
APPENDIX

CBSC Decision 04/05-0672 & -0380 CTV Television and CTV Newsnet re news reports (ghettos and concentration camps in Poland)

The Correspondence

The First Complainant's First Complaint (re the November 2003 broadcast)

On November 13, 2003, the then Ambassador of the Republic of Poland wrote the following letter to the President of CTV News:

On Saturday, November 8, 2003 at 11:00 pm CTV News presented a touching story of a Holocaust survivor. The story said: "*He was five years younger than his audience when his family was forced into a Polish ghetto for Jews*". The same information was published on the CTV website under the title: "*Students moved by Holocaust survivor's story*" credited to CTV.ca News Staff. The use of such words might leave doubts for Canadian viewers as to who created and operated ghettos in the Nazi occupied Poland during WWII. There should be no doubt about it and any attempt to suggest otherwise is offensive to Poland and Polish people. The duty of media in a democratic country is to inform not to mislead (It shall be the responsibility of broadcaster to ensure that news shall be presented with accuracy and without bias - *CAB Code of Ethics*). There were ghettos for Jews in cities on the territory of Nazi occupied Poland, e.g. Warsaw ghetto, Łódź ghetto or Bialystok ghetto, established by the Nazi authorities.

The Embassy of the Republic of Poland has noted a number of such offensive comments with regard to the history of Poland published in Canadian media. In 1988 the Ontario Press Council upheld a complaint by the Canadian Polish Congress about the use by *The Ottawa Citizen* of a phrase "*Polish concentration camp*". In our understanding the phrase "*Polish ghetto*" should be regarded in the context of this ruling.

The Embassy's press secretary demanded a correction and an apology in a conversation with the Foreign Editor of the CTV News. As a result the text published on the CTV website was changed and the word "*Polish*" was dropped. It does not however alter the fact that Canadian viewers were given information, which is likely to cause injury to the image of Poland. Therefore, I believe that a formal apology is in order. I await your reply.

The broadcaster responded to the complaint in a letter dated November 20, 2003:

We acknowledge receipt of your facsimile of November 12, 2003 and understand that you have also spoken to [the] Foreign Editor at CTV News, with respect to this matter.

Your concerns relate to our usage of the term "Polish ghetto" in the context of a CTV News report, regarding a presentation from a Holocaust survivor during Holocaust Education Week in Toronto.

It appears that you take issue with the use of the term, on the basis that you believe it denotes that the Polish people were responsible for setting up these ghettos. You have also provided us with a copy of a Press Council decision that upheld a previous complaint by the Canadian Polish Congress regarding an *Ottawa Citizen* movie review of "Sophie's Choice". The Council found the phrase "Polish concentration camp survivor" in that case to be ambiguous and "could be interpreted to suggest the camp itself was Polish, an incorrect statement in light of the fact that Second World War concentration camps in Nazi-occupied Poland were established and operated by Hitler Germany."

The specific sentence at issue in the CTV broadcast reads as follows:

Nate Liepciger (the survivor) told the students he was five years younger than they were when the Nazis forced his family into a Polish ghetto.

In the context of this statement, especially given that it is preceded by the reference to the Nazis forcing Mr. Liepciger's family into the ghetto, it is quite clear that the adjective "Polish" is clearly denoting a location rather than suggesting in any way that the Polish people or government were responsible for the ghettos. This is clearly different than the situation involving the review by the *Ottawa Citizen* where the term was not provided a context and may therefore be subject to different interpretations.

With respect to the website story, the sentence containing the phrase "Polish ghetto" is immediately preceded by a reference from the survivor of a number tattooed to his arm by the Nazis. In our opinion, given this context, it is certainly clear that the ghettos were created by Nazi Germany and not by the Poles.

We sincerely regret that you were offended and that you feel that the usage of this term is insulting to the Polish nation and to Canada. We can assure you that at CTV, this term was never intended to be offensive or insulting to the Polish community, either here in Canada or in Poland.

