Association of Broadcasters (CAB). Clause 6(3) (News) of that *Code* reads, in relevant part:

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

CAB Code of Ethics, Clause 7 (Controversial Public Issues):

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

The Regional Council viewed the tape of the program in question, and reviewed all the related correspondence. For the reasons given below, the Regional Council determined that the broadcast did not breach the *Code of Ethics*.

The Interpretation of Clause 6(3) of the CAB Code of Ethics

The CBSC has interpreted and applied Clause 6(3) on several occasions. The Council has explored the meaning of “full, fair and proper” presentation of content in various types of programming, including broadcasts falling into each of the “news, opinion, comment and editorial” categories. Although the clause is nominally headed, “News”, it has been understood by the Regional Councils to have a *much* broader scope of application. The Council has thus, for example, applied the clause to open-line programming; see, among other decisions, *CKTB-AM re the John Michael Show* (CBSC Decision 92/93-0170, February 15, 1994) and *CFRA-AM re Lowell Green* (CBSC Decision 93/94-0276, November 15, 1994); and to other types of public affairs programming, as in *CJMR-AM re the Voice of Croatia* (CBSC Decision 92/93-0205, February 15, 1994). This is, however, the first occasion on which the Council has had the opportunity to consider the French-language wording of the Clause and the anomaly arising therefrom.

The Quebec Regional Council notes that the French-language translation of Clause 6(3) differs somewhat from the English-language version in emphasis. The French-language text reads, “C’est un fait reconnu que la tâche première et fondamentale du radiodiffuseur est de présenter des nouvelles, des points de vue, des commentaires ou des textes éditoriaux avec exactitude, d’une manière *objective, complète et impartiale*. [Emphasis added.]” In particular, the Quebec Council members recognize that the words “full, fair and proper”, in the English version, do not correspond exactly to “d’une manière objective, complète et impartiale” in the French translation. While the English text provides no conflict between the *necessarily* subjective presentation of “opinion, editorial and comment” and “full, fair and proper”, the French text presents an impossible task to a French-language broadcaster attempting to adhere to the French-language requirements of the Clause. To provide “des points de vue, des commentaires ou des textes éditoriaux” in a “manière objective ... et impartiale” is essentially a contradiction in terms. In the opinion of the Council, it is unreasonable to expect that “points de vue” and “textes éditoriaux” be presented in an “impartial” manner, and that, by their very nature, editorial and opinion (“points de vue” and “textes éditoriaux”) are *partial*, that is, they contain some element of preference or bias. It would thus be utterly unreasonable to impose such a standard on a French-language broadcaster.

Council members attribute this difference in emphasis to the particular translator(s)’s choices in the adaptation of the English text to French. This is, after all, a case in which the English text was the original text and the French version a translation of that document. In the circumstances, while the Council believes that there may be aspects of the Clause which apply similarly to the French and English broadcasters, such as the “juste” presentation “des nouvelles, des points de vue, des commentaires ou des textes éditoriaux”, those aspects which cannot be so applied must be considered in the sense in which other Regional Councils have

interpreted the English-language version of the Clause. It goes without saying that Canadian broadcasters cannot be held to different levels of responsibility as a function of the language in which they broadcast.

The Treatment of Talk Show Guests

The CBSC has, on a few occasions, addressed the question of the treatment of guests in public affairs programs, including callers to open-line programs. See, for example, *CFRA-AM re the Lowell Green Show* (CBSC Decision 93/94-0276, November 15, 1994), *CFRA-AM re the Steve Madely Show* (CBSC Decision 93/94-0295, November 15, 1994), and *CTV re Canada AM* (CBSC Decision 94/95-0059, August 18, 1995). In *CFRA re the Lowell Green Show*, the host of the program had, according to a listener, unfairly cut off a caller. The Ontario Regional Council agreed with the listener, affirming that:

by not allowing her to speak...the host had not only infringed her freedom of expression, but had also precluded the “free flowing expression of views of public concern” deemed essential to this type of programming. The host of the program had clearly insulted the caller and cut her off for anticipating that she had a point of view different from his. The Regional Council unanimously agreed that, by limiting debate in this manner and for this reason, the station breached clause 6 of the CAB *Code of Ethics*.

While it is not an open-line program, the *Mongrain* program in question did contain some parallels to the Lowell Green show described above. As in the case of the Lowell Green show, the Council’s concerns were with the treatment of a guest to the show and with the opportunity of the guests to present their point of view.

There were, however, some important differences between the CFRA host and the Mongrain’s conduct during his interviews with Raël and Chabot. It is, for example, clear to the Regional Council members that Mongrain made a number of contentious statements (“travellers from afar can lie with impunity”, “the bigger the lie, the more likely people are to believe it”) and posed several provocative questions to Raël and Chabot (“In any case, you at with Jesus Christ, Mohammed, Allah and son on. That’s pretty heavy, isn’t it?”, “Conferences 25 bucks a head, to go and hear about the wonders of cosmic ejaculation”).

At the same time, however, and in stark contrast to the *Lowell Green* complaint, Mongrain afforded his guests ample opportunity to respond to his contentions and present their points of view during the 24-minute segment. Indeed, the Regional Council members note that the guests were in a position to refute certain of the host’s statements and did provide some clarification, as for example regarding the discussion of the costs of membership in the movement, or the complaint filed by Chabot with the Human Rights Commission. Thus, unlike the Lowell Green complaint, where debate was limited, indeed curtailed, Mongrain’s provocative

statements encouraged debate and enabled clarification of the position of the Raëliens. As a result, the Regional Council concludes that there was no breach of clause 6(3) of the *CAB Code of Ethics*.

Furthermore, Council recognizes that the program (with its host's often provocative public statements) is well-known in the Quebec market and airs on the most-watched television station in Montreal. Both guests and viewers of the program would therefore be familiar with the host's approach, his challenges of his interviewees and his aggressive interviewing style. Raël as much as admitted this at one point during the interview. Council affirms that, in this context, Raël and Chabot were "informed" guests and, as such, should have been prepared for both the tone and the nature of the assertions presented by Mongrain.

The Treatment of Controversial Issues

The Regional Council now turns to the application of clause 7 of the *CAB Code of Ethics*, and more specifically to the issue of "fair" treatment of this controversial public issue. As a public affairs program, *Mongrain* presents lively debate on topical, and controversial, issues. The host may present a point of view on such issues but, as the *Code of Ethics* affirms, there must be fair and balanced treatment of those issues. In the case at hand, Council asserts that Mongrain was entitled to express an opinion on the nature, principles and operations of the Raëlien movement.

Moreover, as the host of a popular public affairs program, he would not have been fulfilling the role of the broadcaster to present "news and opinion on any controversy which contains an element of the public interest" had he *not* questioned the public assertions of the Raëlien movement, many of which would be seen by society in general as being well removed from mainstream perceptions. Council concludes that Mongrain fulfilled his responsibility to address the issue, to present his own opinion and to provide his guests with the opportunity to present theirs.

Broadcaster Responsiveness

The CBSC always recognizes the broadcaster's obligation, as a CBSC member, to be responsive to complainants. The principle of responsiveness was first elaborated in *CFOX-FM re The Larry and Willie Show* (CBSC Decision 92/93-0141, August 30, 1993), in which the B.C. Regional Council affirmed that "it is firmly within its mandate to evaluate not only the complaint itself against the standards established by the various Codes which it administers but also the responsiveness of the broadcaster in dealing with the viewer or listener." In this case, the Regional Council considers that the response from CFTM-TV's Legal Counsel to the three

complainants was appropriate. Consequently, the broadcaster did not breach the Council's standard of responsiveness.

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