
**CANADIAN BROADCAST STANDARDS COUNCIL
BRITISH COLUMBIA REGIONAL PANEL**

CKNW-AM re *Warren on the Weekend*

(CBSC Decision 01/02-0721)

Decided January 14, 2003

S. Warren (Chair), H. Mack (Vice-Chair), R. Cohen (*ad hoc*), G. Leighton,
D. Millette, J. Rysavy

THE FACTS

Warren on the Weekend is an open-line radio talk show hosted by Peter Warren, broadcast on CKNW-AM (Vancouver). The challenged episode began just after 10:00 am on March 24, 2002. To discuss the first topic of the day, celibacy in the Catholic priesthood, Warren's guests were Monsignor Peter Schoenbach, the General Secretary of the Canadian Conference of Catholic Bishops, and François Brassard, spokesperson for Corpus Canada, an organization supporting the principle that priests should be allowed to marry or live with partners, whether in heterosexual or homosexual relationships.

The program began with a discussion about the accusations of paedophilia levelled at Catholic priests in Boston. Monsignor Schoenbach explained that the Canadian Catholic Church, responding to similar circumstances in Canada during the 1990s, had developed guidelines encouraging dioceses to be more transparent and co-operative with authorities. He also contended that celibacy should not be seen as a direct cause of paedophilia. After the first commercial break, Warren introduced Brassard, who expressed the viewpoint that the Church was not open enough, in part due to the celibacy issue. He explained how his group was promoting changes, most of which had not yet been accepted by the governing Church bodies. Just before the second commercial break, Warren stated:

We'll be back and Canadians coast to coast, you can climb aboard. I warn listeners this is not going to be turned into an anti-Catholic tirade. We are trying to understand here whether you agree or disagree. Your calls are welcome

coast to coast, but in no way am I going to allow this to get into the gutter. And if you're going to try and squeeze, if anyone out there thinks they're going to try and squeeze an anti-Catholic bigoted tirade up on this issue, you got it wrong baby. 'Cause I got a delay system and you'll be holding an empty phone. So put that where the sun don't shine.

After that second commercial break, Warren took calls from listeners, the majority of whom agreed that priests should be allowed to marry. Warren asked whether that was the prevailing opinion among parishioners; Brassard responded that statistics demonstrate that it was; Schoenbach stated that he had not examined that question. Callers also asked their own questions, such as how the Church had the authority to require celibacy, and whether priests were allowed to masturbate. The Monsignor and Brassard recounted the historical development of celibacy in the priesthood and gave their views on the issues raised by the callers.

Immediately following the third commercial break, Warren took a call from Bob, who said "Oh, dear. Peter, I don't want you to hear this but Jesus was anti-religious. And I'm married to a queer and you can tell these religious bastards to fuck off." Warren responded with some exasperation, "All right. Thank you very much." The program continued without anyone making any further reference to Bob's call. The next caller, Mary, for example, posited that the English prayer books contained commandments that differed textually from the French ones and she concluded that it was easier to be Catholic in English than in French. Warren then repeated, "We are not turning it into an anti-Catholic tirade; I've already explained that to you." During the remainder of the program, Warren took calls on various related subjects and only once cut off a caller, who had begun a religious rant. The program ended without further incident, each of the guests being permitted to enunciate his concluding position.

The Correspondence

The portion of the complainant's letter (sent about a week later) which is cited below provided his position on the host's style and on the particular aspect of the show that had concerned him (the full texts of the letter and all other correspondence are found in the Appendix):

Mr. Warren's style (if indeed it may be termed so) is considered by many to be grating, insulting, or just downright rude. Be that as it may, I feel that Mr. Warren over-stepped his mandate in a program aired Sunday, March 24, 2002 [...] During the open line session, a caller identified himself as someone who lives with a "queer" and that he felt that all religious persons should – go fuck themselves, or – fuck off, or something approximating it.

Now I realize that Mr. Warren cannot make his caller not speak in such terms, but I believe they are required to have a several second delay of the broadcast, which gives them ample time to "edit" what was said. It was obvious that Mr.

Warren wishes to make his program controversial by refusing to “beep out” the offending words, statement, etc.

The broadcaster’s Program Director responded on May 7. He described the nature of the show and the subject of the debate which took place on that day:

As you know, the Program is an open-line program containing a discussion on a wide range of topics of public concern, many of which are controversial and invite strong debate. [...] The discussion [on March 24] centred on controversial issues such as celibacy of the priesthood, marriage and masturbation and invited our listeners to call in with their views and questions.

He disagreed with the complainant’s position that the “offensive words were not beeped out in a timely manner in an attempt to render the Program more controversial.” He explained:

Please be assured that this was not the case. The Station employs an operator charged with the task screening and monitoring calls and of censoring sensitive content within the seven second time delay, using special technology installed in our control room specifically for this purpose. The Station had recently installed a new configuration on that technology. Regrettably, on March 24, 2002, the mechanics of the new configuration failed us and consequently the offensive words noted in your letter were aired in error. We have since reviewed the technology and are confident that we will be better able to prevent such language from being broadcast.

