
CANADIAN BROADCAST STANDARDS COUNCIL

BRITISH COLUMBIA REGIONAL PANEL

CKYE-FM re an episode of the *Harjinder Thind Show*

(CBSC Decision 07/08-1229)

Decided October 23, 2008

S. Warren (Chair), H. Ainsworth, G. Leighton, M. Loh, O. Mowatt, T. Plasteras

THE FACTS

CKYE-FM (Red FM) is a Vancouver radio station that broadcasts in English and a number of other (principally South Asian) languages. Its *Harjinder Thind Show* is an open-line talk show on which the host, guests and callers discuss social, educational and cultural issues in English and Punjabi. It airs weekday mornings from 8:00 am to 11:00 am.

On January 31, 2008, the host, Harjinder Thind, interviewed Len Remple, a representative from an organization called Parents for Democracy in Education. They discussed the Settlement Agreement that the British Columbia Government had made almost two years earlier with Peter and Murray Corren, a same-sex married couple, to review the representation of homosexuality in the BC school curriculum. Although details of the Settlement Agreement were not systematically provided during the course of the episode, it should be noted parenthetically that the Agreement had been made following the institution of proceedings by the Correns before the BC Human Rights Tribunal in order, it would appear, to avoid costly additional proceedings. One of the Agreement's principal purposes had been to develop Guidelines for the Ministry of Education to use in connection with school curriculum review and the introduction of new course material for the 2007 school year. Among the words used in the Settlement Agreement were "consideration of equality and respect for all learners" and "inclusion and respect for diversity with respect to sexual orientation and other grounds of

discrimination, and an over-arching concern for social justice.” The Agreement added that “one topic of study within the [curriculum] will address issues of sexual orientation/gender identity.” The Correns were accorded the right to review and comment on the Guidelines. It was also provided that they would furnish the Ministry of Education “with a list of and contact information for organizations or groups with expertise in sexual orientation, homophobia, and other issues of inclusion and diversity in the curriculum.” The Ministry undertook to consult with those groups and organizations in the development of the Guidelines. It was anticipated that the implementation of the Settlement Agreement would take place over several years. The Agreement, which was signed in late April 2006, appears to have been covered in some of the BC and national print media in the month of June.

A transcript of the most relevant parts of the January 31 episode (relevant, that is, in terms of the complaint filed with the CBSC) in English follows (the full transcript can be found in Appendix A). The translation of the Punjabi text has been accomplished by an independent translator; the translated portion of the Punjabi part of the dialogue is within brackets.

Thind: Mr. Remple, good morning.

Remple: Good morning, sir.

Thind: So, tell us first about this contract. What’s going on, what you got under the *Freedom of, uh, Information Act*.

Remple: There is an act, uh, a contract has been, uh, uh, gone into between two men, Peter and Murray Corren, who are married to each other, these two men. They’ve a contract with the Province of British Columbia. It’s, uh, quite a lengthy contract. I’ve a photocopy of it which I will leave with, uh, you, sir.

Thind: Mm hm.

Remple: And it’s in legal language, but when we summarize it so that it would be easier to understand, we came up with eight points. May I read them to you?

Thind: Mm hm.

Remple: A contract was given by the BC Government to two homosexual activists in April 2006. The contract grants *special* privileges to the Correns to review the rewriting of the whole BC school curriculum in every subject from kindergarten to grade 12. The Correns are two homosexual activists living together who combined their names to one surname: Corren. C-O-R-R-E-N. The intent of the contract is to cause the entire BC school curriculum to reflect a favourable portrayal of homosexuals and a favourable portrayal of the homosexual lifestyle. No parents were granted the same privilege. These are two men who will never have children. They have a right to indoctrinate children, but parents who have children don’t have equal privileges.

Thind: Mm hm.

Remple: They revised –

Thind: Mm hm. Uh, [the copy of the contract which he has brought is also given to me. It's really, uh, signed by the B.C. Minister of Education and both of those men. Uh, this contract was made in 2006, in which they have been asked that they have to write down the whole curriculum for B.C. schools, from the first standard elementary school to the twelfth grade to change the whole syllabus. Studies about gays and lesbians, which [*sic*] are homosexual people, should be introduced in it and he also said that those two men have no child, they have combined their surname. They are married to each other, both males, men, and the parents are not part of it. There is no participation of the parents in this exercise, whose children are students and they have objections to this.] Uh, we understand this now and, uh, have you approached our Attorney-General or the Minister of Education?

Remple: Yes, I had a meeting with our, with the Attorney-General, Wally Oppal, and Shirley Bond on March 5, 2007. They, we met, we presented our protestations about this and they said that they would get back to us to answer our questions. We haven't, we had a letter from them which was a generic letter which said nothing. They did really not accept our protests and, uh, they have, since then, we've had many, m-, a lot of correspondence to them. And everything they ignored. We are ignored. I know they want us to go away.

Thind: Mm hm.

Remple: Now we –

Thind: Haven't you brought out specifically to the Attorney-General that your whole community is not in favour of lesbian and gay curriculum in the schools?

Remple: We have done that, but may I give you a bit of background about the Correns? Uh, I think it's about seven years ago, they laid a charge at the Human Rights Commission against the province that there was no teaching of homosexuality in any of the subjects. Finally, it looked like the government was going to lose. At least they thought they were going to lose. They could've fought it with tax money, but instead they knuckled under. And they just said we'll give you a contract and this contract that they have that all the subjects for all the grades'll be revised to make homosexuality be a favourable impre-, leave a favourable impression.

Thind: Mm hm. So, another thing I want to ask you is, like, you are a Protestant. There's a huge community in Abbotsford area, in rural mainland, why you would like to approach Sikh community particularly or Indo-Canadian community?

Remple: I have, uh, been persuaded that the Sikh community is listened to by the politicians. They want your votes. And they will listen more to a Sikh community or a Muslim community or some others, other than those of us who are, uh, usually what are called "Christians".

Thind: Community at large.

Remple: Community at large. And, but, with regard to this, we have a common, um, challenge here because this contract and the revision of the educational system will

change, will challenge your religious values, your cultural values, your traditional values and your heritage. And when these children are taught about homosexuality from grade 12, from kindergarten to grade 12, the young person is curious. Now what if those kids that are curious experiment? And what if they experiment and get AIDS or HIV? And it's a total denunciation of our traditional values. And this is, it's really indoctrination. And we want to oppose that as vigorously as we can.

Thind: Mm hm. And, uh, now, you think if this contract is fulfilled as a result of this, uh, uh, all the students in British Columbia will be studying along with all these subjects about gays and lesbians?

Remple: Yes. I do. And let me, I'm glad, that's a good question you ask, because when I was talking with Wally Oppal, I ask-, we asked the question "Will traditional schools, private schools, religious schools, home- schoolers be exempt from it?"

Thind: Mm hm.

Remple: And all he said was, this was an interesting way of putting it. He said, "Yes, they will be exempt." There was a pause and then he said "for now".

Thind: Mm hm.

Remple: Which tells me they're not going to be exempt. And if, if this is pushed through, that all religious schools have to teach it as well. Well then, they will say if you don't teach it, the kids are not going to get accreditation for their grade from the province.

Thind: Mm hm.

Remple: And that is a, is a very serious thing because when kids go to school they want to be graduates.

Thind: [This point is very important, that this contract was given to them in 2006, to both gay persons. Uh, those men are writing down the whole syllabus again. This will be introduced to your children from the first grade to the twelfth grade. In every subject, this gay consciousness will be inducted and he has also met the Minister of Education Shirley Bond and Attorney General Wally Oppal and he has also asked them whether religious schools be exempted from it. They said yes, they will be free for now. He said I understand from it that these schools will not be exempted and they will also have to teach all that because if you want to take provincial credits in provincial exams then that syllabus will be compulsory. When this will be compulsory to pass to get credits then Khalsa schools and other such which are, uh, private, religious, uh, educational institutions, uh, other such type schools will also have to teach the gay and lesbian lessons and this community is worried a lot. He said in clear words when I asked why have you come to our radio station, because his community has many radio stations within mainstream society, in the society at large, uh, Roman Catholics, Protestants, Anglicans, a very big community which is opposing it. He said that we have come here because we Christians are not listened to with that care by the politicians the way the Sikh community is listened to. They need the votes of the Sikh community and as they evade from the Sikh community, they don't evade us. I have come because of this, to tell the Sikh community that what is going to happen. And you can do as you wish.] So, uh, I'm sure you have studied this contract in detail.

Remple: Yes.

Thind: So when it's going to be in effect [*sic*]? How many years is it going to be since it's come into effect?

Remple: For grade 12, they have already got it in effect from September 2007 'til June 2008. For grade 12. But it's a big job to rewrite the whole curriculum. So they, the Department of Education's working on it progressively. The next stage that they want to have ready is starting for lower grades, September 1, 2008. And as fast as they can make these changes it'll be introduced into the schools.

Thind: [He is saying that, because this is a very big task, to change the syllabus for all the classes. He said that because of this, first of all, from September 1, 2008 the syllabus of twelfth will be changed and then other junior classes will be changed one by one. So, when this is changed, then the rights of gays and lesbians or to be gays and lesbians will be propagated right from the general text books themselves.] So, there was a moment here in Surrey before. Mary Polak was our school, uh, board chair at that time. A Murray Chamberlain named teacher started all those books, gay books.

Remple: Yes.

Thind: And, uh, those gay books had, uh, pictures of a child with two dads, a picture of a child with two moms and said this is your blue dad, this is your red dad. And children were puzzled and asking questions at home: "Dad, how come I have only one dad? They're teaching us in school that a child can have two dads." And the parents were quite puzzled and they were objecting to this kind of thing. And eventually those books were rejected.

Remple: Yes.

Thind: Now that was only into [*sic*] the Surrey school district. Now don't you think the voices will rise from various school districts' parents in British Columbia when this thing's going to happen or people are not aware of it?

