
APPENDIX A

CBSC Decision 05/06-0023 CHKG-FM re *Lac Viet* Radio

The following are the transcripts of the relevant portions (as isolated by the complainant) of *Lac Viet Radio* broadcasts, translated into English.

April 23, 2005

woman's voice: [...] serving the Vietnamese settlers in BC, regardless of their origin in the North, Central or South [region of Vietnam]. It is *Lac Viet's* policy not to interfere [or be affiliated] with any other organizations' activities, especially those with political affiliations. *Lac Viet* has never provoked hostility with any individual or any organization, but we will not hesitate to speak out in defense when our policies are being slandered. An illustrative example of this [slandering act] is the surfacing of anonymous letters. In that spirit [of speaking out in defense], we would like to announce that from now on, we will not accept any phone calls to the radio station from [people or organizations] that has been and still is displaying destructive intentions, slandering, accusatively labeling *Lac Viet* as communist-friendly. We do not view them as our listeners; specifically, we will not receive phone calls from Mr. Nguyen The Tien due to the following reasons:

- 1 Mr. Tien has used "un-educated" language to speak about the policy makers of *Lac Viet's* station. [*translator note: the literal meaning was "uneducated language", however, this term is a polite way of saying that the speaker, i.e. Mr. Tien had spoken using less courteous languages, but not quite "cursing" yet*]. Several seniors, who were witnesses, have told us about what was being said.
- 2 Mr. Tien had publicly accused the *Lac Viet* station as "communist-friendly" at a meeting of the "Vietnamese Community in the Greater Vancouver Area", on this past April 17, in the presence of more than 100 people.
- 3 Mr. Tien has offended Mr. [N. A. Q.] - also known as Mr. [R. C.], a Canadian professor who can speak Vietnamese because he had resided in Vietnam for a few years - when he was ON AIR. Not enough, Mr. Tien has even made several personal phone calls directly to Mr. [A. Q.] to insist and deter Mr. [A. Q.] [from cooperating with *Lac Viet*]. This resulted in Mr. [A. Q.] backing out from his promise to contribute regularly to the *Lac Viet* Station.

We regret having to publicize this announcement and that with the sole intention of protecting the safe environment of the *Lac Viet* station and the reputation of the policy maker group, as well as our volunteers and collaborators. We hope to continue to receive the active support from our loyal listeners. This will conclude our section on community news.

April 30, 2005

woman's voice: [...] for more than 10 years of serving [muffled voice] our main goal was to create a safe and healthy environment for volunteers and to take part in programs to guide us -- the Vietnamese settlers in BC, regardless of our origins in the North, Centre or South [region of Vietnam] -- toward the integration into the community. The *Lac Viet's* policy is not

to be affiliated with any other organizations' activities, especially those with political affiliations. *Lac Viet* has never provoked hostility with any individual or any organization, but we will not hesitate to speak out in defense when our policies are being slandered. An illustrative example of this [slandering act] is the surfacing of anonymous letters. In that spirit [of speaking out in defense], we would like to announce that from now on, we will not accept any phone calls to the radio station from [people or organizations] that has been and still is displaying destructive intentions, with slandering, accusatively labeling *Lac Viet* as communist-friendly. We do not view them as our listeners; specifically, we will not receive phone calls from Mr. Nguyen The Tien due to the following reasons:

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We regret having to publicize this announcement -- with the sole intention of protecting the safe environment of the *Lac Viet* station and the reputation of the organizers [of this station], as well as our volunteers and collaborators. We hope to continue to receive the active support from our loyal listeners.

Additional Broadcasts of August 20, November 6 and November 27, 2005 (it was unclear from the complainant's correspondence and the tape itself which segments were broadcast on which of those dates).

Music

Female voice: Dear listeners, the radio program of *Lac Viet* is now concluded. Wishing you a peaceful week and please tune in again for our next program.

Male voice: Dear listeners, the following is the program of the Committee against Anonymous Letters, [scheduled] from 9:30- 10 am. We would like to affirm that the Committee against Anonymous Letters takes full legal responsibility for this program.