The complainant returned his Ruling Request on May 22 with a copy of his letter to CKNW’s Program Director, in which he asserted:

Your main argument here is that the “Program” and that day’s open-line subject was “controversial and invite[d] strong debate”; as if to dignify this ignoramus’ statement by labelling it “debate”. And it wasn’t merely the airing of crude and unnecessary language (over the public air-waves) that was most offensive. It was the promotion of hatred against an identifiable group, i.e. religious/Roman Catholics, by another identifiable group, homosexuals.

[...]

And as regards your explanation, I think it would be foolish of me to blindly accept your contention that this was a simple technical glitch. Glitch or not, it is only fitting that a public apology be made to your listeners for this failure, be it technical or moral.

There was no further correspondence between the complainant and the broadcaster.

THE DECISION

The British Columbia Regional Panel considered the complaint under the

following provisions 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 rights 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.

CAB Code of Ethics, Clause 6, paragraph 3:

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:

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 B.C. Regional Panel Adjudicators listened to a tape of the episode of *Warren on the Weekend* in question and reviewed all of the correspondence. The Panel considers that nearly all of the broadcast of March 24 was in full conformity with the above-cited clauses; however, a small portion of it violated Clause 6, paragraph 3 of the *CAB Code of Ethics*.

The Substance of the Program

The complainant and the broadcaster agree on the nature of the substance of the show of March 24; however, they disagree as to its characterization. It clearly dealt principally with subjects about which the Catholic Church has a policy, namely, celibacy, on the one hand, and the right of ordained priests to marry, on the other. The broadcaster viewed the episode as normal within the context of the show although it acknowledged that it was one which was “controversial and invite[d] strong debate.” The complainant considered the specific material resulting from Bob’s call “the promotion of hatred against an identifiable group, i.e. religious/Roman Catholics, by another identifiable group, homosexuals.”

The Panel Adjudicators listened to the full program for March 24 and, if anything, found it very balanced and far less accusatory than might have been contemplated given the differing positions of the two principal guests. Indicating his anticipated limits of the show, the host made it perfectly clear that he would not brook any anti-Catholic diatribe on the episode. Indeed, there was little, if any (absent the one call, which is dealt with at greater length below), and he only ended up cutting off a single caller for engaging in a tirade. Whether the complainant does or does not appreciate the occasionally irascible style of the host, the Panel considers that he ran a “tight ship” on the March 24 show. He was, of course, correct in wanting to tackle a currently very public and important matter, namely, the entitlement of priests to marry. If anything, broadcasters are encouraged by their *Code of Ethics* to recognize “that healthy controversy is essential to the maintenance of democratic institutions” and that such programming is *encouraged*, not *discouraged*. The Panel in fact found the discussion balanced, reasonably friendly and remarkably free from hostility and even sharp argumentation. The host also succeeded effectively in providing each guest with roughly equal time.

With respect to the complainant's concern about Bob's call, *apparently* (but not certainly) made by a member of the gay community vis-à-vis Roman Catholics, the Panel concludes that it must be considered in the context of the full program. The segment was, as noted above, balanced, free from hostility, not accusatory and, generally speaking, a fair discussion of the complex issue of the day. This call was an isolated phenomenon and not in the least reflective of the tone of the program, which did not *in any other sense* promote bad feeling of any description (much less hatred) against the Roman Catholic community. In all, there is nothing in the well-managed discussion of this potentially delicate subject which could be described as constituting abusive or unduly discriminatory comment on the basis of religion. There is no breach of the Code on this account.

The Call from Bob: A “Technical” Glitch?

The call from Bob was a different matter. It included an epithet, the f-word, and constituted an unnecessary, improper and inappropriate intervention in an otherwise serious, well-run program. Before dealing with other “technical” aspects of this call, the Panel considers it appropriate to indicate that it finds *nothing* in the approach of either the broadcaster or its host to justify the complainant's allegation that the offensive words were retained in a purposeful “attempt to render the Program more controversial.”

As to the use of the f-word itself, various CBSC Panels have concluded that it is inappropriate for airing at times of the day when children could reasonably be expected to be listening. See, for example, *CIOX-FM re the songs “Livin’ It Up” by Limp Bizkit and “Outside” by Aaron Lewis and Fred Durst* (CBSC Decision 00/01-0670, June 28, 2001), *CJKR-FM re the song “Highway Girl (Live)” by The*

Tragically Hip (CBSC Decision 00/01-0832, January 14, 2002) and *CFNY-FM re the song "Cubically Contained" by the Headstones* (CBSC Decision 01/02-0456, June 7, 2002). While the previous decisions each involved songs, the Panel considers that the principle established in these is as applicable to a spoken word situation. The use of the f-word, even by a caller, is the responsibility of the broadcaster. In the case of songs, it is of course evident that playing a recording is entirely in the hands of the broadcaster. While the case of an outside caller is not as controlled, broadcasters are expected to have the tools to cope with such circumstances. One such method is the delay system to which the host referred in the course of the broadcast. Another is, of course, the host's own microphone in an after-the-fact situation in which the caller somehow gets by level one.