Remple: That is the big problem. We estimate that two per cent of parents in BC know about this. Because this will affect all parents. And, you see, we're convinced, first parents must become aware of this revision of the school curriculum. Then, once they're aware they will become concerned. And once they are concerned they will be alarmed at what's coming. And we can make it clear over and over again: we are not against homosexuals. If they want to live that lifestyle, that's up to them. Give them the freedom to do that. But we don't want the freedom to teach it to our kids. That is where we draw the line.

Thind: [He says that we have no objection about the lifestyle, the way of living they have chosen. Let them live like that. A man can marry a man, a woman can live with a woman. We do not bother about their sexual orientation; they can live like that, but we, who are not gays, so they have no right to propagate it to our children. They should have no right to convince them or teach them. He says our objection is only this and I want to tell you that he has come here because if the Punjabi community comes to know about this, Indian Sikhs come to know, Muslims come to know, then they will definitely object to it. He says that we know that your cultural values in this regard are similar to our cultural

values. So, he says only because of this I met Wally Oppal and I said to Wally Oppal that the cultural values of your people are similar to us. He says no, this thing does not matter, but which are general people, they are not aware of this and Mr. Remple has also said that only two per cent of parents know about this. Ninety-eight per cent of parents do not know yet that the syllabus is being changed slowly and slowly from 2006, in that their children will be taught about gays and lesbians.] Line one, hello.

caller: *Sat Sri Akal* [a Punjabi salutation]

Thind: *Sat Sri Akal*.

caller: And good morning to your guest.

Remple: Thank you.

caller: Uh, what I'm, I'm very puzzled and I'm astonished. They have all the freedom. What they want to do closed behind doors [*sic*], that's their prerogative. What they want to do. But why are they forcing on every child in British Columbia? I mean, that's, uh, that's they're infringing on the freedom of other individuals. And I am totally, totally dead, dead against that. And I'm appalled that government is li-, letting this happen. And, uh, I'm very sad about that. I mean, you know, they can, they can go ahead and do whatever they want behind closed doors. Nobody's telling them not to do that. But forcing curriculum on the kids of British Columbia without telling anybody, that is, uh, draconian. Thank you.

Thind: Um, [Actually he has come here for the same purpose. He says that our community is trying in this regard and the Indian community should co-operate with us. We, with this support, want to government, uh, to lobby the government on this issue, that these books, these text books which are being prepared should not be in the whole syllabus. He says that our cultural values, uh, your, uh, cultural values are similar on this issue. He has come here to get our support.]. Jasveer, line two, Red FM.

Jasveer: *Sat Sri Akal*.

Thind: *Sat Sri Akal*.

Jasveer: [Uh, I think it does not matter whether it is put in the syllabus or not because children will study them in class, but when they become teenagers, they will only be attracted to people of the opposite sex. Simply studying this does not mean that girls will start to like girls and boys to boys. If there is, uh, an attraction to the opposite sex, there is an attraction between girls or between boys, then it means those are sick children. This is a little sick group. Uh, I remember there were two girls studying with me in ninth and tenth. They always said that they don't like boys. Then they started nursing studies. I have come to know now that this is gay, what we talked about then. Those girls, when staying in a hostel, they were sleeping in one bed in spite of their rooms and now, up to now they have not got married. So, I think even if books are changed, it will only be freedom for those people who have sick minds because a healthy child doesn't go that way ever.]

Thind: Thank you, [Madam]. Um, this caller is saying that, um, even if these books are taught, they're in, in the syllabus, that's not going to affect normal people. There's a

certain small group of sick people who are gays or lesbians. It's going to affect them only. They're sick anyways, she goes. Uh, even if these books or the syllabuses change, it's not going to affect because normally boys are attracted to a girl, the girl is attracted to a boy. And, uh, there're very few women attracted to women or men attracted to men for this, uh, you know, gay or lesbian purposes. So she's of the view that it's not going to make any difference. This is a group of sick people. She's given an example of two students and those two girls always said "We don't like boys", then, eventually, they were sleeping together. So, uh, she's of the view that, uh, let them do it. It's only sick people that'll probably get convinced from them. Normal, prudent students would not be influenced by the syllabus or these books.

Remple: I disagree with that. Because the young minds are curious. That's the nature of young minds. They're curious. And if they are taught, if a teacher who has, who is an authority figure says "It's just another lifestyle. There's nothing, uh, to be ashamed of." As a matter of fact, they, in American schools, they will say to them "Are you sure you're heterosexual? Maybe you're a homosexual. You should try it and then see if you are a homosexual or if you're not." I can, I have all kinds of documentation, in California, Michigan, whatnot where they're encouraging the straight children to experiment, to see if they are homosexuals.

Thind: [He says: I am not in agreement with you because I have documentation from Michigan and many other places, really he has a big file, uh, I have brought those documents here, according to which even straight children are asked to experiment with this, you may like the gay lifestyle. You may be gay. Just try it first, experiment with it. You should experiment with it. You may be a lesbian. He says that children with curious minds may be influenced by this kind of propaganda.] Uh, line three, Red FM, hello.

caller: [Hello, Mr. Thind.] *Sat Sri Akal*. [Same to your guest.]

Thind: *Sat Sri Akal*, [sir].

caller: [Mr. Thind, uh, I am totally against it because this is a sickness, just like the government says smoking is no good. If smoking is no good then how can being gay be good? This is very injurious to health. The disease of AIDS is spreading. We should try to control AIDS. I don't know why Ministers have decided so, but this will harm the children, the normal, healthy children will be affected by it one way or another. I want to say, this syllabus should not be in schools. Our community should support him. Thanks a lot. He is making us aware. I also want to say that when this syllabus is introduced, there should be rallies in front of the schools.]

Thind: Thank you. He says, I'm totally against this. And it's just like smoking. If smoking is bad, how can this be best? Or how can this be good? He says that AIDS is spreading along. And, uh, it should not happen. He wanna [*sic*] thank you to bringing to [*sic*] their notice. And he thinks there should be rallies in front of the schools for these kinds of things.

Remple: You're right. In, in front of school boards. School boards are the ones that can be very effective. I have appeared before the Abbotsford School Board twice to protest this. And it has been a very successful, uh, meeting. Um, I'd like to add something here that's very important. If this is a totally harmless change in the curriculum, then why did the government sign it, prepare it and sign it in secret? No

newspaper, no radio station, no TV station mentioned this. It was totally in secret and we discovered it quite by accident. But if a thing is wholesome, why should it be secret? Have they checked with Health Canada, Statistics Canada to say “what’s the harm in this?”? No, it was all done in secret.

Thind: Mm hm. [He says if this is a good thing, then why has the government given the contract so secretly? They are bringing about change. If the government thinks that this is not harmful, then why is it not talked about openly? He says that we have come to know about this by chance, otherwise nobody knows about it. He says if this is good, then why were there no consultations? Why was Health Canada not consulted? If it will not harm the health of students. He says why is the whole syllabus of all of B.C. being changed by a contract? If the government thinks this is good, and he has also said that this gay group laid a charge at the Human Rights Commission against the government about not being allowed to propagate this in schools. The government was almost going to lose, so they knuckled under. And instead of fighting, gave in. So, the government gave them this contract. He says, until now, no radio or television station has broadcast it because they don’t know. They don’t know because the government granted this contract in total secrecy to two gay people that allows the whole syllabus to be changed. If it was declared openly, then radio or TV stations could broadcast it. Now we know about this, so we want to make people aware of this, but he says that people didn’t know about it until now because it was kept so secret.]

The dialogue with callers continued thereafter. That discussion focussed largely on the merits, and demerits, of the proposed revision to the school curriculum, and what steps could be taken by the Sikh community to be helpful to the guest, Len Remple, in his attempt to push back the Government measures. There were references to letter-writing campaigns to MLAs, peaceful protests, and so on. Concern continued to be expressed about the small percentage of the public who were even aware of the curriculum developments. There was some discussion of alternative lifestyle issues, and the appropriate timing of the introduction of such matters to young people, whether, for example, the subject should not be raised until grade twelve. There was not, however, any further commentary directed *at* gays and lesbians. In one particularly interesting part of the dialogue, a caller raised the issue of one minority (Sikhs) commenting on another minority (gays and lesbians).

Caller: [...] So what does, syllabus change is about, is teaching children about that. Teaching children that, yes, there are different lifestyles. Uh, I’m not going to even go into the debate of whether it’s a chosen lifestyle or whether it’s natural. But just the simple fact that there are some people who live differently. Because of that they shouldn’t have to die. And we shouldn’t bother them to that point. We are, [uh, we are Sikhs, now our many people, even now children who wear turbans, uh, if they do not live in Surrey, in many schools they are teased.]. So as a minority, for us to put that onto different minority, I think that’s very hypocritic [*sic*].

Thind: Um.

Remple: I didn’t quite follow him.

Thind: Okay, um, he, he spoke two languages. He's saying, I'm not in favour of this. Uh, that you shouldn't protesting [*sic*] because he thinks this, that minority group, gays as a minority group, and we are minority group. [...] He says if a Sikh child out of Surrey goes to school with a turban, other people do bother him. [...] And, uh, but he says, I'm not sure it was a gay issue or not. But still they are a minority group, we are minority group. It's a hypocritical, uh, to criticize them. That's what, uh, this caller is saying.

Remple: Well, um, that may be. I can't really totally disagree with him. Because people want to live whatever lifestyle they want. We have no right. We don't even, we don't, make no attempt to change their lifestyle. But we are asking that, uh, they do not, uh, propaganda, the, uh, their, their information to the young minds. We just want to have the freedom to, to, uh, raise our children and educate them because, without the influence of a lifestyle that's diff-, contrary to most parents. [...]

On February 8, one listener sent a complaint to the CRTC, which forwarded it to the CBSC in due course. That complaint read in part as follows (the full text of all correspondence can be found in Appendix B):

[W]hile I was driving into work on January 31, 2008, I heard the below mentioned speaker talk about "teaching homosexuality in the classroom".

I was appalled at the misleading comments that were made and I have asked [a journalist from] (*Xtra West*) to investigate. She had asked for a copy of the transcripts or a tape but was refused. Are they allowed to refuse this request? This is important because it's exposing negative and false views to new immigrant population [*sic*] that needs to be better educated about Canadian *Charter of Rights* and our community.

