
Appendix B

to CBSC Decision 99/00-0717, -0739

"CILQ-FM re The Howard Stern Show"

I. The Complaints

The CBSC received two complaints which, between the two, concerned the June 29, and July 10, 11 and 12, 2000 broadcasts of *The Howard Stern Show*.

1. CBSC File No. 99/00-0717

On July 12, the following e-mail was sent to the CRTC and was forwarded to the CBSC in due course:

I am e-mailing you to raise issue about the July 12th broadcasting of *The Howard Stern Show* by Q107 (1400-5255 Yonge Street) in Toronto.

I am not some up tight prude trying to impose my version of morality on anyone. In fact I rather enjoy the way Mr. Stern pushes the envelope. What concerns me was how Mr. Stern went off on an over-emotional tantrum, verbally assaulting a call-in listener of his show. Not only did Mr. Stern demean the woman caller, he also attacked the woman's husband and her family's ethnic origins in an extremely racist manner. How far over the line Mr. Stern went is up to you to decide as I do not know what the parameters are. Although this show took place in New York it was broadcast by a Canadian radio station over Canadian air-waves.

Given that people are shooting their wives and children, along with children shooting children, all because they couldn't control their emotions of anger, should Canada be allowing Mr. Stern to be publically carrying on in an out of control and malicious manner, verbally assaulting women, their families and their race over Canadian air waves? Isn't Canada supposed to respect the esteem of all individuals? You really should give a listen to a recording of that show and decide for yourself.

I will try to reconstruct the show at this time from my memory as best I can in an effort to give you a description of the broadcast that I am e-mailing you about for the purpose of identification. Howard was pushing the envelope as usual which is what his act is about. They had a piece on the Bozo interview which was pretty funny. Especially the part about Howard's father-in-law creating the Bozo scandal over greasing the wheel so his daughter (Howard's wife when she was a little girl) could be butch for the day. Not everyone's cup of tea but classic Howard Stern.

Later in the show they started on about air-headed bimbo Barbie dolls posing for Playboy and how interviewing them was boring and basically the same interview every time. Howard and Robin's impressions were a hoot. They then started talking about how this one aspiring Oscar award recipient had said that she was a big fan of the show and was game to do anything. Well let's be honest, here. Saying the word anything to a shock jock like Howard Stern is bound to get a reaction so Howard's people phoned up her people with a list of to-dos. I'm sure you can imagine the kinds of things the Howard Stern people had thought up. Twisted and far out there but that's Stern. That's his act. She said anything and Howard was asking her does anything include this, this and that. After all, anything, literally constitutes.....ANYTHING. All in all it was pretty tongue in cheek and done in a pretty

humorous way if Howard Stern's brand of bizarre humour is your kind of thing. Apparently though, one listener wasn't impressed, feeling that Stern was being demeaning to women and she phoned in to confront Stern about it. This is when things took a turn for the worse and got ugly. Really ugly. While the woman's perspective may have been a little out of focus of what Stern's intentions were, was it really necessary for Mr. Stern to verbally assault and rape the woman, her family and her entire race of people? Is such behaviour within the guide lines of Canadian content? While the woman took her shots at Howard's looks, family and character too it was more of a reflexive response sort of thing, especially since Stern was proclaiming to be intellectually superior throughout the entire exchange. If Stern was as smart as he professed to be he wouldn't have sunk to the level that he did. It wasn't until after the caller went off the air that Stern able to cool off the emotional overload and start reasoning but the damage had already been done. It was kind of a twisted sort of logic he was using at that point anyway to justify himself at the woman's expense. I am out of computer time at this moment. I will write you some more about this matter tomorrow, thank you for your attention.

No further correspondence was received the next day, contrary to the complainant's concluding statement.

2. CBSC File No. 99/00-0739

On August 4, the following letter was sent to the CBSC and to the Program Director at Q107 (the bold face is from the original):

MediaWatch staff and volunteers have been monitoring The Howard Stern Show on CILQ-FM and are concerned about the continuing offensive remarks which are both sexist and racist, airing on Canadian airwaves. This program has been found to be in breach of the CAB's Code of Ethics and the Sex-Role Portrayal Code on two separate occasions prior to this letter. The CBSC allowed the station to continue to air the show with the condition that they use time-edit equipment to ensure the show adheres to Canadian standards. Stern's show is based on infantile humour that includes the ongoing degradation of women, the humiliation of people with disabilities, the stereotyping of homosexuals and people of colour or ethnic origin.

The continued airing of The Howard Stern Show is in direct contradiction of the intent and spirit of the *Sex Role Portrayal Code* and the *Code of Ethics*, Clause 2 (Human Rights).

Q107 allows a producer/editor to monitor the show every morning and has invested in digital time-shift equipment to edit material that does not conform to CAB Codes. WIC Radio president stated in an August 5, 1999 letter to the CRTC, copied to MediaWatch, that: "Portions of the Program are edited virtually every day with edits ranging from a few seconds of material to entire segments of the Program (although the latter is seldom necessary and when it does happen, precipitates a storm of protest from fans of the Program)."