In summary, while we understand your concerns and believe in the use of precise language, we believe the term was used in an appropriate fashion. In the course of reviewing your complaint, we came across a broad spectrum of reference material from both mainstream media and teaching establishments (including major universities) throughout North America which use the term "Polish ghetto" in precisely the same way as it was used by CTV – i.e. to generally identify the location of the ghettos that were set up by Nazi Germany during the Second World War. Terms such as Polish ghettos, Italian ghettos, as well as more specific references such as the Warsaw Ghetto, the Łódź Ghetto or the Krakow ghetto, are used interchangeably – depending on the context. In other words, many articles or reports about the Holocaust use both the specific references such as the Warsaw Ghetto when describing this particular ghetto. However, if referring to a number of ghettos that were situated in a specific country, terms such as Italian ghettos or Polish ghettos are commonly used. As I am sure you are aware, the Nazis established about 365 ghettos throughout Eastern and Central Europe, between 1939-1945.

It is also interesting to note that these same ghettos are also sometimes referred to as "Jewish ghettos". Using the same logic as the Press Council report, such reference could be interpreted to suggest that the Jewish people were responsible for creating these ghettos to intern themselves. It is unlikely however that any reasonable person would interpret the term in such a way.

Clearly however, given the general population's knowledge of the Holocaust, most would understand the phrase to simply mean that it was the Jewish people who were confined to these ghettos.

Hoping this clarifies this matter.

The First Complainant's Second Complaint (re the April 2004 broadcast)

The Ambassador sent another letter of complaint to the President of CTV, dated May 6, 2004, that reads as follows:

On Friday, April 30 at 16:15 CTV Newsnet presented information on John Demjanjuk. The CTV anchorwoman said: "In 1977 the U.S. Justice Department accused him of being *Ivan the Terrible*, a notoriously sadistic guard at the Polish camp of Treblinka." This choice of words is offensive to the Polish people and the Government of Poland. The concentration camp in Treblinka was created by the Nazi Germans, who invaded and occupied Poland during the WWII. The German Nazi occupiers used concentration camps to exterminate Jews, Poles and other nationals, very many of them citizens of the invaded Poland. Therefore, to call the concentration camp in Treblinka "the Polish camp of Treblinka" is an insult to millions of Poles who sacrificed their lives in the fight against Nazi Germany on all possible fronts of the WWII. Those whose families have not experienced the horror of Nazi German occupation are clearly unable to fully apprehend the magnitude of suffering and the heroism of resistance.

The words chosen by the CTV to present the information on Mr. Demjanjuk, hopefully a result of ignorance rather than a bias or prejudice against Poland and the Polish people, are in clear contrast with the guidelines of the Ontario Press Council:

Many years after the end of the Second World War, there is a reason to believe some Canadians have little or no knowledge about death camps that existed in Poland. To avoid misunderstanding, either the context or at least one reference in any article about wartime concentration camps should leave no doubt that the Nazi occupiers set them up and operated them. And in no instance should they be described as "Polish concentration camps."
(<http://www.ontpress.com/about/index.asp>)

You have confirmed your knowledge of those guidelines in your correspondence on the similar problem of November 20, 2003 (your reply to my complaint of November 13, 2003).

I demand an apology and a correction to be broadcast by the CTV Newsnet.

The broadcaster responded to the complainant on May 28, 2004:

In response to your letter of May 6, 2004, you correctly indicate that CTV has dealt with this issue in the past with our correspondence to your Embassy of November 20, 2003. Our response in this case is similar to our previous response.

Your concerns appear to relate to our usage of the term "Polish camp" in the context of a CTV Newsnet report, regarding a US court ruling upholding an earlier decision which removed the citizenship of John Demaniuk. You take issue with the use of words, on the basis that you believe it denotes that the Polish people were somehow responsible for the creation of concentration camps during the Second World War.

It is our belief that given the general population's knowledge of the Holocaust, the adjective "Polish" would denote only the location of a camp and not responsibility. However, even if this was not the case, the context of our report on the well known case of John Demaniuk, a former Nazi soldier believed to be "Ivan the Terrible" by some, clearly establishes the Nazi relationship and would clarify this issue.

In fact, in the report itself, the reference to "Polish camp at Treblinka" is preceded by the following: "*The US government has been trying to prove Demaniuk's Nazi connections for 27 years.*" As well, Treblinka, the particular camp referred to in the report is a well known concentration camp created by Nazi Germany.

This situation is clearly different than the Ontario Press Council case involving the review by the *Ottawa Citizen*, where the term "Polish concentration camp survivor" was not provided a context and may therefore have been subject to different interpretations. I wish to point out that the Ontario Press Council has no involvement with broadcasting in Canada. It does not issue "guidelines" for Canadian broadcasters.