The CRTC advised the complainant that the complaint was being forwarded to the CBSC and he sent a further comment to the Commission three days later, in which he said:

[...] I think that the accuracy of their guest speaker, their failure for opportunity for opposing views, and fielding of questions from non-biased calls should all fall under this category [fairness measures in broadcasting].

There was further correspondence with the complainant in which he criticized the self-regulatory approach taken by the CBSC. In his words,

Firstly, I am not a big fan of self regulatory organizations for the very reason that they are not in the best interest of the general public but more in favour of ensuring the sustainability of an industry even when individual members are doing potential harm.

I am not at all happy with your procedure because it is more focused on "appeasing" the person that filed the complaint rather than addressing the violating actions of the radio station. Quite frankly, your procedure is not responding to the exact nature of my complaint and the CRTC should take note of this.

The complaint clearly states that there have been some "serious" violations of fair and ethical practices that occurred on January 31, 2008 between the set hours given. I do not see how your organization can feel that having the radio station contact me would solve this issue.

More importantly, I feel that this is more the CRTC's responsibility (since I filed with them) to investigate a violation of fair and ethical practices from a radio station licensed by the CRTC. These are very clear-cut accusations that need to be investigated and do not warrant a "cookie cutter" investigation procedure by a self regulatory entity such as the CBSC.

Secondly, I feel that the request that I file 'yet another' form and complaint with the CBSC puts undue burden on the concerned citizen. This alone should reflect how self-regulatory entities such as yourselves are not meeting the needs of concerned citizens.

Now, to address your procedure, it would be fair to surmise that both [the journalist] (who was trying to get a copy of the station's programming for January 31, 2008 of the interview in question) and myself were not handled in the appropriate manner by the radio station in question. The only acceptable response that I feel which should come from the radio station is a FULL copy of the programme in question that was broadcasted [sic] on January 31, 2008. You and I both know that this will not happen.

On February 23, the President of CKYE-FM responded to the complainant:

At the very outset I would like to state that CKYE-FM provides a fair and balanced representation of matters relevant to our listeners. We respect diversity in opinions and welcome healthy dialogue. In fact, during our telephone conversation on Jan 31st, 2008, I had thanked you for bringing to my attention your concerns about misleading information being shared by guest Mr. Len Remple during our open-line talk show.

During the same conversation I had told you that I will get back to you very shortly. Immediately after our conversation, I spoke with the guest Mr. Len Remple about your concerns and he agreed to speak with you and gave his personal cell number. Immediately, I called you and gave you his number and you said you will speak with the guest directly. In my opinion, I had promptly addressed your concerns in a fair and responsible manner.

I thought that you would have discussed and clarified your concerns with Mr. Len Remple but now that I know through the CBSC complaint that this matter is not resolved, I would like to meet with you personally for a roundtable discussion to understand and address your concerns immediately.

I extend an invitation to you for a face to face meeting either at our studio or at any location convenient to you at your earliest.

On February 25, the complainant expressed his disagreement with the broadcaster in the following words:

I am in receipt of your email (letter) dated February 23, 2008 but I do not find it necessary to meet because the point of my filing was in regards to whether or not CKYE-FM did provide a fair, accurate, and balanced representation in matters containing in the date and time in question when Mr. Thind's show ran.

Because your letter said that you do provide "fair and balanced representation" and I am in full disagreement, then I will request from [the CBSC's Communications Co-ordinator] to go ahead and move forward to the next level of investigation/review by the CBSC.

THE DECISION

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

CAB Code of Ethics, Clause 7 – Controversial Public Issues

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

The B.C. Panel Adjudicators read all of the correspondence, listened to a recording of the broadcast in question, and reviewed a transcript of the program with the English translation of the original Punjabi text. The Panel concludes that the broadcast violated Clause 2, but not Clause 7, of the *CAB Code of Ethics*.

A Preliminary Matter: The Value of Self-Regulation

The complainant is not, as he declared, “a big fan of self regulatory organizations”. That is his right. To the extent that he bases his argument on his presumption that the CBSC is “in favour of ensuring the sustainability of an industry even when individual members are doing potential harm,” he misses the point. The Council simply has nothing to do with sustaining an industry that is in reality very well sustained and supported by audiences across this country. The CBSC’s goal and responsibility is to respond to complaints from the public, which it does day in day out through its adjudicating Panels, which are made up of as many representatives of the general public as of the industry, and Panels never sit with *more* industry than public Adjudicators. And the CBSC noted in its appearance of September 2007 before the CRTC hearings on the *Journalistic Independence Code* that 72% of the 228 formal public decisions rendered since 1999-2000 had gone against broadcasters. If anything, it is sustainability of standards that is the CBSC goal. Moreover, it is Panel decisions, such as that in the matter at hand, that establish the precedents that define, or refine, the standards for broadcasters and the public in the future.

The foregoing being said, the complainant also expressed his concern that the broadcaster would not furnish “a FULL copy of the programme in question that was broadcasted [*sic*] on January 31, 2008.” Here he was correct. The broadcaster was not under any obligation to do so. Nor should it be. There are commercial services that supply such recordings for about 30 days following any broadcast, and any person is free to order such copies on payment of the service’s price. In the event that there is a complaint with which the CBSC is called upon to deal, the Council provides a full program transcription, including translation into an official language, as a part of its decision (and this is, and will remain, posted on the CBSC website).

The Discussion of a Controversial Public Issue

The BC Panel wishes to make it abundantly clear that the fundamental basis for the interview with Len Remple was unassailable. Whether the provincial Government should or should not have supported a more assertive representation of homosexuality in the BC school curriculum was a fair subject to discuss on the airwaves. In addition, it was entirely reasonable to question the Government’s allegedly unpublicized method of introducing that curriculum modification. The Panel does consider that it would have been useful to the CKYE-FM audience if the broadcaster had done a little more homework on the publicity/secretcy issue. There was, for example, no explanation by Third of, or reference to, the articles published in the Vancouver and national newspapers in June, July and August 2006. Nor was there any reference in the dialogue to the 15,000 signature petition filed by the Canadian Alliance for Social Justice and Family Values Association, which succeeded in securing an agreement with the BC Government on March 5, 2007, ensuring that input from a “family values” organization corresponding to that of the Correns would be guaranteed. This is not to suggest that Mr. Remple was not a worthwhile guest or that the additional steps he was proposing would be without value; it is just to say that fuller information for the audience was merited.

An additional factor underscoring the importance of the discussion to the CKYE-FM audience, relates to the issue of same-sex relationships themselves. It appears from the dialogue that the Sikh community, like many new Canadian communities, has a more conservative approach toward the homosexual lifestyle than other longer established elements of Canadian society. There is, in other words, every reason for the broadcaster to have planned an episode dealing with the controversial public issue of the proposed curriculum change and to have invited an informed guest with a point of view opposed to the Ministry of Education position to discuss the issue. Indeed, the Panel finds the bulk of the interview and the dialogue with the callers to have been entirely in keeping with the goals of Clause 7. An example can be found in the following excerpt from one of Len Remple’s statements:

And we can make it clear over and over again: we are not against homosexuals. If they want to live that lifestyle, that's up to them. Give them the freedom to do that. But we don't want the freedom to teach it to our kids. That is where we draw the line.

And one of the callers put the issue in the following terms:

But why are they forcing on every child in British Columbia? I mean, that's, uh, that's they're infringing on the freedom of other individuals. And I am totally, totally dead, dead against that.

This was followed by a comment of the show's host (in Punjabi) on the possible tactics of the approach proposed by Len Remple:

Actually he has come here for the same purpose. He says that our community is trying in this regard and the Indian community should co-operate with us. We, with this support, want to government, uh, to lobby the government on this issue, that these books, these text books which are being prepared should not be in the whole syllabus. He says that our cultural values, uh, your, uh, cultural values are similar on this issue. He has come here to get our support.

It should also be noted that there were two callers who took the opposite side on this issue. In the result, with the Panel's small reservation regarding the secrecy issue as noted above, there is no aspect of the school curriculum discussion on January 31 that comes close to a breach of Clause 7. The Panel does, however, have concerns relating to the description of gays and lesbians that it will deal with in the following section.

Fair Commentary on Sexual Orientation Issues: Lifestyle

The CBSC has responded on numerous occasions to complaints made about descriptions of persons of homosexual orientation. In those decisions, its Panels have followed the long-established principle that it is not just *any* discriminatory comment that will fall afoul of Clause 2 of the *CAB Code of Ethics*. It is only those comments that are abusive or unduly discriminatory that will be found in breach of the Human Rights Clause. Thus, in *CHCH-TV re Life Today with James Robison* (CBSC Decision 95/96-0128, April 30, 1996), the Ontario Regional Panel did not find that criticism of "the gay lifestyle" in a religious program constituted abusive or unduly discriminatory comment. The Panel noted that the complainant appeared to be taking primary issue with the host's point of view:

The host's message was that monogamous heterosexuality was the "right" lifestyle. He expressed the view that a proper interpretation of the Bible leads to the conclusion that homosexuality is an unacceptable lifestyle (as is also the case with adulterous heterosexuality, according to his interpretation). It is not the Council's mandate to determine the correctness of the views presented, but only whether the views were presented in a non-abusive, legitimate manner. In a contrary circumstance, they would be in breach of the Code; however, in this case, the Council finds that the host's

statements were expressed as his moral position, presented in a legitimate manner and not at all as hateful commentary.