Dear listeners, the Committee against Anonymous Letters was not established as a result of *Lac Viet's* campaigning, but as a result of expressed concerns from various organizations and individuals who care about our community. [The establishment of this committee] was especially founded from the encouragement of individuals who had been framed and slandered by these anonymous letters. We would like to clarify further through the announcement the role of this Committee, which is to officially prevent and nullify the effects of the anonymous letters. We'd like to discuss further the meaning of this...

The first intention is ... to prevent the divisiveness of the community caused by these slandering and framing.

The second one is that if we can adopt a mentality with less criticism, less insults and slanders, then a better atmosphere can be created for our community's activities. Furthermore, this would encourage people with an interest in the community to actively participate in the community, as well as create a positive model for the second generation [of Vietnamese] to participate in the community.

We would like to elaborate further that we do not share the same point of view as Mr. Nguyen The Tien, which is to hide behind the flag and banners. The role of the Committee is to protect what's right, so we need to stand in front of the flag, in front of the banner, not behind the banner like Mr. Tien's sentiment. We'd like to also add that that viewpoint should be dependent upon the time. For example, take the case of the boxer Le Cung, who lives in the capital of the [Vietnamese] immigrants: Westminster, Little Saigon. Mr. Cung is a famous boxer and he has taken the yellow flag and made into a pair of shorts to wear while he boxes. If Mr. Cung was to come to Vancouver and box, I don't know if Mr. Tien would run up to the ring and pull down the boxer's short. I don't know ... But everything must be appropriate for the time. We live in a free country and besides hanging on to the traditional cultural values - which can be narrow-minded, we also need to assimilate into the society where we currently live.

Mr. Tien himself had attended the press conference and during the entire press conference, had not expressed any concerns. Yet when he got home, he wrote with the intention of finding dirt. [*Translator's note: the speaker used an idiom which literally can be translated as "ruffling up the feathers to find the mark". It's commonly used to express a deliberate act to find faults where there may not be any.*] So, we'd like to state that from now on, the Committee will not respond to Mr. Tien anymore ... He can write whatever he wants in the newspaper.

Cut/program changes? Sound

Caller: In general, Vietnamese have a general observation that a person grow up to be a good person or not ... is dependent upon 3 factors: one, is the influence of the family, two, is the education [that one receives in school] – but Mr. Tien is an educated man, a professor -- the third factor is society. Personally, I think that Mr. Tien, with his entire family being highly educated, why didn't his family help him and let him speak so ... [inaudible words]. Our ancestors had taught us that examine and blame ourselves first before we examine and blame others. Yet Mr. Tien's letters are full of criticisms for others ... I don't know if he had examine to see if he had done anything for the community? I'd just like to remind him that he should examine himself first before he can continue to attack others ... when he [reaches the point where he] can't self-examine, we'll help him. That's all.

Cut/sound.

Female: listening... Hello?

Caller male voice: I'm Mr. Tien, I'd like to express my opinion.

Female: Yes, greetings, Mr. Tien. Please voice your opinion.

Male voice interrupt: Please do speak...

Caller: Hello...I'd like to express my opinion.

Male: Yes. Please speak.

Caller: Today I will not answer you directly, because the newspaper *Cong Dong* has been printed ... with the first issue. I will answer you in the paper *Cong Dong*. (male voice interrupts: Dear Mr. ...) I'd like to ask for the community's permission to clarify my viewpoint, my political viewpoint, and my desires to serve the community.

Female voice: Dear Mr. Tien, it's like this ... Dear Mr. Tien –

Caller: First, in my thinking the Republic of Vietnam's government follows the correct law of natural progression; the Ho Cao [*translator's note: Ho refers to Ho Chi Minh, by itself Ho can be a last name, but in old literature, it refers to the mythical fox that can adopt human form. Cao is a modern term for fox. Taken together, it's a derogatory reference to Ho chi Minh*] regime is against the natural progression law. The pain of our people is that the right regime did not succeed in defending freedom and uniting and creating peace for the country. The antagonistic regime, with its trickery plans that had existed through many generations, had blanketed our entire people with an absurd Communist ideology and brought sufferings for all the people and painful shames for more than 3 million Vietnamese abroad.