Mr. Cohen, in your letter to MediaWatch dated February 25, 1999, you acknowledge the program is edited almost on a daily basis anywhere from a few seconds to almost two hours of time. You also stated that "while there is always the possibility that slip-ups have occurred, it would only be fair and correct to acknowledge that, far from being a persistent offender of the codes, Q107 has been diligent in dealing with the contentious material produced out of New York."

Both Q107 staff and CBSC council members openly acknowledge that inappropriate and offensive comments are made on a regular basis by a program that is meant to be "contentious". MediaWatch contends that even with the editing it is literally impossible to edit all the derogatory and discriminatory material that is included in the program every day of airplay.

By allowing Q107 the leeway of possible "slip-ups" to occur in that they may miss editing some offensive material, is not acceptable [sic]. One comment of violence against women or one comment that stereotypes a minority group is unacceptable. Unfortunately, there are many comments made in jest that implies to the audience, who are mainly young male listeners, that it is acceptable and, since it is on Canadian airwaves, it is the "norm" to be abusive and violent **towards** women. The derogatory and discriminatory comments may desensitize the listener to the point where they believe it is acceptable to make fun of people with disabilities **and to create bias against and hatred towards minority groups**. The number of edits out of each show is not sufficient to meet the CAB Codes.

In Spring, 2000 MediaWatch commissioned a poll on community attitudes towards standards of taste with Canadian Facts, a national public opinion firm. The national sample for the survey was 750 Canadians, 18 years of age and over. When offended by media they see or hear, one in two (53%) report they will switch to another channel, 41% said that they will switch off. And fully one in three (32%) will talk to others about what they saw, suggesting negative word of mouth may carry large market clout. Just one in twenty (6%) tried to complain to someone, suggesting that a complaints-based system of regulation will catch a very small proportion of those who encounter offensive programming. This identifies why you have received few other complaints about the program - consumers are uncomfortable or unaware of the process to make complaints. At MediaWatch we have found it challenging to recruit volunteers to monitor the Howard Stern Show because they are so offended by the content of the program.

The following sexist and racist remarks were made in July 2000 on the dates shown. I have included the most offensive comments and have included the rest of the discussion to keep the dialogue in proper context.

Thursday, June 29, 2000

HS: When I tell people I'm having Darva Conger on and even looking at the phones everyone's like, don't Put her on. She's a money sucking whore, she's a slut, she's horrible. I've never seen so much negativity about somebody.

HS: I told my parents, the way you guys raised me and the kind of money you gave me when I was a kid, I couldn't even get five god-damned dollars out of you.

Robin: How 'bout I keep you just like you kept me.

HS: Yeah, I said I'll do for you what you did for me. I'm going to put you in a black neighbourhood.

DC: If I was going to say that my mom...

HS: Well then you should help her out, my parents stuck me in a black neighbourhood. I'm going to put my parents in Watts.

Robin: Yeah, let 'em get beaten up every day.

HS: I said you better save your money 'cause I got news for you - you're going to get beaten up every day. I'm going to put you up in an old-age home with black people and they are going to wheel you around.

Robin: They're going to steal your pants.

Monday, July 10, 2000

(Talking to a caller about Haitian immigration to the US)

HS: What's your point sir, should we allow every Haitian into the country, is that your point? Is that what you wanna tell me?

Caller: Who are you talking about sending somebody back home, you came here...

HS: No, I was born here, I was born here genius.

Caller: (beeped out profanities)

HS: Hey ... if you give me dirty words, if you say dirty words sir, I'm going to deport you back to Haiti.

(a little later when the caller hangs up on Stern):

HS: Well obviously he was in the middle of a chicken sacrifice.

(later)

HS: I am against all immigration into this country, why, why are the Haitians the only ones who seem to be upset by my stand on this?

Robin: Because you've been talking about them. You didn't make it clear that you were

against all immigration.

HS: Oh, I see. He feels he's being singled out.

Robin: That's right.

HS: That's enough with the immigration, look what's going on in Los Angeles: you've got to build a friggin' wall around Los Angeles to keep the Mexicans out. I've got nothing against Mexicans, let 'em go live in Mexico.

Robin: No, now we're in the process of trying to make these other countries better so people will stay home.

HS: Yeah, that's the other thing. Now, our own country has problems, we now got to make Haiti better so that the Haitians will be willing to stay there. But we can't assimilate all these people. Do you know what it takes to assimilate somebody? First of all, a lot of people come to this country and they don't want to assimilate anymore...you must try to assimilate.

Tuesday, July 11, 2000

(talking to *Tori Spelling* on the telephone):

HS: By the way, in the room is John Stamos...and Rebecca Romane - you're not the only piece of ass in the room.

(later, talking about *Spelling's* appearance on Jay Leno the night before)

HS: ...I like the, ah, I like the outfit you picked...I'd love to marry your ass, I swear to god...