We sincerely regret that you were offended and that you feel that the usage of this term is insulting to the Polish nation and to Canada. We can assure you that at CTV, this term was never and has never been intended to be offensive or insulting to the Polish community, either here in Canada or in Poland.

I disagree with your statement that "Those whose families have not experienced the horror of Nazi German occupation are clearly unable to fully apprehend the magnitude of suffering...." I believe that most Canadians are fully aware of the horrors of World War II. In 1939, Canada was one of the first overseas nations to join the Allied War efforts. Millions of Canadians fought and thousands died in Europe, Africa and Asia. The suffering and heroism from World War II is commemorated in Canada on Remembrance Day – November 11th, during Holocaust memorials, and during the D-Day anniversary.

While we understand your concerns and believe in the use of precise language, we believe the term was again used in an appropriate fashion. As previously indicated in the case of the term "Polish ghetto", a broad spectrum of reference material from both mainstream media and teaching establishments throughout North America use the term "Polish camp" in precisely the same way as it was used by CTV – i.e. to generally identify the location of the concentration camps that were set up by Nazi Germany during the Second World War. Similar such references also include Polish death camps and Polish concentration camps, again to denote the location of the camps, not the country or people responsible for same.

Hoping this clarifies this matter.

The Chargé d'Affaires of the Embassy of the Republic of Poland sent a letter dated August 17 to the Chair of the CRTC, voicing the concerns of the Ambassador which were expressed in the previous correspondence to CTV.

I would like to inform you that the Embassy of the Republic of Poland in Ottawa has presented to the Department of Foreign Affairs and International Trade Canada the Memorandum of the Government of the Republic of Poland regarding information broadcast by the CTV Newsnet on the Nazi German concentration camp at Treblinka that was not only untrue but also detrimental to Poland and the Polish people. The Government of the Republic of Poland expressed concern about the use of phrase "Polish camp of Treblinka" to describe the German Nazi concentration camp built in the occupied Poland in order to exterminate the inhabitants of our country. The President of the CTV News [...] in his

correspondence with His Excellency Ambassador of the Republic of Poland upheld the news report statement and informed that it was a part of the conscious editorial policy of the CTV News. The Government of the Republic of Poland believes that the Government of Canada will undertake appropriate actions to ensure that the dignity of the Republic of Poland, the ally of Canada in NATO, and the Polish people will not be affected by false and harmful information. I have been assured that it is in the mandate of the Canadian Radio-television and Telecommunications Commission to guarantee that standards of true and fair broadcasting are respected. It becomes especially important with regard to the presentation of the tragic history of Holocaust and the German Nazi concentration camps. Therefore, I have taken this opportunity to inform you about the case in hope that you will give it a proper consideration.

The President of CTV News responded on August 18 with the following letter and attachment:

Thank you for your letter of May 6th pointing out concerns with our news department's use of the phrase "Polish camp of Treblinka," and "Polish Ghetto for Jews."

After reviewing the issue, we agree with your concerns.

I have attached an advisory that has been sent to CTV News staff.

The Polish community in Canada through its letters and telephone calls has been extremely helpful in reviewing this issue with us.

The following advisory was attached to the letter:

August 18, 2004

Special Attention: CTV News Editors -- Producers -- Writers -- Reporters -- Anchors

Background:

Last November, during a story on a Holocaust survivor, CTV News used the phrase "Polish ghetto for Jews." In April, during a story about Nazi war criminal Walter [sic] Demjanjuk, a script used the phrase: "...the Polish camp of Treblinka." CTV News has received dozens of complaints from Polish Canadians who say that such wording is offensive and inaccurate because it suggests that Poles were responsible for the "ghettoes" and "concentration camps" in Poland during World War 2. They want it clearly stated in any reportage on this subject, that Nazi Germany was responsible for the forced ghettoes and concentration camps in Poland.

After reviewing our stories, reading the correspondence and discussing the issue with Polish Canadians, I agree, that our wording was unclear, and offensive.

CTV News Responsibilities:

1. To report with language that is precise, clear and accurate.
2. To be sensitive to words or phrases that are – or might have the appearance of being – offensive, demeaning or hurtful to a religious, ethnic, or other group.
3. To ensure that historical context is included in our coverage. With the passage of time, history is often forgotten by our viewers, or not learned at all by younger generations. This point was made repeatedly in correspondence from Polish Canadians to CTV News.