I'm devoted to contribute my part in the fight against the dictatorship of the single party rule to re-establish freedom for the nation. With the community abroad, particularly in BC, the Greater Vancouver area, I'd like to contribute whatever I can to fight against the Resolution 36 put forth by the Ho Cao regime of Vietnam. In practical term, from the beginning of 2004 till now, I'd like to report to the community that I have contributed about seven thousand dollars to the various organizations, groups with true intention of the [republic of Vietnam]: *Phong su* magazine, 1000 dollars, *Cong Dong* magazine – with 4 consecutives issues support, each with a 250 dollars donation, totaling 1000 dollars, beginning with the first issue today; *Vietnam Ngayet San* online, 500 dollars; “coi nguon viet toc” book publishing 500 dollars; La phong group, 500 dollars, United democracy group, 1400 dollars; the Republic of Vietnam's veteran's group, 1200 dollars; Lac Viet Radio station 100 dollars with a new year wish this year, as well as the year before; in addition to the many smaller donations which I will not list here.

Our culture has a saying, “money is where the person is”. The Bible says, “wherever the possession is, that is where a person's spirit and feeling is”. I would like to affirm that with my viewpoint and wishes to serve the community. About the discussion, I will continue to discuss with you in the magazine. I will not enter in a discussion with you today. And I'd like to say that with each publication of the magazine, I have at least 2 writings – 1 of them will offend you. So I think that in the future, you will invite me on air again to discuss in further details. I'd like to say good bye and offer my apologies for bothering you during these last few minutes. I'm finished.

Male: Yes, thank you Mr. Tien. I would like to say that in our opinion, that because Mr. Tien, ... Mr. Tien himself had attended the press conference and during the conference had not voiced any concerns. Yet when he got home, he wrote articles with the intention of dirt-finding. So, I'd like to clearly confirm that from now on, we will not respond to Mr. Tien. Mr. Tien can write whatever he wishes.

Female: Hello? ... We have 3 minutes left. Please tell us your opinion.

Male caller: I'd like to share with Lac Viet [my opinion] about what Mr. Tien just said.

Female: Yes?

Caller: I don't know what Mr. Tien does that enables him to have so much money to give to the various organizations. Is he in an illegal business that would have given him that much

money? So with him ... he should leave these organizations alone so they can do their share in strengthening the Vietnamese Community abroad.

Female: Yes, thank you.

Male: Is there anything you'd like to add?

Caller: No... that's all. Thank you Lac Viet.

Male: Thank you very much.

Female: Hello, *Lac Viet* is listening ... we have about 2 minutes.

Caller: I'd like to voice my opinion. Just half a minute.

Female: Mr. Tien, you already had your say. I'd like to hang up now.

Male: There's only about 30 seconds left. We'd like to run the other program.

Music

We have an issue we'd like to express with our listeners. The left-winged *Georgia Straight* with the July 7th issue had written an article relating to *Lac Viet* and the issue of hanging the yellow flag of the Republic of Vietnam during the Vietnamese Cultural day on June 18, 2005 here in Vancouver. In that article, the writer had quoted Mr. Lam Dang, a volunteer with *Lac Viet*.

Lac Viet's management and *Lac Viet* organization was not aware of that report, until *Phong su* magazine, in the August 15 issue had "in the name of the Vietnamese Refugees abroad," condemned *Lac Viet Radio*. Since the articles in *Phong Su* and *Georgia Straight* had printed misleading information about *Lac Viet*, we would like to clarify the issues as followed:

[*translator's note: the clarification that the host was about to read was not included in this cassette*]

Dear listeners, while we were reading the announcement, there were a few people who called in. We apologize but we cannot pick up the phone during those times. If you have an opinion to share, please call in to this number : 604-709-9616.

Female: *Lac Viet* is listening.

Female caller: Hello?

Female: Yes?

Caller: I'm a listener of LV. After your clarification that Mr. Lam is neither in the management team or was he nominated by you to be the spokesperson for the station, I'd like to ask why *Phong Su* magazine would make up such a thing to defame *Lac Viet*? What is your intention? In your article condemning *Lac Viet*, you also had confirmed that several people were motivated [*translator's note: unable to hear the exact word used. This is what it sounded to me*] to see *Lac Viet Radio* and its management team to succeed.. Why did *Phong Su* know about these things yet did not print those positive comment about *Lac Viet* to encourage them? And now, you would fabricate stories to slander and defame *Lac Viet*? So,

what is your true intention? Are you trying to disrupt our community's activities? But these activities had helped our community a lot, as evidenced by the invitation made by the Toronto Vietnamese community to Lac Viet Station, requesting that 1 hour of *Lac Viet* Radio Program to be broadcast in Toronto?