In *CFYI-AM re Focus on the Family* (CBSC Decision 99/00-0724, June 28, 2001), the Ontario Regional Panel dealt with a complaint about an episode in a religious series entitled “Hope for the Homosexual”. The program featured discussions about “lifestyle” issues, “root causes of homosexuality”, the morality of single gender sexual relationships, the “distinction between homosexual and gay”, the raising of children in gay or lesbian households, the relationship between homosexuality and Christianity, and so on. Although the program contained references to homosexuality being a “condition”, “problem” and “disorder”, the Panel found that such words were “so incidental to the entire issue and so far from the centre of any portion of the dialogue that they are, in terms of this decision, irrelevant.” It also determined that

there is no place in this entire episode where discriminatory comment about persons in a group identifiable on the basis of their sexual orientation can be found. There is discussion about homosexuality *but not about homosexuals* and then it consists of legitimate points of discussion or debate. It was not, in the view of the Panel, “bigoted in its characterization of gays and lesbians,” as argued by the complainant. It did not even go there. It was not “hate propaganda”. It was a point of view on a lifestyle subject, *not on its practitioners*. [Emphasis added.]

Fair Commentary on Sexual Orientation Issues: Political Positions

It follows that broadcasts are allowed to criticize the *political* views and actions of homosexuals provided they are not broadcasting abusive or unduly comments about homosexuals associated with their mere identity as part of a group identifiable on the basis of sexual orientation. In a decision dealing with the political position adopted by an identifiable (in this case, religious) group, namely, *CJXY-FM re the Scott and Lori Show* (CBSC Decision 96/97-0239, February 20, 1998), the Prairie Regional Panel was called upon to deal with a comment made the show’s hosts on the decision of a Southern Baptist convention to boycott the Disney Studio for its relationship with the television series *Ellen* on the grounds that the star of the show, both in real life and her on-air persona, was gay. They had called the Baptists “wackos”. The Panel concluded that, in so doing, they had committed no breach of Clause 2.

It is only if the epithet were directed at the Southern Baptists by reason of their *religion* that the Council could find that the broadcaster was in breach of the Code. If the epithet were, on the other hand, directed at the admittedly religious group by reason of something other than their religion (race, national or ethnic origin, colour, age, sex, sexual orientation, marital status or physical or mental handicap not being relevant to this matter), then the conclusion would likely be different. In the view of the Council, the epithet was not directed at the religious group by reason of anything other than the group’s stated boycott of Disney by reason of their association with the television series *Ellen*. That stance by the Baptists was, in the Regional Council’s view, an economic action regarding a political issue. There is, of course, no doubt whatsoever regarding the

entitlement of the Southern Baptists to hold and to express its views on controversial matters of a political or publicly controversial nature. The point is only that, if they choose to do so, they render themselves fair game on the public playing field of political controversy. They cannot expect that they have the right to *publicly* express controversial political opinions and to be sheltered by reason of the fact that they are a *religious* group from the resulting fallout from the ideological seeds which they have sown.

Then, in *CITV-TV re "You Paid for It!" (Arts Funding)* (CBSC Decision 95/96-0091, December 16, 1997), the same Panel found no breach for the airing of a news segment entitled "You Paid For It!" which focussed on government funding for the arts, using a gay and lesbian theatre festival as an example for the story. Although the gay/lesbian festival had not taken a position on a particular political issue (it was rather the object of protest over Government funding of its activities), it participated in community activities on the basis of its orientation. The Panel found no problem with the tone or substance of the news report. It said:

In this case, the Council does not find that the report "disparaged [...] the gay and lesbian community" as alleged by the complainant. The report was about controversial plays and whether these *should* receive government funding. It focussed on the *Loud 'N Queer* festival which, as the Council understands it, is specifically aimed at bringing non-traditional lifestyles into the spotlight. While the sexual orientation of participants in the festival may not have been relevant information had *another* festival been the focus of the report, it was in this case. The reporter's comments, then, since relevant to the story and not based on homophobic views, were not considered by the Council as being in contravention of Clause 2 of the CAB *Code of Ethics*.

CHRB-AM (AM 1140) re an episode of Freedom Radio Network (CBSC Decision 05/06-1959, January 9, 2007) dealt with an episode of a right-wing talk show. The two hosts discussed a case that had been brought against them and their sponsor organization, Concerned Christians Canada, at the Canadian Human Rights Commission, which alleged abusive remarks on the basis of sexual orientation. The complaint to the CBSC came from the individual who had filed the Human Rights Commission complaint. He was concerned that the hosts had uttered inaccurate and unfair statements about the case, insulted him on air and made abusive comments about homosexuals. While the Prairie Regional Panel concluded that some of the remarks about the complainant were inappropriate under another clause, it found that any comments about homosexuals were limited to criticisms of homosexual activists on the basis of their political actions:

In the challenged episode, the Panel considers that the co-hosts' comments on the subject of the complainant's sexual orientation were attentively framed. As co-host Chandler said,

[I]t was about homosexuality and it wasn't about homosexuals. It was about homosexual *activists*. There's a difference, right?

The co-hosts went on to complain about "those lobby group types and, and the aggressive individuals who take people to human rights commissions and stuff." And that, as noted in the above-cited CJXY-FM decision, is a legitimate area of discussion

and criticism for broadcasters. There were problems with the episode, as will be discussed at greater length below; however, the principle that a broadcaster may be entitled to criticize the political, lobbying, activist tactics of an individual member of an identifiable group without infringing on his or her rights under Clause 2 of the *CAB Code of Ethics* is undoubted. It is even permissible to discuss sensitive areas relating to the identifiable group, provided these do not amount to abusive or unduly discriminatory comment. In the episode under consideration, the co-hosts dealt with homosexuality as though it was sinful. They are entitled to hold and broadcast that opinion, *provided that* they do not overstep the reasonable presentation of their religious and moral viewpoint.

[...]

When they referred to the complainant as articulate and manipulative, they were clearly not trying to flatter him, but there was an admission in those adjectival recognitions that he was achieving certain goals that the co-hosts and those they represented would rather not have encountered. As they observed, "he's part of a well-run homosexual activist machine. For sure." In the view of the Prairie Regional Panel, the co-hosts succeeded in avoiding any abusive or unduly discriminatory comments. The Panel finds no breach of Clause 2 of the *CAB Code of Ethics*.

Unfair Commentary on Sexual Orientation Issues: The Individuals

Where, on the other hand, the comments made go to the nature of the individuals and can be said to be abusive or unduly discriminatory, they will be in breach of the Human Rights Clause. In the CHRB decision discussed above, the Prairie Panel had added the following observation:

There is, simply stated, *nothing* in the comments of Chapman and Chandler that comes at all close to unjustified nastiness, vitriol and callous treatment of individuals on the basis of their sexual orientation.

That nastiness has been found by different CBSC Panels on several occasions, including: *Vision TV re Power Today* (CBSC Decision 01/02-0617, September 13, 2002), where evangelist R.W. Schambach referred to homosexuals as "devils" and "demon possessed"; in *CITS-TV (CTS) re John Hagee Today ("Diamonds for Successful Living")* (CBSC Decision 04/05-0177, April 19, 2005), where the Ontario Regional Panel found that Pastor John Hagee's series of cumulative comments that targeted gays and lesbians inaccurately, unfairly and inappropriately constituted abusive and unduly discriminatory comment about an identifiable group on the basis of sexual orientation; and *OMNI.1 re an episode of the Jimmy Swaggart Telecast* (CBSC Decision 04/05-0097, April 19, 2005), where the same Panel found visceral negativity in Swaggart's assertion that, despite his own religiosity, he would feel justified in killing the man and in lying to his God that the victim had simply died.

There are two other CBSC decisions that are particularly instructive in terms of the challenged comments made on CKYE-FM. In *CJRQ-FM re Opinion Poll* (CBSC Decision 94/95-0135, March 26, 1996), the Ontario Regional Panel dealt with the

subject, “Should taxpayers pick up the tab for sex-change operations that are deemed medically necessary?” A selection of listeners’ views were later broadcast. One such call included the following phraseology: “some sick demented obviously mentally disturbed homosexual”, “minces into a hospital or clinic” and “this misfit of the natural order”. The Panel found that the language of that caller was “blatantly homophobic,” abusive and unduly discriminatory, and in breach of Clause 2 of the *CAB Code of Ethics*. And in *CFYI-AM and CJCH-AM re the Dr. Laura Schlessinger Show* (CBSC Decision 99/00-0005, 98/99-0808, 1003 and 1137, February 9 and February 15, 2000), the Atlantic and Ontario Regional Panels jointly considered complaints concerning the daily call-in show hosted by Laura Schlessinger out of California. In that case, the host used equivalent terms in describing the sexual behaviour of gays and lesbians as “abnormal”, “aberrant”, “deviant”, “disordered”, “dysfunctional”, “an error” or the like. The Panels reacted to her choice of words as follows:

Whether the terms she uses are “abnormal”, “aberrant”, “dysfunctional”, “disordered”, “deviant”, “an error” or the like, her terminology is *clearly* pejorative. She is unhesitatingly critical, negative and unambiguous and her words are as critical and unrelenting as she can make them.

In the matter at hand, the BC Panel finds that the language used by either the host, the guest or callers to be of a similar nature. First, caller Jasveer made the following comments (in Punjabi): “then it means those are sick children. This is a little sick group”; referring to the “freedom” associated with the changing of the curriculum, “it will only be freedom for those people who have sick minds because a healthy child doesn’t go that way ever”. In loosely translating those comments for the audience, the host said (emphasis added):

There’s a certain small group of *sick people* who are gays or lesbians. It’s going to affect them only. *They’re sick anyways*, she goes. Uh, even if these books or the syllabuses change, it’s not going to affect because normally boys are attracted to a girl, the girl is attracted to a boy. And, uh, there’re very few women attracted to women or men attracted to men for this, uh, you know, gay or lesbian purposes. So she’s of the view that it’s not going to make any difference. *This is a group of sick people*. She’s given an example of two students and those two girls always said “We don’t like boys”, then, eventually, they were sleeping together. So, uh, she’s of the view that, uh, let them do it. It’s *only sick people* that’ll probably get convinced from them. *Normal, prudent students would not be influenced* by the syllabus or these books.

An unidentified caller added references (in Punjabi) to homosexuality as an *illness* and associated homosexuality with AIDS

Mr. Thind, uh, I am totally against it because this is a sickness, just like the government says smoking is no good. If smoking is no good then how can being gay be good? This is very injurious to health. The disease of AIDS is spreading. We should try to control AIDS.