Turning to the technical issue, then, the Panel finds that the excuse that "mechanics of the new configuration failed us" does not suffice. The mechanical techniques that exist for excising such comments ought not to fail. Indeed, the host himself warned listeners that "I got a delay system and you'll be holding an empty phone." If the "configuration" was too new, the Panel considers that further off-air testing ought to have taken place to avoid such an incident, the seriousness of which was exacerbated by the time of its occurrence.

In this case, the Panel is of the view that its conclusion would likely have been different had the host made the effort to say something appropriate to indicate that such statements as were made by Bob were unacceptable, rude, foolish or otherwise not acceptable to him, the station or his audience. This host does not hesitate to resort to his extensive verbal toolkit on other occasions. Access to it on this occasion to defuse the effect of the call would have been appropriate and, depending on the words chosen, would, from the viewpoint of the Panel, likely have sufficed, in terms of the broadcaster's responsibility. What did occur, however, constitutes a breach of Clause 6, paragraph 3 of the *CAB Code of Ethics*.

Broadcaster Responsiveness

Since one of the responsibilities of membership in the CBSC is, according to the CBSC Manual, to "co-operate fully with complainants by responding quickly and effectively to their concerns," CBSC Panels always take the time, in the course of their deliberations, to review the broadcaster's responsiveness to the complainant. Compliance with this undertaking is a matter required in all files under consideration by the CBSC's Panels. The fact that the Program Director's letter did not deal with the complainant's issues from the complainant's perspective presents no problem; it is, of course, always the case in matters that reach Panel adjudication. Nor does it matter that the Panel decision disagrees with the position that the broadcaster has taken. The obligation of the broadcaster is to state its position by responding thoughtfully and fully. The Program Director has done *that*. Nothing more is required in this instance.

ANNOUNCEMENT OF THE DECISION

CKNW-AM is required to: 1) announce this decision, in the following terms, once during prime time within three days following the release of this decision and once more within seven days following the release of this decision in the time period in which *Warren on the Weekend* was broadcast; 2) within fourteen days following the broadcast of the announcements, to provide written confirmation of the airing of the announcements to the complainant who filed the Ruling Request; and 3) at that time, to provide the CBSC with that written confirmation and with air check copies of the broadcasts of the two announcements which must be made by CKNW-AM.

The Canadian Broadcast Standards Council has found that CKNW-AM breached a provision of the Canadian Association of Broadcaster's *Code of Ethics* in its broadcast of statements by a caller to *Warren on the Weekend* on March 24, 2002. By failing to either cut out the caller's coarse language and comments by use of the technical delay mechanism or even commenting on the inappropriateness of the caller's language, the broadcaster aired improper statements in breach of Clause 6 of the *CAB Code of Ethics*.

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

APPENDIX

CBSC File 01/02-0721 CKNW-AM re *Warren on the Weekend*

The Complaint

The following complaint dated April 2, 2002 was sent to the CRTC and forwarded to the CBSC in due course:

Dear Sir/Madam,

I wish to make a formal complaint to the commission, concerning a radio program on radio station C.K.N.W., and specifically the talk show hosted by Peter Warren. Mr. Warren's style (if indeed it may be termed so) is considered by many to be grating, insulting, or just downright rude. Be that as it may, I feel that Mr. Warren over-stepped his mandate in a program aired Sunday, March 24, 2002, wherein the topic had to do with celibacy of the priesthood and its possible effects or causation, in regards to pedophilia, etc. Mr. Warren had on a Monsignor of the Roman Catholic faith, who, if I remember correctly, was a member of the Canadian Conference of Catholic Bishops. During the open line session, a caller identified himself as someone who lives with a "queer" and that he felt that all religious persons should – go fuck themselves, or – fuck off, or something approximating it.

Now I realize that Mr. Warren cannot make his caller not speak in such terms, but I believe they are required to have a several second delay of the broadcast, which gives them ample time to "edit" what was said. It was obvious that Mr. Warren wishes to make his program controversial by refusing to "beep out" the offending words, statement, etc.

Mr. Warren makes use of such words as "diddlers" for child molesters, calls Arabs "A-rabs", and numerous other uncouth and unnecessary terminologies on his program, much of which goes across Canada, and into the homes of many unsuspecting people, and in front of under-aged children.