Robin: Just the ass though

HS: ...I'll tell you something, your body has never looked better. And then you had a shirt on that had spaghetti straps-listen to this-you'll be interested, all you gals will be interested in this-it had like, spaghetti straps and then just, it had this piece of material. What was that made out of?

Tori Spelling: It was, like, silk.

HS: It was like, silk and it just hangs and, you weren't wearing a bra, right?...So, I mean, your breasts were jiggling around in this thing I was completely out of my...you know, the woman's breasts were pounding up against this silk, like there's two puppies wrestling in the shirt. Were you aware of what was going on in your shirt?

(later)

HS: I went to dinner with Tori Spelling, Shannon Doherty and Jessica Hahn...and it was really cool cause I was like, sitting at this table with like, all these pieces of ass. I made Jessica take off her panties and her stockings at the table...

(talking to a caller about abortion)

Caller: I was just listening to you talking about abortion and stuff, and you were totally right because I have, like, four nieces and nephews and my (?) had them by different men and they growing up very hard and bad and I'm black and...

HS: I knew you were black.

Caller: How?

HS: I can tell from your accent...you speak in the black dialect.

Caller: Oh, ok

Robin: Is it an accent or a dialect? I don't think she's using any dialect.

HS: It's a dialect, Robin, believe me. Accent is like, French.

Robin: You're so crazy.

HS: It's a dialect. And I'm right, right?

Caller: Right

HS: Of course.

Caller: And, um, they're growing up with, they have no self worth, no nothing.

HS: And they're going to be preying on humanity.

Caller: Yeah! You can tell that too by the way they act...

HS: Of course.

Caller: Like they were very upset that they were born...

HS: They will be snatch...I'll bet you some of them have snatched purses already.

Caller: Are you gonna celebrate Martin Luther King birthday?

HS: Oh, that's right. Today is Martin Luther King birthday-the dream is coming true.

Robin: Oh shut up. You are disgusting!

Caller: No it's not.

HS: What do you mean? It is coming true.

Robin: The dream? I'm the dream. I came true.

HS: There you are.

Caller: Well, that's just one person but the rest of us...

Robin: Yeah, well everybody else could follow the dream too but you're all too busy having babies.

HS: Yeah. (They laugh)

Caller: Ummm.

Robin: Don't blame the system...

Caller: The reason I say you can blame the system is because, ahh, how the system let it go on like this...

Robin: Oh please, the system didn't get in bed with you and knock you up.

HS: Right.

Caller: Yes it will.

HS: You don't even know who was in bed with you. She had, like, eighty guys in bed with her-that's almost a system...Now, that baby we're hearing, is that still in your vagina because maybe we could abort it.

Wednesday, July 12, 2000

(talking about a playboy model who wants to be on the show)

HS: So I said, you know what, call back her manager or whoever is in charge...

Robin: Her people.

HS: Her pee-pole and tell 'em she can come in if we can get her naked, roll her up in a carpet, and throw her into the elevator and send her up and down in the elevator and then when she's naked we can poke her with sticks, right?

Gary: Yeah, well, sort of. They came to us and said she's a big fan and she's willing to do anything and those are the magic words I said anything? and the guy says anything. So I came up with anything.

(later, on the phone with the playmate's 'people')

Gary: ...of course I went into a meeting and they came up with a list of what 'anything' means here's the list of 'anything' you ready? Number one is she would have to, would she be, these are not what she would have to do, would she be willing to...sniff our underwear and guess who's belongs to who...

HS: Wouldn't that be fun? Like, we bring in our smelliest underwear...Oh, I've got that one pair of underwear that's has the stains all over it, so I'd bring that one in...

Gary: I brought mine in too.

HS: Yeah, good.

Robin: But, would it smell, if it came from of your drawer?

HS: It smells, it hasn't been put back in my drawer, and it hasn't been washed.

Gary: We didn't insinuate we were giving her clean underwear...

HS: Right, it would be dirty fouled underwear.

Robin: Yeah but I'm just saying you're saying you'd bring it in, you would bring in dirty underwear?

HS: Yeah, 'course!

Gary: I thought we would just take off what we were wearing

Robin: Yeah.

HS: Ah, no, I've got a better pair than that...mine has my autograph.

(on the phone again)

Gary: Could we put a carrot in Howard's lap and she would have to eat it while she's naked? ... And, would she be willing to get naked and eat food out of a dog dish. Playmate 'people' guy: You guys are ****ing sick.

(later)

HS: This is the coolest job in America where you can actually make calls like this and, you know, maybe get away with it.

(later)

HS: These guys have no idea that playboy playmates are boring otherwise.

Caller: Hello.

HS: Hello Honey.

Caller: No, I've been up, I've been taking care of my business for the morning.

HS: And where are you from, what country. (mimicking her accent)

Caller: I'm from New York.

HS: No, you've got some kind of Puerto Rican accent?

Caller: Yes I'm Puerto Rican, what's the problem?