Once again, the host, translating loosely, said to the audience:

He says, I'm totally against this. And it's just like smoking. If smoking is bad, how can this be best? Or how can this be good? He says that AIDS is spreading along. And, uh, it should not happen.

And these remarks only echoed guest Len Remple's earlier rhetorical query, "And what if they experiment and get AIDS or HIV?"

The Panel understands that the view of some new Canadian communities is, as noted above, quite conservative on issues of homosexuality. As a number of past CBSC decisions clearly indicate, that position presents no problem in terms of the Human Rights Clause, unless and until comments made in support thereof become excessive. In the matter at hand, this Panel considers that the comments describing gays and lesbians as sick, assimilating homosexuality to a sickness, and attributing the causing of AIDS to homosexuals do exceed the tolerable threshold. They are abusive and unduly discriminatory. Such comments can always be controlled by delayed broadcast technology; however, should a caller make such a comment, the host is in a position to mitigate its effect by his or her observations. That opportunity was doubly available in the present matter, since the host played a translating role for callers and the audience. He ought to have known his responsibilities pursuant to the *CAB Code of Ethics*. To the extent that he did not, it was the responsibility of the broadcaster to ensure that such comments not air. In this instance, CKYE-FM's failure to curtail those comments constitutes a breach of Clause 2 of the *CAB Code of Ethics*.

Broadcaster Responsiveness

It is a fundamental requirement of the CBSC's process that broadcasters respond to audience complaints about their programming filed with the Council. While not required to agree with a complainant, broadcasters are expected to respond in a timely and thoughtful manner to those audience members who have taken the time to express their concerns. In this case, the President spoke to the complainant, promised he would discuss the matter with the guest, Len Remple, obtained the guest's personal cell phone number, conveyed it to the complainant, and then wrote to the complainant offering "to meet with [him] personally for a roundtable discussion to understand and address [his] concerns immediately." He then "extend[ed] an invitation to [him] for a face to face meeting either at [their] studio or at any location convenient to [the complainant] at [his] earliest [*sic*]." While that invitation was fulsome (note that it was turned down by the complainant), the Panel must observe that broadcasters are under the obligation to respond in written form. This does not preclude such a generous invitation, but it ought not to be seen in future as a substitute. In the circumstances of this file, the Panel considers that the broadcaster has met its obligations in terms of responsiveness on this occasion.

ANNOUNCEMENT OF THE DECISION

CKYE-FM is required to: 1) announce the decision, in the following terms, once in English and Punjabi during peak listening hours within three days following the release of this decision and once more in English and Punjabi within seven days following the release of this decision during the time period in which the *Harjinder Thind Show* was broadcast; 2) within the fourteen days following the broadcasts of the announcements, to provide written confirmation of the airing of the statement to the complainant who filed the Ruling Request; and 3) at that time, to provide the CBSC with a copy of that written confirmation and with air check copies of the broadcasts of the two announcements which must be made by CKYE-FM.

The Canadian Broadcast Standards Council has found that CKYE-FM breached the Canadian Association of Broadcasters *Code of Ethics* in its broadcast of the *Harjinder Thind Show* on January 31, 2008. By allowing, without host comment, caller references to homosexuality as an illness and descriptions of gay or lesbian people as sick, CKYE-FM breached Clause 2 of the *CAB Code of Ethics*, which prohibits abusive or unduly discriminatory comments about individuals on the basis of their sexual orientation.

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

APPENDIX A

CBSC Decision 07/08-1229 CKYE-FM (Red FM) re an episode of the *Harjinder Thind Show*

The Harjinder Thind Show is an open-line talk show on which the host, guests and callers discuss social, educational and cultural issues. Both English and Punjabi are spoken during the program. It airs weekday mornings from 8:00 am to 11:00 am. On January 31, 2008, Thind interviewed Len Remple, a representative from an organization called Parents for Democracy in Education. They discussed an agreement that the BC Government made with two homosexual men to review the representation of homosexuality in the BC school curriculum. A transcript of the segment is follows. Portions in square brackets are English translations of statements originally made in Punjabi.

Thind: Mr. Remple, good morning.

Remple: Good morning, sir.

Thind: So, tell us first about this contract. What's going on, what you got under the *Freedom of, uh, Information Act*.

Remple: There is an act, uh, a contract has been, uh, uh, gone into between two men, Peter and Murray Corren, who are married to each other, these two men. They've a contract with the Province of British Columbia. It's, uh, quite a lengthy contract. I've a photocopy of it which I will leave with, uh, you, sir.

Thind: Mm hm.

Remple: And it's in legal language, but when we summarize it so that it would be easier to understand, we came up with eight points. May I read them to you?

Thind: Mm hm.

Remple: A contract was given by the BC Government to two homosexual activists in April 2006. The contract grants *special* privileges to the Correns to review the rewriting of the whole BC school curriculum in every subject from kindergarten to grade 12. The Correns are two homosexual activists living together who combined their names to one surname: Corren. C-O-R-R-E-N. The intent of the contract is to cause the entire BC school curriculum to reflect a favourable portrayal of homosexuals and a favourable portrayal of the homosexual lifestyle. No parents were granted the same privilege. These are two men who will never have children. They have a right to indoctrinate children, but parents who have children don't have equal privileges.

Thind: Mm hm.

Remple: They revised –

Thind: Mm hm. Uh, [the copy of the contract which he has brought is also given to me. It's really, uh, signed by the B.C. Minister of Education and both of those men. Uh, this contract was made in 2006, in which they have been asked that they have to write down the whole

curriculum for B.C. schools, from the first standard elementary school to the twelfth grade to change the whole syllabus. Studies about gays and lesbians, which [sic] are homosexual people, should be introduced in it and he also said that those two men have no child, they have combined their surname. They are married to each other, both males, men, and the parents are not part of it. There is no participation of the parents in this exercise, whose children are students and they have objections to this.] Uh, we understand this now and, uh, have you approached our Attorney-General or the Minister of Education?

Remple: Yes, I had a meeting with our, with the Attorney-General, Wally Oppal, and Shirley Bond on March 5, 2007. They, we met, we presented our protestations about this and they said that they would get back to us to answer our questions. We haven't, we had a letter from them which was a generic letter which said nothing. They did really not accept our protests and, uh, they have, since then, we've had many, m-, a lot of correspondence to them. And everything they ignored. We are ignored. I know they want us to go away.

Thind: Mm hm.

Remple: Now we –

Thind: Haven't you brought out specifically to the Attorney-General that your whole community is not in favour of lesbian and gay curriculum in the schools?

Remple: We have done that, but may I give you a bit of background about the Correns? Uh, I think it's about seven years ago, they laid a charge at the Human Rights Commission against the province that there was no teaching of homosexuality in any of the subjects. Finally, it looked like the government was going to lose. At least they thought they were going to lose. They could've fought it with tax money, but instead they knuckled under. And they just said we'll give you a contract and this contract that they have that all the subjects for all the grades'll be revised to make homosexuality be a favourable impre-, leave a favourable impression.

Thind: Mm hm. So, another thing I want to ask you is, like, you are a Protestant. There's a huge community in Abbotsford area, in rural mainland, why you would like to approach Sikh community particularly or Indo-Canadian community?

Remple: I have, uh, been persuaded that the Sikh community is listened to by the politicians. They want your votes. And they will listen more to a Sikh community or a Muslim community or some others, other than those of us who are, uh, usually what are called "Christians".

Thind: Community at large.

Remple: Community at large. And, but, with regard to this, we have a common, um, challenge here because this contract and the revision of the educational system will change, will challenge your religious values, your cultural values, your traditional values and your heritage. And when these children are taught about homosexuality from grade 12, from kindergarten to grade 12, the young person is curious. Now what if those kids that are curious experiment? And what if they experiment and get AIDS or HIV? And it's a total denunciation of our traditional values. And this is, it's really indoctrination. And we want to oppose that as vigorously as we can.

Thind: Mm hm. And, uh, now, you think if this contract is fulfilled as a result of this, uh, uh, all the students in British Columbia will be studying along with all these subjects about gays and lesbians?

Remple: Yes. I do. And let me, I'm glad, that's a good question you ask, because when I was talking with Wally Oppal, I ask-, we asked the question "Will traditional schools, private schools, religious schools, home-schoolers be exempt from it?"

Thind: Mm hm.

Remple: And all he said was, this was an interesting way of putting it. He said, "Yes, they will be exempt." There was a pause and then he said "for now".

Thind: Mm hm.

Remple: Which tells me they're not going to be exempt. And if, if this is pushed through, that all religious schools have to teach it as well. Well then, they will say if you don't teach it, the kids are not going to get accreditation for their grade from the province.

Thind: Mm hm.

Remple: And that is a, is a very serious thing because when kids go to school they want to be graduates.

Thind: [This point is very important, that this contract was given to them in 2006, to both gay persons. Uh, those men are writing down the whole syllabus again. This will be introduced to your children from the first grade to the twelfth grade. In every subject, this gay consciousness will be inducted and he has also met the Minister of Education Shirley Bond and Attorney General Wally Oppal and he has also asked them whether religious schools be exempted from it. They said yes, they will be free for now. He said I understand from it that these schools will not be exempted and they will also have to teach all that because if you want to take provincial credits in provincial exams then that syllabus will be compulsory. When this will be compulsory to pass to get credits then Khalsa schools and other such which are, uh, private, religious, uh, educational institutions, uh, other such type schools will also have to teach the gay and lesbian lessons and this community is worried a lot. He said in clear words when I asked why have you come to our radio station, because his community has many radio stations within mainstream society, in the society at large, uh, Roman Catholics, Protestants, Anglicans, a very big community which is opposing it. He said that we have come here because we Christians are not listened to with that care by the politicians the way the Sikh community is listened to. They need the votes of the Sikh community and as they evade from the Sikh community, they don't evade us. I have come because of this, to tell the Sikh community that what is going to happen. And you can do as you wish.] So, uh, I'm sure you have studied this contract in detail.

Remple: Yes.