On this issue, it is our job to leave no doubt about the historical context of events in Poland during the Second World War: that Poland was invaded by Nazi Germany, that Poland was occupied, that the Nazis forced Polish nationals into ghettos, built prisoner of war camps, and brutalized and murdered millions of Poles – both Jews and non-Jews.

CTV News Policy:

CTV News programs must not use the adjective "Polish" when describing World War 2 concentration camps or ghettos that were created, built and run by Nazi Germany.

Example:

Use: "The Nazi concentration camp at Treblinka, Poland."

Do Not use: "The Polish Camp at Treblinka." – which is imprecise and suggests the Polish people were responsible for the death camp.

Please call me if you have any questions.

On September 13, the Chair of the CRTC responded with the following:

Thank you for taking the time to write to me to express the concerns of the government of the Republic of Poland about the use of the phrase "Polish camp of Treblinka" on CTV Newsnet.

First, let me assure you that we are sensitive to your concerns. The horrible fate of countless innocent people in concentration camps still needs to be heard, over half a century later, and must be explained with utmost clarity for all to understand.

Under the *Broadcasting Act*, broadcasters are directly responsible for the selection, content and scheduling of their programs. Broadcasters have developed conduct codes that they have agreed to abide by which cover issues such as journalistic ethics. The broadcasting industry's own self-regulating organization, the Canadian Broadcast Standards Council (CBSC), has been mandated to administer these codes and address complaints from the public involving their member stations. The Commission has endorsed this approach of ensuring high standards in broadcasting.

We have received many letters concerning CTV's newscast which we have forwarded to the CBSC asking it to pursue the matter on behalf of the complainants. Rest assured that if the complainants are not satisfied with the CBSC's conclusions, they can pursue the matter with the CRTC.

The Polish Embassy's Chargé d'affaires met with the CBSC's National Chair in September 2004 to emphasize his concern and request follow-up on his complaint.

The Second Complainant's Complaint (re both broadcasts)

On October 18, 2004, the CBSC received the following complaint dated October 6 which was sent to the CRTC and then forwarded to the CBSC in due course.

To whom it may concern,

I had the opportunity of watching a CTV documentary last November, which I believe was repeated in April this year related to the Holocaust. To my disbelief I heard the program anchor use the phrase: "Polish Ghetto for Jews" and "Polish camp of Treblinka". I wondered for a moment whether Canadian journalists know their modern history since they appeared incapable of distinguishing the difference between camps built by the Nazis in occupied Poland and "Polish camps". This is like blaming the South Africans for inventing the concentration camps in the first place since they were built by the British in South Africa.

It may not appear significant to insult the feelings and dignity of millions of Poles who not only had nothing to do with the establishment of the death camps but suffered immeasurable losses themselves during the last war in those self-same camps. However, CTV is one of a number of reputable media outlets that affect the conscious of the Canadian population and the mistakes they make are repeated by other people with fewer resources or integrity. Now, having heard similar stories repeated from these other media sources, a growing portion of the Canadian public believes that Poland built the ghettos and concentration camps of their own volition.

A couple of months ago, I heard a CBC broadcast on a Jewish ghetto in Warsaw, which expressed a cynical opinion concerning the behaviour of Poles while the Germans burned the ghetto during the uprising. Nobody thought to mention that the only way the insurgents could have obtained their weapons was from the Polish underground. Neither was there any mention of the thousands of Poles who risked their lives to smuggle Jews from the Ghetto to the countryside surrounding Warsaw. (I refer you Roman Polanski's "Pianist". The film, which is based on the memoir of Wladyslaw Szpilman, [was] directed by Polanski, himself a Polish Jew who escaped from the Warsaw Ghetto with the help of Polish patriots.)

My discussions with my Canadian friends confirm my anxiety. Those Canadians who are in the habit of reading books are less vulnerable to this kind of revisionist 'history lesson', but others firmly believe that the majority of Poles were anti-Semitic and did in fact build and run those camps and ghettos. A great harm has been done to Poland and Polish people both in Canada and abroad by such careless CTV programming.

I am 61. I have lived in Canada since 1986. My children attended primary and secondary schools here in Canada and graduated from Canadian Universities. My spirit has been lifted by witnessing the tolerant and anti-racist education my children received in Canada.