HS: You should go back there where they really treat women well.

Caller: Howard look man, don't even get me started ok, all I did...

HS: Listen Mrs. Fernandez...

Caller: ...call you to let you that what you spoke about just a few minutes ago...

HS: ...listen Fernandez

Caller: ...having a carrot between your lap and having this woman bend down naked and eat out of it and then you wanted her to bend down or whatever, it just blew my mind and had me pissed off that I had to call you with that you wanted her to bend down and have her eat out of a damn dog dish naked, ok, you know that is the lowest of the low...

(while the caller is talking there is laughter and HS says "yeah " throughout)

HS: Well she said she would eat anything...

Caller: ...and I told Stuttering John, you people are sick!

HS: ...she said she would do anything, I wanted to find out what anything meant. She obviously...she lied.

Caller: Oh, I don't know. You could have thought of something else, but not have a woman bend down and eat from a dog dish...

HS: This is like, Rosie Perez.

Caller: ...you know that's so degrading. And when I heard that, as a woman I got really offended

HS: Yeah but, I, you know honey...

Caller: ...and I had to let you know that, it's wrong...

HS: Ahhh, so why don't you come down here and eat a carrot...

Caller: I thought if they was to ask you to do something like that Howard...

HS: I wouldn't do it though, I'm not desperate. I'm not desperate to get on these shows.

Caller: But you're desperate to have these kinds of people on your shows.

HS: No I'm not, they called me.

(later)

HS: ...that's because in her community most of the men get the women to do whatever they want I used to live in a Puerto Rican community...and let me tell you something the men there tell the women what to do and when to do it that's why she's offended.

(later, as response)

Caller: I vote, I pay my taxes, I work so don't even try that over here...

HS: You come eat a taco out of my crotch.

Caller: ...I'm Puerto Rican and proud.

(later)

Caller: ...And another thing, the way you treat your wife that's, you know, you are just disgusting...

HS: Yeah, well let me tell you something honey, I bet you're a big fat cow.

Caller: ... rubbing up on women, touching their breasts...

HS: I bet you you're a big fat cow and I bet you your husband cheats on you (shouting)

Caller: My husband don't cheat on me...

HS: Oh I know he does.

Caller: I take good care of my man.

HS: Yeah right.

Caller: Yes I know I'm right

HS: Nothin' like piling on top a big fat hairy girl.

Caller: Oh god.

(later)

HS: You pig...let me tell you something, if she weighs two hundred pounds...Iguarantee you if she weighs two hundred pounds I'm at a light estimate. This is a fat ugly girl who can't get squat.

Caller: I'm not a fat ugly girl. I am 5"5 I have short brown hair light brown eyes

HS: How much do you weigh? How much do you weigh?

Caller: I weight 125.

HS: Liar. (she keeps talking through his questions) Do you have a mustache? Do you have hair going up around your stomach?

Caller: No I don't Howard.

HS: You do.

Caller: No I don't.

HS: You're angry cause you're flat and you got a big wide ass. (they all laugh) Go count the cockroaches out of your apartment.

Caller: No, don't try it, don't even try it cause it's not at all like that.

HS: How do you get rid of the cockroaches from your apartment?
Caller: You're angry cause you're so tall and goofy you look like a witch, oh my god, you are such an ugly man, you really are.

HS: How do you get rid of the cockroaches in your apartment...from the filth from the filth that you live in.

Caller: ...You are ugly Howard, you're so ugly I can't stand you, I really can't...

HS: What do you use the strip, do you have that pest strip? You should put that over your private parts (everyone moans in disgust) so the cockroaches don't get in there.

Caller: Let me tell you something Howard, I don't have a cockroach problem, what I have is a Howard problem and that's you.

(Caller hangs up on Stern)

HS: She is a filthy, lowlife, low brain power woman...The reason she doesn't understand it is she eats lead paint chips when she was young from the housing project she grew up in. I love all people but I gotta tell you that woman was a pig. A pig. She's filthy.

The above quotes include misogynist and racist material. Stern claims he does not discriminate because he says that all minorities should go back to their own countries.

Stern is in a position of power - he has a young audience who trusts his word - he is abusing his level of authority by creating hateful, racist and discriminatory dialogue that becomes ingrained in the psyche of the listener. Stern constantly identifies women by their body parts. The cumulative effect of hearing about their body parts, i.e. breasts, legs, buttocks, makes the listener perceive that women are not whole human beings - but simply sexualized parts.

On July 12, 2000 Stern says: "This is the coolest job in America where you can actually make calls like this and, you know, get away with it." He should not "get away with it" on Canadian airwaves.

MediaWatch urges the CBSC to rule on the above complaint and to press CILQ-FM to adhere to the CAB Codes or be faced with the prospect of removing the broadcaster as a CAB member due to non-compliance.

II. The Broadcaster's Response

CBSC File No. 99/00-0717

On August 8, 2000, CILQ-FM's Operations Manager responded to the first complainant with the following e-mail:

We are responding to your complaint dated July 20, 2000, to the CBSC, which we received from the CBSC on July 20, 2000.