Thind: So when it's going to be in effect [sic]? How many years is it going to be since it's come into effect?

Remple: For grade 12, they have already got it in effect from September 2007 'til June 2008. For grade 12. But it's a big job to rewrite the whole curriculum. So they, the Department of Education's working on it progressively. The next stage that they want to have ready is starting for lower grades, September 1, 2008. And as fast as they can make these changes it'll be introduced into the schools.

Thind: [He is saying that, because this is a very big task, to change the syllabus for all the classes. He said that because of this, first of all, from September 1, 2008 the syllabus of twelfth will be changed and then other junior classes will be changed one by one. So, when this is changed, then the rights of gays and lesbians or to be gays and lesbians will be

propagated right from the general text books themselves.] So, there was a moment here in Surrey before. Mary Polak was our school, uh, board chair at that time. A Murray Chamberlain named teacher started all those books, gay books.

Remple: Yes.

Thind: And, uh, those gay books had, uh, pictures of a child with two dads, a picture of a child with two moms and said this is your blue dad, this is your red dad. And children were puzzled and asking questions at home: "Dad, how come I have only one dad? They're teaching us in school that a child can have two dads." And the parents were quite puzzled and they were objecting to this kind of thing. And eventually those books were rejected.

Remple: Yes.

Thind: Now that was only into [sic] the Surrey school district. Now don't you think the voices will rise from various school districts' parents in British Columbia when this thing's going to happen or people are not aware of it?

Remple: That is the big problem. We estimate that two per cent of parents in BC know about this. Because this will affect all parents. And, you see, we're convinced, first parents must become aware of this revision of the school curriculum. Then, once they're aware they will become concerned. And once they are concerned they will be alarmed at what's coming. And we can make it clear over and over again: we are not against homosexuals. If they want to live that lifestyle, that's up to them. Give them the freedom to do that. But we don't want the freedom to teach it to our kids. That is where we draw the line.

Thind: [He says that we have no objection about the lifestyle, the way of living they have chosen. Let them live like that. A man can marry a man, a woman can live with a woman. We do not bother about their sexual orientation; they can live like that, but we, who are not gays, so they have no right to propagate it to our children. They should have no right to convince them or teach them. He says our objection is only this and I want to tell you that he has come here because if the Punjabi community comes to know about this, Indian Sikhs come to know, Muslims come to know, then they will definitely object to it. He says that we know that your cultural values in this regard are similar to our cultural values. So, he says only because of this I met Wally Oppal and I said to Wally Oppal that the cultural values of your people are similar to us. He says no, this thing does not matter, but which are general people, they are not aware of this and Mr. Remple has also said that only two per cent of parents know about this. Ninety-eight per cent of parents do not know yet that the syllabus is being changed slowly and slowly from 2006, in that their children will be taught about gays and lesbians.] Line one, hello.

caller: *Sat Sri Akal* [a Punjabi salutation]

Thind: *Sat Sri Akal*.

caller: And good morning to your guest.

Remple: Thank you.

caller: Uh, what I'm, I'm very puzzled and I'm astonished. They have all the freedom. What they want to do closed behind doors [sic], that's their prerogative. What they want to do. But why are they forcing on every child in British Columbia? I mean, that's, uh, that's they're infringing on the freedom of other individuals. And I am totally, totally dead, dead against that. And I'm appalled that government is li-, letting this happen. And, uh, I'm very sad about

that. I mean, you know, they can, they can go ahead and do whatever they want behind closed doors. Nobody's telling them not to do that. But forcing curriculum on the kids of British Columbia without telling anybody, that is, uh, draconian. Thank you.

Thind: Um, [Actually he has come here for the same purpose. He says that our community is trying in this regard and the Indian community should co-operate with us. We, with this support, want to government, uh, to lobby the government on this issue, that these books, these text books which are being prepared should not be in the whole syllabus. He says that our cultural values, uh, your, uh, cultural values are similar on this issue. He has come here to get our support.]. Jasveer, line two, Red FM.

Jasveer: *Sat Sri Akal.*

Thind: *Sat Sri Akal.*

Jasveer: [Uh, I think it does not matter whether it is put in the syllabus or not because children will study them in class, but when they become teenagers, they will only be attracted to people of the opposite sex. Simply studying this does not mean that girls will start to like girls and boys to boys. If there is, uh, an attraction to the opposite sex, there is an attraction between girls or between boys, then it means those are sick children. This is a little sick group. Uh, I remember there were two girls studying with me in ninth and tenth. They always said that they don't like boys. Then they started nursing studies. I have come to know now that this is gay, what we talked about then. Those girls, when staying in a hostel, they were sleeping in one bed in spite of their rooms and now, up to now they have not got married. So, I think even if books are changed, it will only be freedom for those people who have sick minds because a healthy child doesn't go that way ever.]

Thind: Thank you, [Madam]. Um, this caller is saying that, um, even if these books are taught, they're in, in the syllabus, that's not going to affect normal people. There's a certain small group of sick people who are gays or lesbians. It's going to affect them only. They're sick anyways, she goes. Uh, even if these books or the syllabuses change, it's not going to affect because normally boys are attracted to a girl, the girl is attracted to a boy. And, uh, there're very few women attracted to women or men attracted to men for this, uh, you know, gay or lesbian purposes. So she's of the view that it's not going to make any difference. This is a group of sick people. She's given an example of two students and those two girls always said "We don't like boys", then, eventually, they were sleeping together. So, uh, she's of the view that, uh, let them do it. It's only sick people that'll probably get convinced from them. Normal, prudent students would not be influenced by the syllabus or these books.

Remple: I disagree with that. Because the young minds are curious. That's the nature of young minds. They're curious. And if they are taught, if a teacher who has, who is an authority figure says "It's just another lifestyle. There's nothing, uh, to be ashamed of." As a matter of fact, they, in American schools, they will say to them "Are you sure you're heterosexual? Maybe you're a homosexual. You should try it and then see if you are a homosexual or if you're not." I can, I have all kinds of documentation, in California, Michigan, whatnot where they're encouraging the straight children to experiment, to see if they are homosexuals.

Thind: [He says: I am not in agreement with you because I have documentation from Michigan and many other places, really he has a big file, uh, I have brought those documents here, according to which even straight children are asked to experiment with this, you may like the gay lifestyle. You may be gay. Just try it first, experiment with it. You should experiment with it. You may be a lesbian. He says that children with curious minds may be influenced by this kind of propaganda.] Uh, line three, Red FM, hello.

caller: [Hello, Mr. Thind.] *Sat Sri Akal*. [Same to your guest.]

Thind: *Sat Sri Akal*, [sir].

caller: [Mr. Thind, uh, I am totally against it because this is a sickness, just like the government says smoking is no good. If smoking is no good then how can being gay be good? This is very injurious to health. The disease of AIDS is spreading. We should try to control AIDS. I don't know why Ministers have decided so, but this will harm the children, the normal, healthy children will be affected by it one way or another. I want to say, this syllabus should not be in schools. Our community should support him. Thanks a lot. He is making us aware. I also want to say that when this syllabus is introduced, there should be rallies in front of the schools.]

Thind: Thank you. He says, I'm totally against this. And it's just like smoking. If smoking is bad, how can this be best? Or how can this be good? He says that AIDS is spreading along. And, uh, it should not happen. He wanna [*sic*] thank you to bringing to [*sic*] their notice. And he thinks there should be rallies in front of the schools for these kinds of things.

Remple: You're right. In, in front of school boards. School boards are the ones that can be very effective. I have appeared before the Abbotsford School Board twice to protest this. And it has been a very successful, uh, meeting. Um, I'd like to add something here that's very important. If this is a totally harmless change in the curriculum, then why did the government sign it, prepare it and sign it in secret? No newspaper, no radio station, no TV station mentioned this. It was totally in secret and we discovered it quite by accident. But if a thing is wholesome, why should it be secret? Have they checked with Health Canada, Statistics Canada to say "what's the harm in this?" No, it was all done in secret.

Thind: Mm hm. [He says if this is a good thing, then why has the government given the contract so secretly? They are bringing about change. If the government thinks that this is not harmful, then why is it not talked about openly? He says that we have come to know about this by chance, otherwise nobody knows about it. He says if this is good, then why were there no consultations? Why was Health Canada not consulted? If it will not harm the health of students. He says why is the whole syllabus of all of B.C. being changed by a contract? If the government thinks this is good, and he has also said that this gay group laid a charge at the Human Rights Commission against the government about not being allowed to propagate this in schools. The government was almost going to lose, so they knuckled under. And instead of fighting, gave in. So, the government gave them this contract. He says, until now, no radio or television station has broadcast it because they don't know. They don't know because the government granted this contract in total secrecy to two gay people that allows the whole syllabus to be changed. If it was declared openly, then radio or TV stations could broadcast it. Now we know about this, so we want to make people aware of this, but he says that people didn't know about it until now because it was kept so secret.] Satvinder, line one.

Satvinder: Uh, hello, um, *Sat Sri Akal*.

Thind: *Sat Sri Akal*.

Satvinder: All I want to say is, um, like, yeah, definitely we are in full support of Mr. Remple and what I'm wondering is what way would he want us to support him? Like, are we doing a petition or what's going to happen in future? I mean, we should start on this as soon as possible because this is appalling. Um, I cannot even imagine my kids having to go through that syllabus. Even for a day. Thank you.

Thind: Mr. Remple, uh, what's the mode of your protest? Are you protesting it through the

petition? Or, what are you doing? What should people do?

Remple: We've been, inside information tells me that petitions are largely ignored. I have, I, I must relate some experiences of how we are ignored. For instance, I sent a letter explaining our position to every MLA and when I phoned their offices, I find that they just shred it. They say, when they get back to me, uh, they'll say, "Go to your local MLA". Just one MLA. Now if, if you take that further, why, uh, would the province not have allowed a balance of parents' input? If these two men want to have a revision, okay. That should be balanced, the Legislature has two sides to it: the, the Liberals and the NDP. One is the Opposition. Why couldn't they have allowed and invited parents to have some input? Parents have no input at all and the Correns can review, progressively, the, as it proceeds, they can pro-, they can, uh, review it, but no parents have been invited. Parents are invited to write. But there's no response except a generic letter.

