
APPENDIX B

CBSC Decision 07/08-1611 CHNI-FM re an episode of *Maritime Morning*

The Complaint

The CBSC received the following complaint dated April 18, 2008:

Following on my conversations with [the CBSC Executive Director and Communications Coordinator] ... this letter. Re: Station News 88.9, St. John, N.B. (a Rogers station). Fri. morning call in show – host Andrew Krystal. Subject – seal hunt and protest.

My complaint is with a caller at close to the end of the morning show in a 3-way phone conversation with the host and Paul Watson. There was a direct threat made on the life of Mr. Watson and no air cut-off was made and no comment by the host.

I did reach News Director Mark Chapman by phone and he kindly looked into the matter, reviewed the tape and attempted to call me back ... much appreciated.

However, his explanation does not address the situation. He raised some pros and cons on both sides of the issue, made the points of the heatedness of the debate, the fact that they were the words of the caller not the station or host, and that much worse is heard on some radio programs.

Final point he made was that my complaint was the only one they had from the Maritimes.

If as bad and worse is heard on radio and if I am the only voice against, then it's important that I point out ...

In civil life, those exact words constitute cause for laying a criminal charge at the highest level of intent to injure and/or kill.

It makes no difference that the caller uses the "third person" to say "I hope that someone ..."; the intent and impact are the same as if he had said he would do the act.

If it is decided that this exchange falls within media standards then perhaps it is time for the CRTC and Parliament to revise those standards.

Broadcaster Response

The broadcaster responded to the complainant on June 11:

We have received your complaint to the Canadian Broadcast Standards Council (CBSC) regarding programming on *Maritime Morning* with Andrew Krystal which was broadcast on CHNI-FM on April 14, 2008.

CHNI-FM, or News 88.9 as it is known on the air, is owned and operated by Rogers Broadcasting. We are a member in good standing with the Canadian Broadcast Standards Council (CBSC) and we appreciate the opportunity to respond directly to your concerns.

Prior to dealing with your complaint, we must first apologize for the delay in responding to your complaint. Please do not take this delay as an indication of a lack of concern on our part. At News 88.9, we take each and every complaint seriously.

As you may be aware, Canadian broadcasters are subject to the Canadian Association of Broadcasters (CAB) *Code of Ethics* (the Code) and in particular, Clause 9 which relates directly to radio programming content. For your convenience, I have reproduced the entire clause below:

Clause 9 – Radio Broadcasting

Recognizing that radio is a local medium and, consequently, reflective of local community standards, programming broadcast on a local radio station shall take into consideration the generally recognized access to programming content available in the market, the demographic composition of the station's audience, and the station's format. Within this context, particular care shall be taken by radio broadcasters to ensure that programming on their stations does not contain:

- (a) Gratuitous violence in any form, or otherwise sanction, promote or glamorize violence;*
- (b) Unduly sexually explicit material; and/or*
- (c) Unduly coarse and offensive language.*

Maritime Morning is an open-line radio show broadcast each weekday morning between 9 am to noon on CJNI-FM Halifax (News 95.7), CHNI-FM Saint John (News 88.9) and CKNI-FM Moncton (News 91.9). The show's format consists of live local news reports, sports and traffic updates interspersed with Mr. Krystal's commentary in which he brings up various topics for discussion and solicits listener comments and opinions.

As you know, the programming format at News 88.9 is News/talk. As such, much of the programming is live. Live radio is dynamic and unpredictable and can present certain challenges regarding inappropriate remarks or poor choice of words.

Your complaint centres around comments by a caller whereby "there was a direct threat made on the life of Mr. Watson ...".

Paul Watson is the founder and current leader of the Sea Shepherd Conservation Society. Although the organization labels itself as an international non-profit, marine wildlife conservation organization, it is better known as an environmental group that engages in direct action tactics such as ramming whaling ships at sea.

We have carefully reviewed the logger tape of the broadcast and must respectfully disagree with your interpretation of the caller's words and/or intent. Earlier in the program, Mr. Watson had commented that the killing of 325,000 seals was a greater tragedy than the death of four sealers.

Below is a partial transcript of the caller's remarks.

A. Krystal: Joe ...

Caller: Good Morning. Uh, first off, Paul, I'd like to congratulate you for doing more damage to the ecological movement in, uh, in the last couple of days than any other person I know. Your, your comments have established, I think, without a shadow of a doubt, what a whackjob you really are, in that you would value a – a seal's life over another human being's. And, uh, I think you made a comment before that you didn't believe that, uh, you had a soul, or whatever, and I – I – I, agree. I don't think you have a soul, sir.

P. Watson: *[chuckles] Well, I'm glad it got you thinking about it.*

Caller: But, uh, you know, you know, what should be done with you? I think you should be put on the ice floe, with the sea – seals, ok? And you live out your existence out there, and hopefully, someone will come along with a hakapik and put it in your skull. Thank you.

The exchange reproduced above is a prime example of the challenges of live radio. While the producer of the program does screen each caller prior to putting them on the air, it can be difficult to control a caller's temper and the content of his/her remarks once they are on the air. Although News 88.9 does employ a time delay in its broadcast, it is used primarily to prevent offensive and/or coarse language from being broadcast on the air.

In this particular incident, while the caller did wish harm upon Mr. Watson, we do not believe it was with the intent to promote or sanction violence. As such, we do not believe News 88.9 breached Clause 9 of the Code.

However, regardless of our explanation, it is clear from your letter that you were offended by our programming, and for that we do apologize. Thank you for taking the time to express your thoughts about our station. We value the opinion of all our listeners.

Additional Correspondence

The complainant sent the following correspondence dated June 30:

Sorry for the briefness of this letter.

Just to get it in the mail within the time limit.

I am requesting that you proceed farther with my contestation of the broadcast of CHNI-FM – *Maritime Morning* of April 14, 2008.

I will follow with a more detailed letter if you wish.

Thank you.