I have had the opportunity to listen to the segment of The Howard Stern Show aired on July 12, 2000, to which you refer. You noted in your complaint "I rather enjoy the way Mr. Stern pushes the envelope". From this statement, I can only assume that you are a listener of The Howard Stern Show and accordingly, you are probably aware that the show is intended to be funny. We do, however, appreciate that humour is a subjective thing.

On the program in question, I believe that the essence of your complaint is that Howard Stern went too far. Again, this is subject to interpretation, as many people who listened to this segment found it funny. It was intended to be funny, not serious.

We recognize that the Howard Stern brand of entertainment is not everyone's taste and regret that you were offended by his comments. We do hope it will not deter you from listening in the future.

CBSC File No. 99/00-0739

On August 17, CILQ-FM's Program Director responded to the MediaWatch complainant with the following letter:

We are in receipt of your letter dated August 4, 2000. As requested, we are responding to your concerns regarding The Howard Stern Show on Q107, including the broadcast of June 29, 2000, despite the fact that this broadcast is more than 30 days prior to your complaint. As you are no doubt aware, we are not required to respond to complaints that refer to broadcasts more than 30 days before the date of the complaint. As such, we have no copy of the logger tape concerning this broadcast but our producer (who is responsible for the edits on The Howard Stern Show on Q107), had made extensive notes on the item in your letter. We are happy to pass them on to you below.

It is a matter of public record that Q107 edits The Howard Stern Show for broadcast in Canada, over and above the edits that are performed at the originating station, WXRK-FM in New York. This is to ensure that the program conforms to the CAB broadcast Codes, which can have separate regulatory requirements from FCC broadcast regulations in the United States. Indeed, many of the edits that are made at WXRK-FM in New York (which are made as often as the edits Q107 makes) would not be made at Q107, due to the regulatory differences between the two countries. It is not the intent of the edits on Q107 to make the show less controversial or compelling for its listening audience, which is close to half a million men and women in the Toronto area, but to ensure that the program is in compliance with the codes. It is also not the purpose of the broadcasting codes to make controversial programming unavailable to Canadian audiences. It is our understanding that the codes are applied with healthy respect to Canadians' right to free speech (and, as importantly, to hear free speech).

Your letter states that "consumers are uncomfortable or unaware of the process to make complaints" and that this is the reason we receive "few other complaints" about The Howard Stern Show. This is an interesting point of view, considering the fact that the broadcast of The Howard Stern Show in Canada has done more to make the public aware of the avenues open to them concerning objections they may have with regard to certain broadcasts or personalities. In fact, Q107 continues to broadcast announcements on a daily basis, advising our listeners about the CBSC and the process available to them to make any of their concerns or comments about our broadcasts known. However, you are correct that the amount of complaints we receive from private citizens about The Howard Stern Show is negligible and that virtually the only complaints we receive about it are from advocacy groups such as MediaWatch.

In editing the show to comply with the Codes, context is a significant issue in determining whether or not a segment or word can stay or go. Not only is the context of a discussion in a particular show considered, but the context of the discussion within popular culture and prevailing social climates is also considered.

As mentioned above, [our producer] who is responsible for the edits on Q107 makes notes on every edit that gets made and often on why edits don't get made. Your letter of August 3, 2000, was forwarded to Ms. Markowich for her comments on the issues you raise. The best way to respond to your concerns is to provide you with the notes provided to me by Ms. Markowich in response to your letter. They are as follows:

Monday, June 29, 2000

Since the first issue raised in the MediaWatch complaint was on the June 29th show, the logger tapes were no longer available for me to listen to. It is impossible to accurately analyse segments of any show when they are isolated and decontextualized but I will rely on my memory of the segment.

As I recall, Howard is having a discussion with his guest, Darva Conger, about her plans to use her money from Playboy to care for her ill mother. This provides Howard with a jumping off point to discuss how he plans to care for his parents when they become elderly. I'm assuming that MediaWatch is offended by Howard's plans to put his parents in a "black neighbourhood" and in "an old-age home with black people" and Robin's comments that they're going to "get beaten up everyday" and have their pants stolen.

Howard has already established a context for this discussion (perhaps earlier in the segment although I obviously can't confirm this) and definitely in his best-selling books and in his movie, where his childhood experiences are described in detail. As a child, Howard was one of the only white students in an all-black high school. As such he felt socially isolated. The resentment Howard feels towards his parents about this issue is no great secret to the listening audience. The issue here is Howard's desire to reverse the parent/child role and to finally have his parents experience what he did.

As will be discussed later, any articulation of a direct connection between race or ethnicity and social behaviour contravenes CBSC codes and is always deleted in editing. Within context, the intent was not to establish a link between blacks and criminality. In this discussion, Howard and Robin are drawing a parallel between Howard's experience as a child and his desire for his parents to have these same experiences as elderly people. Robin doesn't say "they're going to steal your pants" because she feels that black people at the old age home are going to steal Mr. and Mrs. Stern's pants. She says this because when Howard was a child a classmate stole his pants, an incident described on the show on many occasions and perhaps later in the segment.