Thind: [He says that this contract was given to two gay men, but he says if they want to revise the syllabus, no problem, but parents should also be allowed to participate in the process. What is the reason that they want revision? They want to revise so gay and lesbian lessons are introduced. Why are parents not allowed to participate in the process? Parents should also be made part of this exercise.] David, line three. Hello.

David: Good morning.

Thind: Good morning.

David: Uh, I, I would say that this is a, a [?] act for shameless people. Um, actually do you know why they are doing is [sic] because, because they want to make it legal like Ontario to have the gay marriages legal, you know, in BC as well. That's why they're doing it.

Thind: Mm hm?

David: That's it. Thanks.

Thind: Okay. That was a comment. Line four. Jinder.

Jinder: *Sat Sri Akal*, Mr. Thind.

Thind: *Sat Sri Akal*, sir.

Jinder: [Yes sir, I am Jinder Dhingra speaking from Mission.]

Thind: [Yes, sir.]

Jinder: [Sir, uh, I totally agree with your caller. This is very wrong. What our government is doing is totally wrong. He said he has written letters to MLAs, but ask him where he is going to hold a rally or how to protest. I will be the first to be there.]

Thind: Well he's volunteering himself it's as if you want to protest or rally, I will the [sic] first one to go there. He is against it. He, he's saying that. [He is our, uh, our caller], uh, Gobinder, line five. Hello, Gobinder?

Gobinder: [Hello Mr. Thind.] *Sat Sri Akal*.

Thind: *Sat Sri Akal*.

Gobinder: [Mr. Thind, first of all, I want to thank your guest who has brought this matter

to our attention.]

Thind: Mm hm.

Gobinder: [He said that only two per cent of people know about this. No problem, now others will also know. Look sir, I mean to say that it is right that everybody can live their life according to their wishes, but they have no right to educate other people or our children according to their wishes. Yes, if they want any change for the betterment of students, then intellectuals' or parents' inputs can be taken from worldwide. They can consult the intellectuals to change the syllabus for the betterment of students, not those two men. Thanks.]

Thind: Thank you. Um, he's saying that, um, he agrees with you. He wanna [*sic*] thank you for bringing it to their notice because he says that, he, he's right that you only two per cent people [*sic*] probably do know, all the people will know. And he says if the syllabus was to be revised, parents should've been part of it. And other intellectual people should've been part of it. That's his comments [*sic*]. Uh, line two, Red FM. Sukjinder.

Sukjinder: Hello, *Sat Sri Akal*, [dear brother].

Thind: *Sat Sri Akal*.

Sukjinder: [Yes, dear brother, I totally agree with him. We should help him in a big way and what was that sister (woman caller) saying that we should study it? Now look, she and her classmates were in ninth year or ninth grade at the time, but if the same thing happens with four- or five-year old youngsters and two or three more children join them and say that it's fun, then a youngster who is being pressured can commit something wrong. And now also tell me whether those people will call the boys their "daughters-in-law" and this is our "son-in-law"? In the same way, with boy with boy?]

Thind: Mm hm. Uh, caller's, once again he's against it and he's saying, um, that, um, he agrees with you. And also he disagrees with the previous caller who said, when she said that it's not gonna affect the normal children. He says younger children get influenced. Uh, there's a peer pressure [*sic*] on them and they start, uh, you know, experimenting on things and stuff. And, uh, he's speaking of, agrees with you, but, uh, I think, uh, the previous caller –

Remple: Can I say, uh, may, may I comment first? Uh, one of the previous callers asked "What are we going to do? How will our protest take place?" I'd like to list. We want to get a whole, a large group of people to go to Victoria and protest there. Because I've been told by one friendly MLA who said *that* gets the biggest attention, a protest. And especially going to Vancou-, er, to Victoria. Secondly, we must all write, not just to our MLA, but to all MLAs and they will, uh, I think they have a very high regard for the Sikh community. And your letters will get more attention than mine. And with the, so we need to protest. We need to write to the Minister of Education and the Attorney General. And we need, by telephone, fax, e-mail and just flood them with that. We'll have protests as well, but they need to be flooded with communications, phone calls and, uh, whatever means of communication you can have.

Thind: Mm hm. [He says that I am told by the MLA, the MLA who is my friend that the best way is if you go with us to Victoria. We want to hold a demonstration in Victoria.] Peaceful demonstrations, of course.

Remple: Oh yes, yes.

Thind: [We want to hold a peaceful demonstration in Victoria. He says that we are told by

an MLA that it will attract attention in a big way. He says that I have come to you to say that the government listens to the Sikhs very carefully and if you support us, this community, he says you can write letters, not only to one MLA, but all the MLAs. He says that letters from Sikhs are very influential. Don't write to only a single MLA, write to all the MLAs about changing the syllabus for all BC students. Write that this is not right. He says this is the only way because my letter cannot be as influential as a Sikh's letter can be. He also says, and I have received an e-mail that] [reads e-mail] "Hello, Thind. Thanks for Mr. Remple. I fully support you. BC Government is taking us to the Stone Age by doing this all secretly. Thank you both. J. Johal." Uh, Raj, four, line four. Raj?

Raj: Hello?

Thind: Hi.

Raj: Hello. *Sat Sri Akal*, [Mr. Harjinder Thind.]

Thind: *Sat Sri Akal*.

Raj: *Sat Sri Akal* [to your guest also.]

Thind: He's wishing you.

Raj: Hello?

Thind: [Yes sir, speak.]

Raj: [Yes sir, yes sir. *Sat Sri Akal*, sir. I totally agree with him, I agree with him whatever he is doing and bringing to us. He is making the people aware. This is very good, but what one of the callers said, I do not agree with her. She said that normal children don't do that and only sick children do so. I agree with him, whatever he is doing, wherever he calls, we will go there.] Thank you.

Thind: He's saying, um, I don't agree with the previous caller who said it's not gonna affect [sic]. He says I agree with you and will go wherever it's needed. And, uh, I have that previous caller on line, I guess. Line one, hello.

caller: Line one. *Sat Sri Akal*, sir.

Thind: *Sat Sri Akal*.

caller: [Uh, dear brother, it's a very good topic, but what he is saying is that MLAs should be informed.] They already know. [Because Wally Oppal, uh, he, he has a good, a good position, who is from our community and he, are you sure that he has consulted with him in this regard? But he is not initiating, and he is saying that MLAs will do that. MLAs are already sleeping, all of them.]

Thind: Okay. Hold on. Uh, he's saying that if you've already gone to Wally Oppal, that means all the MLAs know already. What's the idea of telling the MLAs again? He says MLAs are sleeping anyways.

Remple: Well, we, I, I believe that if they get repeat communications that, that it isn't dying. They, they want people, they want the whole subject to die. But if we keep up the pressure of letters to Wally Oppal and Shirley Bond and all the other MLAs, to the Premier and, and especially write to your sch-, when you have a letter finished, send it to the school board as well. Appear before the school board. I can help anybody who will go and be a

delegate at the school board because the school board has influence.

Thind: Mm hm. Okay, I have another caller. Shaboz. Shaboz?

Shaboz: Hello?

Thind: Hi.

Shaboz: Hi there. Um, Shaboz here. I'd like to, to just make a little point too.

Thind: Mm hm? Go ahead.

Shaboz: Hello? Hello?

Thind: Go ahead, Shaboz.

Shaboz: Yes, uh, basically what I wanted to say was, was that, uh, [call breaks up].

Thind: Your line is breaking up. Uh, can you call again? Shaboz is, uh, from Muslim community.

Remple: Mm hm.

Thind: Line three. Red FM.

caller: *Sat Sri Akal*, sir.

Thind: *Sat Sri Akal*.

caller: [Uh, sir, my] point of view. [Uh, with most of your callers and somewhat opposite of your guest. Because when the curriculum is changed, just like earlier when black people started going to schools. Those blacks were not allowed to go with the Whites. And then you know that the President, uh, had to send guards to schools] just to make them integrated. [Now there is] Black History Month [at schools. Their history is also being taught. Now take our religion. Uh, in our religion nobody has written about this, although the Qur'an and the Bible were also there, Gurus (Sikh Prophets) have also written from it because there should be a right to everybody to do his way. And also, many of our children, there was a Surrey guy who committed suicide by jumping from Pattullo Bridge simply because he was teased.]. He wasn't even gay. We don't know whether he was gay or not gay. [But he was teased because of that.] So what does, syllabus change is about, is teaching children about that. Teaching children that, yes, there are different lifestyles. Uh, I'm not going to even go into the debate of whether it's a chosen lifestyle or whether it's natural. But just the simple fact that there are some people who live differently. Because of that they shouldn't have to die. And we shouldn't bother them to that point. We are, [uh, we are Sikhs, now our many people, even now children who wear turbans, uh, if they do not live in Surrey, in many schools they are teased.]. So as a minority, for us to put that onto different minority, I think that's very hypocritic [sic].

Thind: Um.

Remple: I didn't quite follow him.

Thind: Okay, um, he, he spoke two languages. He's saying, I'm not in favour of this. Uh, that you shouldn't protesting [sic] because he thinks this, that minority group, gays as a minority group, and we are minority group. And he says when, uh, the black people start

going school [*sic*] and white people were not allowing them to go to school, he says they have the right to live their life the way they have chosen. He says if a Sikh child out of Surrey goes to school with a turban, other people do bother him. He has also given an example of a student, uh, I think he's talking about Nastoh who committed suicide and jumped from the Pattullo Bridge a few years ago. But that was a case of bullying. His mother has already explained to us on that, on the same talk show here. And, uh, but he says, I'm not sure it was a gay issue or not. But still they are a minority group, we are minority group. It's a hypocritical, uh, to criticize them. That's what, uh, this caller is saying.