I am not completely surprised to see how things unfold since *Phong su* magazine had printed misleading and untrue reports. [The publishers] were paid to publish these reports... [translator's note: I can't hear or make sense of what the caller was saying at this point due to the poor sound recording]. Perhaps from now on we should call *Phong Su* as Phong Xao [translator's note: Xao means "lie"].

Male voice: announcement...

Male voice: Mr. Charlie Smith had quoted 2 sentences in the paper and the rest are his inferences to implicitly express what he wanted to say. So we'd like to analyze the 2 quotes of Mr. Lam.

The first quote: "we tried to bring people closer together, to share a laugh, to enjoy some food and entertainment there".

Dear listeners, when Mr. Lam presented the meanings of the Cultural day [he expressed] besides the main intention of commemorating the 30 years of Vietnamese, mainly political refugees, settlement in Vancouver, he also expressed the intention of bringing people closer. In truth, we also see this intention as a good intention, with nothing to question about. There's no slandering like *Phong Su* had reported.

The second quote: "We will try to be more careful next time since there are different ideas and this is public land, so we have to honor their beliefs."

This sentence was misrepresented by Mr. Smith as to imply that Mr. Lam Dang regretted having hung up the yellow flag. This is completely false. When Mr. Dang said that "we will try to be more careful", he means, "we will try to be more careful when we hang up the flag. It doesn't mean that we will no longer hang up the flag. That unfortunate incidence ... well, we'd like to insert here a little background information as to help you understand better the formation of the paper *Georgia Straight*. It is a completely left-winged paper. This paper was founded during the 70s, and was supported by a great majority of American draft-dodgers who had come to Canada to avoid army drafts and developed an anti-war mentality. The person who wrote to the editors was Mr. Doug [translator's note: I couldn't hear the name well. This is what it sounded like, but I can be wrong] Edward, a gay man and anti-war activist who came to Canada to avoid the draft. So he has what is called the Vietnamese syndrome. Whenever he sees the yellow flag with three red stripes, he is reminded of his betrayal to his own country, since he had fled to Canada. So he ... well, in general, the anti-war activist these days have the same mentality of putting the blame on the Republic of Vietnam government for the American's lost battle in Vietnam. Even those famous like Jane Fonda, had publicly apologized to the US army veterans and to the Americans for her mistakes in supporting North Vietnam during the Vietnam War. Because of this guilty-mentality complex, they're prone to be offended and like to put the blame on the Republic of Vietnam's government. Whenever, they see the yellow flag with the three stripes, they react like this.

With regards to his suggestions, should we follow it or not? Since the mentality of the anti-war people is similar to the mentality of a few Communist Party member, which is highly opinionated -- [the mentality is] "I don't know whether he really has reformed or not? Sometimes, looking on the outside, they're reformed but ... who can be sure that on the

inside, they're reformed?" Nevertheless, since this is a suggestion, we'd received it and will analyze it before we decide whether we'll follow it or not.

Music.

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Music (same)

Male voice: Announcement for the editors of the magazine *Dien Dan Su That va Doi ngoai* (DDST&DN) ... the DDST&ST is a silent forum, in BC Canada, full of admiration for the spirit of democracy, and for the democratic fights for human rights. Our forum platform demands realistic discussion on democratic freedom and human rights. DDST&ST do not represent any organization or political groups. Our forum policy is to honor the truth and resolve to uncover any deceits and willful plans to benefit any person. [We do not allow] any distortion of the truth; accusation of calumniation; twisted the [journalist’s/ writer’s] words, demagogic fabrication; ... attacking, defamation attacks, muddying people’s name; distorting the truth is the action of gangsters. It is our policy to relay true accurate information and do not allow defaming attacks. All the writings submitted to the forum must follow our terms, be conscious, innovative and constructive [to the forum/community]. [Inaudible gap] ... editor DDST&DN: Mr. Phan The Vinh.