In their complaint MediaWatch also included Howard's comments concerning Darva Conger. According to the transcription they provided in the letter, Howard says ".....When I tell people I'm having Darva Conger on and even looking at the phones everyone's like, don't put her on. She's a money-sucking whore, she's a slut, she's horrible. I've never seen so much negativity about somebody." Howard is not saying he thinks Conger is a "money sucking whore" and a "slut", he is saying that this is the reaction and opinion that many have about her. The opinion that Conger prostituted herself on national television by appearing on the "Who Wants to Marry a Multimillionaire" show was expressed by countless media outlets, television critics and feminist organizations.

Monday, July 10, 2000

Immigration

In their complaint MediaWatch also included segments from the July 10th show. This show happened to be a "Best Of". At issue here are Howard's comments about Haitian immigration and the issue of US immigration at large. The segment initially aired around the time of the military coup in Haiti and the subsequent US military invasion of that country.

If the discussion is listened to in its entirety, it is clear that Howard's rationale about immigration is based on his opinions about US economic, foreign and defence policies, not on hatred toward Haitian people or immigrants, as MediaWatch is suggesting. Just moments prior to the exchange MediaWatch is protesting, Howard explains how he thinks the US should handle the immigration issue. I thought it would be helpful to transcribe this segment:

7:25 AM

Robin: Have you noticed what's going on in Haiti as a result of the change in the administration?

Howard: Yes, all of the Haitians are building boats. They're piling up on the shores waiting to come here. But believe me, Clinton won't let us down. He...that was a lot of campaign rhetoric he's not allowing
Robin: Rhetoric you say?

Howard: Oh absolutely
Howard: He had to say stuff like that in order to get elected...he will not allow all those Haitians into the country. Absolutely not.

Robin: Well, Haitians even though they know they're going to be turned back at this point are headed for our shores and the numbers will be increasing as we get closer to inauguration day

Howard: Do you know why all the Haitians want to come here? Economic opportunity. Do you know why all of a sudden? ...

Robin: Is that a bad thing? Why did everyone else come Howard?

Howard: Do you know why else they want to come here? Because we are having, right now, an **economic boycott against Haiti**. Does anybody know this? Did you know this Robin?

Robin: I did too,

Howard: We have an economic boycott against Haiti now let me tell you.

Robin: Right. Of course we do because they had the army overthrow the government.

Howard: Right now but let me tell you something...

Robin: But why did other people come here? You think an economic reason is a bad one?

Howard: Let me tell you something...Never mind why other people came here. Now the country is filled up to the brim with people we got so many people we...

Robin: We have to change the rules.

Howard: We have to change the rules of the game (Robin laughing)

Howard: You know how we can help the Haitians... let them stay in their country and let's lift the economic boycott. Let us make sure to help them economically so they can live there because the alternative is they're going to come here on what they call boats, even though god only knows what those things are.

Robin: These boats will break up as soon as they hit the water.

Howard: These boats will break up and we'll have the navy over there to go pick them up in the water. It's pathetic. And everybody knows it's enough with all of that. It's nonsense.

Robin: Well apparently the plan is to restore the democratic government of Haiti and then to open up the economic uh...or end the economic boycott so it will be a better place to live.

Howard: No and Clinton knows what he's got to do is just lift the economic boycott and, let everyone stay home.

Robin: Well they want to reinstall the president.

Howard: Forget that...you can't install any president...reinstall a president...

Robin: I'm telling you what their plans are.

In their complaint MediaWatch states "Stern claims he does not discriminate because he says that all minorities should go back to their own countries." This is clearly incorrect. In no instance within the material that the organization is complaining about, and in the entire segment at large, does Stern ever say that "minorities" should go back to their own countries. He states repeatedly that, in his opinion, the alternative to relaxing U.S. immigration policies would be to offer foreign and economic aid.

When Stern says "look what's going on in Los Angeles: you've got to build a friggin wall around Los Angeles to keep the Mexicans out. I've got nothing against Mexicans, let 'em go live in Mexico," he is referring to a particular moment in U.S. history when many Mexicans were crossing the U.S. border illegally. The fact that this show was from 1992 is clearly evident during the discussion and establishes a social and political context in which to place the segment. Furthermore, in this Mexican example, he is not referring to Mexican-Americans he is referring to Mexicans from Mexico.

Assimilation

Another issue referred to in the complaint is Howard's comments about assimilation. American ideological discourse values the idea of the "American melting pot." The ideology that shapes Canada's social and political policy relies on the concept of the "Canadian Mosaic." We do not try to hide the fact that the Howard Stern Show is an American program. Stern's opinions about assimilation are based on the classic American "melting pot" ideal, as well as his own family history and experience. Stern describes that when his grandparents, who immigrated to the U. S. were embarrassed that they did not know how to read and write, they spent nights learning English in order to feel like they were a part of the country. Although Stern's description of how this act of "assimilation" gave his grandparents a sense of belonging occurs within the segment that MediaWatch is complaining about, they did not feel the need to include it in their transcription. Having an opinion supporting an American "melting pot" society does not contravene any broadcasting codes.