My only anxiety is that such an education can be seriously disrupted by the poison of bad journalism, irrespective of who the direct victim is; indirectly everyone is a loser. I am afraid that in the future my children may become the victims of intolerance brought about by the spread of such historical lies.

I would like to add a couple of personal remarks. My father went through the hell of the Warsaw uprising in 1944, after which he had to endure the hell of Mathausen Concentration Camp, which was a "Death Camp". He was later imprisoned in Schomberg concentration camp. He shared those atrocities with Jews, Catholics and atheists during his time in the camps just as he had his pre-war life in Warsaw since racial prejudice was unknown in my home. Unfortunately, despite surviving the war the experience caused him to pass away very young. He would be very surprised to hear the stories aired by your station. I cannot help feeling a sense of personal outrage since those stories were an insult to the memory of my father.

One last story. My wife's mother's parents hid a Jewish girl for several months during the terrible German occupation in Poland. They risked their lives and the lives of their four kids. You have to know that Poland was the only country in which Germans introduced the death

penalty for hiding/helping Jews. The reason that such a law was necessary was the high rate of disobedience towards the anti-Semitic laws of the Third Reich in Poland.

I am sure that there are thousands of interesting stories concerning the actions of Polish people during the occupation, but they do not very often come through the Canadian outlets. The media are known as the "third force" of a nation. However, in order to retain this position they cannot compromise the truth with half-truths. There is a tremendous moral and social responsibility resting on their shoulders, which I am sure, is burdensome. However, it must be maintained to the highest standards possible. I experienced the appallingly bad Polish-Communist media and I know what social harm such media may inflict.

In conclusion, I firmly believe that good journalism predominates at the CTV, but in order not to prejudice it the CTV should publicly and in a loud voice apologise to the Polish community for the mistakes they committed in their news report.

The President of CTV News responded to the complainant in a letter dated October 27, 2004:

This letter is in response to complaints filed to the Canadian Radio-television and Telecommunications Commission and the Canadian Broadcast Standards Council.

In November 2003 a CTV News report used the phrase "Polish Ghetto for Jews". In April 2004 an item aired on CTV Newsnet using the phrase "Polish Camp at Treblinka". Complaints to CTV News about this English usage said the wording was offensive because it implied that Poland and Polish people were responsible World War Two concentration camps and ghettos.

After reviewing the issue and conferring with Polish Canadians, CTV News agrees with these concerns.

An editorial advisory has been issued to CTV News employees instructing them not to use the adjective "Polish" as a geographical locator, when describing World War Two concentration camps or ghettos that were built and run by Nazi Germany.

The editorial advisory to CTV News staff restates our responsibilities;

- to report with language this is precise and accurate.
- to be sensitive to words or phrases that are, or might have the appearance of being offensive, demeaning or hurtful to a religious, ethnic or other group.

If you were offended by these news items, we apologize. The wording was unintentional and the context of the items makes it clear that Nazi Germany was responsible for concentration camps and ghettos in Poland during World War Two.

Some individuals wrote to CTV News to explain that precise wording on this issue is important because, with the passage of time history is often forgotten, or not learned at all by younger generations. CTV News also agrees with this point, that historical context is important to accurate reporting.

The Polish community in Canada through its letters and telephone calls has been helpful in reviewing this issue with us.

Thank you for taking the time to write and for your interest in CTV News.

The complainant sent his signed Ruling Request Form dated November 2, along with the following letter:

To whom it may concern,

This letter is in response to yours, dated October 21, 2004. At the same time this letter is an attachment to a Ruling request Form.

Yesterday, I received a letter dated October 28, 2004, from [the] President of the CTV News. In his letter, [the President of CTV News] explains his position with respect to the issue in question (filed by CBSC as referenced above). I believe you may be in possession of a copy of his letter.

[The President of CTV News] apologized to me as a potential victim of the offence. I accept the apology on a personal level. I do, however, feel that there are a couple of issues remaining to be addressed.

I have to disagree with a key statement of the letter phrased as follows: "The wording was unintentional and the context of the items makes it clear that Nazi Germany was responsible for concentration camps and ghettos in Poland during World War Two". In fact, the wording was not unintentional and the context was not clear.

What I expect and require from the President of a prestigious Canadian Broadcasting company is an aired rectification of the misleading information as well as a sincere apology to the viewers. The apology should be addressed to all my compatriots who were watching the News report, including those who did not file a formal complaint.