Remple: Well, um, that may be. I can't really totally disagree with him. Because people want to live whatever lifestyle they want. We have no right. We don't even, we don't, make no attempt to change their lifestyle. But we are asking that, uh, they do not, uh, propaganda, the, uh, their, their information to the young minds. We just want to have the freedom to, to, uh, raise our children and educate them because, without the influence of a lifestyle that's diff-, contrary to most parents. I'll give you an example. If they teach music at school and they say one of the greatest authors, er, composers was Tchaikovsky and he was gay. Well that's fine. But are they going to say for every person that they study, whether it's Louis Pasteur or Christopher Columbus, will they say "But he was heterosexual"? It has nothing to do, a person's sexuality should have nothing to do with their accomplishment.

Thind: Mm hm?

Remple: And so that it, it should, the subjects that are taught should be taught neutral. Not identifying people with it, it, it, to me it makes, it has no sense of logic to it.

Thind: Uh, Gurvinder, [you are our last caller, sir]. Gurvinder?

Gurvinder: Mr. Thind, good morning.

Thind: Good morning.

Gurvinder: Uh, good morning to your guest too. I have actually positive, uh, view with this gentleman that first thing, I think, I have two children, aged five and nine. And I don't really want it, until they pass grade eleven, they shouldn't get this kind of information in their hands, to be reading about gay and, uh, lesbian lives, uh, and their orientation. Uh, in one case a [?] caller was saying that, uh, they have a right to say anything. That's fine. If they can do something, they can do it on their own. But our children should not be introduced to any different lifestyle until grade twelve. Grade twelve and all these kids are getting numbers of information and they are getting mature, then they can read it. They can read any articles or if they have any syllabus in grade twelve, that's fine. I think they will have it their decision at the time of the what's wrong, what's not. But until grade twelve, I don't think it's totally, uh, acceptable in young, young children and I think, uh, I should, uh, request to all the community, the Sikh community that they know their values, they know their principles of, uh, [vigil?] and their culture. They should support and they should, uh, give their support to this gentleman to launch any kind of petition or any kind of, of protest against, um, um, the school board or the people who think that. Thank you so much.

Thind: Okay, thank you. Uh, Tina. Hi, Tina.

Tina: Hi there. I just wanted to say that I, uh, totally, um, agree that this kind of subject should be introduced in the schools because, um, kids nowadays learn from all kind of mediums [*sic*], they learn from TV, they could be age five, six. So if school can teach this subject in a proper manner and in a positive manner, it's better to learn from school than learning from other kids. Or from kids getting depressed, not knowing what's going on and then issues like committing suicide, whatnot. These subjects can be handled in a very well-

mannered by [sic] proper teachers in schools versus them learning on their own and because a lot of Indian parents don't talk about these issues at home, but they complain about the fact that they shouldn't be taught at school.

Thind: Thank you. Your, uh, comments in closing.

Remple: Okay. I, I would like to say that, uh, we, all of us need to protect our values. And if you want, if we want to allow values that are different from the parents' values, then in one generation we will have a totally new philosophy for children. And I ask the question, uh, if you want to protect your religious values, your cultural values, your traditional values, protect your heritage, then you will prote-, uh, protest this. If not, if you don't think that those values are in danger, then go ahead. But I would like to leave you with this. I will leave my e-mail address at the station here. I can say it now and, uh, –

Thind: What's your e-mail.

Remple: E-mail address is at the bottom there. It's LenRemple@shaw.ca. That's L-E-N R-E-M-P-L-E at Shaw dot C-A. We have, uh, someone making up a webpage at the moment. It's not ready. And as soon as it's ready, I'll let the radio station here know, so that people can go on the web to get more information.

Thind: LenRemple@shaw.ca. L-E-N R-E-M-P-L-E at Shaw dot C-A. [You can contact him through e-mail. About your support or opposition or whatever you want to convey to him, you can use it. I want to thank all of you for your participation.] And Mr. Remple, thank you very much for bringing notice. Could you please leave the copy of it. I think we are the first radio station to broadcast this –

Remple: Yes.

Thind: -- information. It was so secret, kept by the government. It never really went to the parents at all. Only two parents knew or heard about it. And those were, most of them were, uh, kind of quite ignorant about the effects or effect in the, in this agreement.

Remple: That's right. And then –

Thind: So, uh, I want to thank you once again.

Remple: Thank you for having me. And, if I may, I'd like to come back as, uh, news develops.

Thind: Thank you.

APPENDIX B

CBSC Decision 07/08-1229 CKYE-FM (Red FM) re an episode of the *Harjinder Thind Show*

The Complaint

The following complaint, dated February 8, 2008, was sent to the CRTC and forwarded to the CBSC in due course:

My name is [R. G.] and while I was driving into work on January 31, 2008, I heard the below mentioned speaker talk about "teaching homosexuality in the classroom".

I was appalled at the misleading comments that were made and I have asked [a reporter] (*Xtra West*) to investigate. She had asked for a copy of the transcripts or a tape but was refused. Are they allowed to refuse this request? This is important because it's exposing negative and false views to new immigrant population that needs to be better educated about Canadian *Charter of Rights* and our community.

Please let me know how the CRTC can respond. I think what is best is to formally request a transcript from the show.

So, here is the information: I believe it's the *Harjinder Thind Show*. The speaker was Len Remple, phone number [###-###-####].

The info for RED 93.1 FM

Address:

#201 8383A 128th Street
Surrey, British Columbia
V3W 4G1 Canada
Office/General inquiries - 604 598 9311
On Air - 604 591 9311
Fax - 604 599 6063
Sales/advertising - 604 598 9311

The complainant replied to the CRTC on February 11:

I did get your email, thank you. I spoke with your Vancouver office and told him of the situation. He said that there is a fairness measure in broadcasting that could be addressed (as a possible violation).

I think that the accuracy of their guest speaker, their failure for opportunity for opposing views, and fielding of questions from non-biased calls should all fall under this category.

The CBSC informed the complainant that the time of the broadcast was required. He replied with that information on February 12:

I would put the show time between 8:45 am and 10:30 pm. I was driving but that should be a short enough window for you to review. The date was on January 31, 2008.

After receiving notice from the CRTC, I gave them more information which should be in the revised report.

If this does not help you, please let me know.

The CBSC then informed the complainant that it would be proceeding with his complaint. He wrote back on February 13:

Did you get the additional information regarding the report? Would I be able to speak to anyone at the CBSC?

An article in *Xtra West* came out about the filing.

Could you have someone call me? I can be reached at ###-###-####.

The CBSC replied to that e-mail, explaining that he should await the broadcaster's response. The complainant wrote again on February 14:

I have copied [N. B.] from *Xtra West* publication journalist [sic] and [a director] from the CRTC with regards to this email which is my reply to your February 14, 2008 email.

Firstly, I am not a big fan of self regulatory organizations for the very reason that they are not in the best interest of the general public but more in favour of ensuring the sustainability of an industry even when individual members are doing potential harm.

I am not at all happy with your procedure because it is more focused on "appeasing" the person that filed the complaint rather than addressing the violating actions of the radio station. Quite frankly, your procedure is not responding to the exact nature of my complaint and the CRTC should take note of this.

The complaint clearly states that there have been some "serious" violations of fair and ethical practices that occurred on January 31, 2008 between the set hours given. I do not see how your organization can feel that having the radio station contact me would solve this issue.

More importantly, I feel that this is more the CRTC's responsibility (since I filed with them) to investigate a violation of fair and ethical practices from a radio station licensed by the CRTC. These are very clear-cut accusations that need to be investigated and do not warrant a "cookie cutter" investigation procedure by a self regulatory entity such as the CBSC.

Secondly, I feel that the request that I file "yet another" form and complaint with the CBSC puts undue burden on the concerned citizen. This alone should reflect how self-regulatory entities such as yourselves are not meeting the needs of concerned citizens.

Now, to address your procedure, it would be fair to surmise that both [the *Xtra West* reporter] (who was trying to get a copy of the station's programming for January 31, 2008 of the interview in question) and myself were not handled in the appropriate manner by the radio station in question. The only acceptable response that I feel which should come from the radio station is a FULL copy of the programme in question that was broadcasted [sic] on January 31, 2008. You and I both know that this will not happen.

Therefore, in fairness to your organization, I would like for the CBSC to move forward (without haste [*sic*]) to their own investigation of the allegations that I have put forward.

Should you fail to do so within a timely manner, I will go back to the CRTC to investigate this manner and the subsequent handling of it.

Broadcaster Response

The station sent a letter of reply to the complainant on February 23:

This letter is in response to your complaint filed with CBSC regarding a broadcast made on January 31st, 2008.

At the very outset I would like to state that CKYE-FM provides a fair and balanced representation of matters relevant to our listeners. We respect diversity in opinions and welcome healthy dialogue. In fact, during our telephone conversation on Jan 31st, 2008, I had thanked you for bringing to my attention your concerns about misleading information being shared by guest Mr. Len Remple during our open-line talk show.

During the same conversation I had told you that I will get back to you very shortly. Immediately after our conversation, I spoke with the guest Mr. Len Remple about your concerns and he agreed to speak with you and gave his personal cell number. Immediately, I called you and gave you his number and you said you will speak with the guest directly. In my opinion, I had promptly addressed your concerns in a fair and responsible manner.

I thought that you would have discussed and clarified your concerns with Mr. Len Remple but now that I know through the CBSC complaint that this matter is not resolved, I would like to meet with you personally for a roundtable discussion to understand and address your concerns immediately.

I extend an invitation to you for a face to face meeting either at our studio or at any location convenient to you at your earliest.

Please feel free to contact me on my cells ###-###-#### or ###-###-#### or email me directly at [name]@redfm.ca.

Additional Correspondence

The complainant sent the following correspondence to the station on February 25:

I am in receipt of your email (letter) dated February 23, 2008 but I do not find it necessary to meet because the point of my filing was in regards to whether or not CKYE-FM did provide a fair, accurate, and balanced representation in matters containing in the date and time in question when Mr. Thind's show ran.

Because your letter said that you do provide "fair and balanced representation" and I am in full disagreement, then I will request from [the CBSC] to go ahead and move forward to the next level of investigation/review by the CBSC.