Tuesday, July 11, 2000

"Piece of Ass" Issue

In this segment MediaWatch seems to object to Stern's use of the term "piece of ass" to describe women. This is a term Stern often uses to describe an attractive person. This term might be vulgar but it is certainly not sexist, as it was used by Stern to describe male actor John Stamos just prior to the start of MediaWatch's transcription. At 7:34 Stern says. "he's a really gorgeous piece of ass ..."

I believe that MediaWatch is arguing that Stern is sexualizing Rebecca Romaine and Tori Spelling. This sexualization, according to MediaWatch, results in the perception, by listeners, that women are not whole human beings." MediaWatch does not note that Rebecca Romaine is in-studio to promote her layout in Sports Illustrated Swimsuit Edition and Spelling calls to promote her made-for-TV movie entitled Co-ed Call Girls. Furthermore, if Ms Spelling objected to Stern's description of the outfit she wore on the Jay Leno Show, then she had every opportunity to correct him or to disagree.

Abortion Discussion

In their transcription of this segment MediaWatch does a little editing of their own. By excluding several significant key statements made during Stern's discussion with a caller about abortion, the complaint manipulates the transcription in order to illustrate that the show breaches Clause 2 of CAB's Code of Ethics. When the discussion is evaluated in its entirety, and in context, this is clearly not the case.

I am assuming that MediaWatch is suggesting that Stern connects blacks with criminality and promiscuous behaviour in this segment. Any connection between race or ethnicity and negative behaviour results in the articulation of a negative stereotype and is always edited out of the show. In fact, during a separate discussion earlier in the show, at 6:16, 6:18, 6:20, several comments and generalizations about blacks and single motherhood and criminality were edited.

This segment is part of a larger discussion about the issue of abortion and unwanted children. At 9:05 Stern speaks with a minister who is anti-abortion. Here, Stern clearly establishes his pro-choice position and argues that unwanted children inevitably become the criminals and "hoodlums" of society (9:10). In the segment in question a black caller says that she thinks that Stern is "totally right" about his theory about unwanted children and abortion, and cites her nieces and nephews as examples of his theory. When Stern suggests that this caller's nieces and nephews will be "preying on humanity" he is expanding his opinion about unwanted children and criminality; he is not suggesting, in the least, that the fact that they are black has anything to do with this. In fact MediaWatch excludes the caller's description (which, incidentally, occurs in this discussion), of how her troubled niece has begun to shoplift and steal money from her mother's purse.

MediaWatch might suggest that Robin's remark to the black caller that "you're all too busy having babies" is racist and connects black women to single motherhood. It is interesting to note that in their transcription MediaWatch edited out the statement made by the caller that "I have one (baby). I'm a statistic too." The caller makes this statement almost immediately prior to Robin's remark.

Stern's comment that "the baby we're hearing, is that still in your vagina because maybe we could abort it" is a ridiculous suggestion and relates to the earlier discussion about abortion. He is clearly not serious.

Wednesday, July 12, 2000

Playboy Playmate

In this segment, Stern and his staff compile a list of preposterous suggestions for a Playboy model who has requested to appear nude on the show and "do anything." The suggestions made were meant to be a joke on just how far people will go to come on the show and what types of suggestions PR people will entertain in order to book their clients on the show. The segment includes a tape of a phone call Gary Dell'Abate, the producer of the show, makes to the Playboy Playmate's public relations representative. In the phone call Gary lists ridiculous suggestions, compiled by Howard and his staff, in order to illicit [sic] a reaction from the PR person and to see just how far this model will go to get on the show.

There is no suggestion of putting this woman in a violent situation or in a situation where she would have no control. In fact the comment that Howard will "chain her to the door" was edited out of this segment (9:57).

Argument with Caller

Howard often argues and makes mean comments to callers, both male and female, about their appearance. This fact is no surprise to people who listen to the show. Any overt comment that is either racist or suggests violence towards women is and was edited from the show. At 10:08, Howard's comment to the caller that "I'll beat you like a pinata" was edited. Also the comment that the caller's husband got his "master's degree in stealing" was edited because it suggests that Hispanics are prone to crime.

In reading the transcripts provided however I think I might have made an error in judgment by leaving in some of the comments about this woman that had racial implications, i.e. "you come eat taco out of my crotch."

I am assuming that MediaWatch is labelling this segment "mysogynistic" because of Howard's comments about this woman's appearance. The male callers that Howard argues with are not excluded from this type of treatment. Mean comments about weight and appearance are not solely reserved for women on the *Howard Stern Show*.