I would appreciate it if you could keep me informed on the progress of my complaint, by either mail or fax, or phone at my address below.

Broadcaster Response

The broadcaster responded to the complainant's letter on May 7 with the following:

The Canadian Standards Broadcast Council (CBSC) has asked us to respond to your correspondence of April 2, 2002. In your letter, you raised concerns regarding some of the comments made by a caller during the talk show hosted by Peter Warren (the "Program") aired on CKNW (the "Station") on March 24, 2002.

As you know, the Program is an open-line program containing a discussion on a wide range

of topics of public concern, many of which are controversial and invite strong debate. On March 24, 2002, the Program host was having an intense discussion with two in-studio guests, Monsignor Peter Schonenbach representing the church through the Canadian Conference of Bishops (in the capacity of the general-secretary) and François Brassard a former priest now head of Corpus Canada, an organization that promotes marriage for Catholic priests. The discussion centered on controversial issues such as celibacy of the priesthood, marriage and masturbation and invited our listeners to call in with their views and questions.

In your letter, you expressed concern with some offensive language used by a caller to the Program and that you felt that these offensive words were not bleeped out in a timely manner in an attempt to render the Program more controversial. Please be assured that this was not the case. The Station employs an operator charged with the task screening and monitoring calls and of censoring sensitive content within the seven second time delay, using special technology installed in our control room specifically for this purpose. The Station had recently installed a new configuration on that technology. Regrettably, on March 24, 2002, the mechanics of the new configuration failed us and consequently the offensive words noted in your letter were aired in error. We have since reviewed the technology and are confident that we will be better able to prevent such language from being broadcast.

Please be assured that we take our responsibilities as a broadcaster very seriously. At CKNW, we work to ensure all our programming complies with the Broadcasting Act, the Radio Regulations and the Codes and standards expected of us as a member of the CBSC. We regret that you were offended by the Program, for that was certainly not the intent.

We trust that the foregoing responds to the concerns raised in your letter regarding the Program. At CKNW, we recognize the importance of listener feedback and appreciate all comments. We thank you for listening to the Station and for taking the time to share your concerns with us.

Additional Correspondence

The complainant returned his Ruling Request form dated May 22 accompanied by the following letter to the CBSC and a copy of his response to CKNW-AM:

Following this page is my answer to [the Program Director's] reply to my complaint concerning the *Peter Warren Show*, CBSC file# C01/02-721.

You may discern from the contents that I hold little faith in this entire procedure, and am convinced that nothing of substance will come of my time and efforts to try and clean up some of the filth and corruption that one hears increasingly on the public's airwaves. I clipped out an article in the *National Post* that spoke of a CBSC decision that ruled "inappropriate" the use of the term "bitch-slap" on a sports broadcast from Vancouver, but it didn't mention what station or the announcer who used the term or whether an apology was forthcoming. This you call fair? I'm sure you'll find less to be upset about when a man, who is presumably homosexual, tells all religious persons to "fuck themselves".

I think it might be more productive to look into human-rights legislation that forbids the use of hate-language against an identifiable group.

At any rate I wish to know of the out-come of this little charade, so that I can show others the futility of such a system.

I made a prodigious attempt to find anything in your reply to my concerns that could even faintly begin to exculpate your station's inexcusable conduct before and after the fact. I should point out also that the reason I'm so late in replying to your explanation is that you mis-addressed the letter, which gives me wonder just how serious you really take public complaints. But, of course, the entire procedure is laughable, and the man at the centre of it all, your employee Peter Warren, would be the first to express outrage were the police, doctors, or lawyers looking into accusations of misconduct by the members of their own profession.

Your main argument here is that the "Program" and that day's open-line subject was "controversial and invite[d] strong debate"; as if to dignify this ignoramus' statement by labelling it "debate". And it wasn't merely the airing of crude and unnecessary language (over the public air-waves) that was most offensive. It was the promotion of hatred against an identifiable group, i.e. religious/Roman Catholics, by another identifiable group, homosexuals.

As for the subject of the debate – the celibacy of Roman Catholic clergy, I would suggest that if it is controversial (which is arguable) it certainly isn't new, having being promulgated in the year 386 B.C. by Pope Siricius, and backed by no less than Augustine, Jerome, and Ambrose.

And as regards your explanation, I think it would be foolish of me to blindly accept your contention that this was a simple technical glitch. Glitch or not, it is only fitting that a public apology be made to your listeners for this failure, be it technical or moral. And please do not imagine that this has caused a diminution [*sic*] of respect for radio station as that had already reached its absolute nadir, some months earlier. If I listened, it was in a kind of rapt astonishment, a morbid fascination, if you will, at just how tawdry had become once a great radio station.

In closing, I wonder how you will look back on your (no doubt profitable) career, knowing as you surely must, that you were part of the defence of the indefensible; the corruption of our youth.