Despite the fact that your complaints are general in nature and not specific, we took the liberty of responding based on what we thought the actual issue was in relation to the broadcast Codes. It is clear you have a general concern with the Howard Stern Show that certainly goes beyond any specific complaints you may have. Q107 has maintained, since day one, that the Howard Stern Show is a matter of choice for Toronto listeners. Through extensive dialogue with organizations like the CBSC, Q107 has made every effort and will continue to make every effort to ensure that the Howard Stern Show complies with the CAB broadcast Codes. From time to time Q107, like many other broadcasters with controversial programming, may be in contravention of the Codes. That is why there is an organization like the CBSC in the first place. When these errors are pointed out by the CBSC, Q107 willingly and readily acknowledges them and apologises for these errors, as does every other member station of the CBSC when they are found to be in contravention of the Codes. Just because a show may be in contravention of the Codes from time to time (as is the case with a number of controversial shows on the air in Canada), does not mean that show has to be, or should be, cancelled. This is in no way meant to represent that we feel the Howard Stern Show constantly contravenes the broadcast Codes. In fact, with the edits that Q107 makes, the show is no more out of place (or, for that matter, out of compliance with the Codes) on Canadian airwaves than any other show with sometimes controversial subject matter.

We recognize that the Howard Stern brand of entertainment is not for everyone's taste and regret that you have a problem with the show.

The Howard Stern Show generates strong emotional reactions on both sides of the issue. Some feel that nothing short of its removal from Canadian airwaves will suffice. Others are just as adamant about Canadians' freedom of expression and listeners' rights to receive programming of their choice.

We do take steps to ensure that warnings about the nature and content of the show are broadcast regularly, in an effort to inform listeners who may be sensitive to such issues.

A programme producer, whose sole function it is to monitor the show, is employed with a view to ensuring sensitivity to and continuing compliance with Canadian broadcast Codes and Regulations.

As we noted earlier, the Howard Stern Show has polarized public opinion. The most recent BBM ratings results released, indicate that approximately 488,300 Q107 listeners choose Howard Stern each week as their preferred program despite a multitude of alternatives.

III. Additional Correspondence

CBSC File No. 99/00-0717

The first complainant was not satisfied with the broadcaster's response and, on August 15, sent the following e-mail to the CBSC:

I have received a response from Q107 that I feel is unsatisfactory. What follows is my response that I sent back to them.

Congratulations, you've managed to stoop to the level of O.J. Simpson. Much like O.J. you've extrapolated a sentence from my correspondence (presumptuously) and spun it a little in an effort to put it on me. (Last I read O.J.

was blaming Nicole.) Being somewhat from the old school, I am quite familiar with the adage "fuck 'em if they can't take a joke." That's not applicable in this case. Neither is whether I am a fan of the Stern show or not. Fact is that a lot of Stern's act is to create a buzz by being someone that people find offensive in an effort to test the parameters of freedom of speech through his brand of humour. The point I'm trying to make is that Howard Stern went off on an over-emotional tantrum because a female caller did not share the same perception as Howard Stern. It's not a case of me choosing sides as to who has the "right" perception, but a matter of the mechanics that Howard Stern employed to deal with the caller. I'll pull no punches with you, I'm exploiting Mr. Stern's fame and popularity to make a point. That point is that although people may not share the same perception, they can still steer through situations relatively unscathed by not allowing their anger to control them and allowing their brains to reason and rationalize.

Proof that Mr. Stern allowed that to happen is there in that episode. One of the things Howard Stern was carrying on about while verbally assaulting the woman was how much smarter he was than her and her husband. If you listen to the tape, you will hear the woman mention that her husband had a Masters degree. Does Mr. Stern have a Masters degree? Do you? I don't. I knew someone that had one and he was a pretty bright individual. We ain't talking the Marvel School of Beauty College level.

Instead of giving the woman any degree of respect, Stern resorted to slander (just another form of anger) instead of reasoning through it. He hit the racism button too. (Something also triggered by anger.) What I really found ironic was that just the other day, Stern mentioned that no one was into anger. That's also on tape. Mr. Stern has also said on air that "we're all doomed". I got news for you. We're not if we can learn to control our darker emotions like anger and allow our brains to reason and rationalize properly. When we learn how to do that, then we'll start to respect one another's self-esteem. We're only doomed if we allow ourselves to exist in a weaker state like Howard Stern did on that episode.

I'm not out to tear down Mr. Stern, though I'm sure many would like to see that. In fact, it's entirely possible that we may need guys like Stern around to push the limits of free speech so we don't lose that right. We just have to recognize where the edge is.

I'm not trying to put myself on a high moral pedestal either. I've learned the hard way about pushing the anger pedal too hard.

So what's it gonna be with you guys and Stern. Ya [sic] gonna [sic] be like O.J. or ya [sic] stand on this earth with pride. There's a difference between humiliation and humility. One is weak, the other is strength. Hope you and Mr. Stern choose to be strong.

Your response to this date is UNSATISFACTORY.