

February 27, 2003

The Editor  
"Briarpatch"  
2138 McIntyre Street  
Regina, SK  
S4P 2R7

**Re: "Public Watchdog with a Private Agenda"**

Sir / Madam,

Canada's private broadcasters have set up a model system of content self-regulation, of which they are justifiably proud. It's called the Canadian Broadcast Standards Council (CBSC) and it fares well in comparison with any such bodies in the world.

While Ron Thomas is of course entitled to his point of view regarding the CBSC, one might have thought he would check his facts before misinforming readers about material issues.

Take, for example, his generalized observation that the members of the public who sit as Adjudicators on the CBSC's Panels are impliedly conservative, "mostly lawyers, right wing politicians, local chamber of commerce members or have been given awards by the chambers."

Rubbish. All Thomas needed to do was to read the web site bios *and convey that information accurately* to your readers.

There are currently 21 public Adjudicators on seven Panels. Of these, six, or just under one per Panel, are lawyers. And two of these, those of Prairie origin, as it happens, are distinctly left of centre. One is former NDP (Manitoba) Premier Howard Pawley and the other Acting Law Dean (Saskatchewan) Dan Ish who also sits, among other things, on the Saskatoon Police Commission. And another, on the Atlantic Panel, is extremely active in various areas of African-Canadian and aboriginal activities, including human rights and contemporary issues in the field of Corrections. He also developed Kwacha House, Eastern Canada's first inner city self-help program. Left-leaning lawyers, not right-inclined.

Of the 21, only one was the President of a Chamber of Commerce (Smithers) and another was honoured as Manitoba Business Citizen of the Year 20 years ago. So much for the Chamber of Commerce tie-in.

Of the Adjudicators who have been elected politicians, one was an NDP Premier, one a federal Liberal Cabinet Minister and one a federal Tory. None from the Canadian Alliance or Reform parties. So much for the right wing theory.

On the other end of the political spectrum and *conveniently unmentioned* by Thomas are the following feminist public Adjudicators. One was the Executive Director of the advocacy group and frequent broadcast critic MediaWatch and another a member of its Board and co-author of *Watching the Watchers*, the published MediaWatch critique of industry self-regulation. Another was the head of Women's Studies at McGill University. A fourth, a pioneering member of the Nova Scotia black community, holds the Nancy Chair in Women's Studies at Mount St. Vincent University. And a fifth, of Innu heritage, is the President of the Quebec Native Women's Association.

We might add that another of the public Adjudicators, a Jesuit theologian, is an author and world-renowned expert on media literacy. Yet another has served as Chairman of one of the largest social service agencies and Chinese Community organizations in Canada.

Overall, a slight imbalance on the left, perhaps, but the CBSC has no trouble living with that orientation.

I suppose that the point of Thomas's misinformation regarding the orientation of the Panels is, in his words, that "[t]he few [*sic*] who seem to have any type of progressive credentials would easily be out-voted on any one of the Panels." Well, Thomas's "homework" hasn't been any more dependable for his readers in this area than with respect to the alleged conservative orientation of the Adjudicators.

Of the 277 CBSC decisions rendered between April 6, 1991 and February 18, 2003, 274 have been unanimous. No outvoting needed. The other three were each 5-1 decisions, one broadcaster, not public, Adjudicator being the sole dissenter in two of the three.

Aha!, your intrepid author says. "I asked the National Chair, Ronald Cohen, what percentage of complaints is resolved in the complainants' favour. He said the CBSC doesn't keep those statistics. I asked him if he would keep his job if 50 percent of [the Council's rulings were in the public's favour. No answer." Thomas's implication is that the CBSC hides the information because it would be publicly embarrassing for the Council to admit that it tends to favour the broadcasters.

Well, your Mr. Thomas put me to work. The information, which is totally available to the public, is on the CBSC web site. It just isn't tabulated or summarized. So I had to count. Just as he *could* have, if accuracy had been relevant to him.

I started with the current fiscal year (September 2002-August 2003). 22 decisions released thus far (to February 18). The result? 7 in favour of the broadcaster and 15 *against*. Must have been an aberration, according to the gospel by Thomas. So I checked 2001-2002. 25 decisions in the last fiscal year. The proportions? 5 in favour of the broadcaster and 20 against. I tried again - back to 2000-2001. 21 decisions. 7 for. 14 against. Since this track record is quite public, it suggests that the broadcasters have not been dissatisfied with the Council and its National Chair despite the fact that 72% of the CBSC's last 68 decisions *have*

*been decided against broadcasters and in favour of public complainants.*

The truth of the matter is that Thomas's ideological rant is not supported by the facts. The CBSC regularly renders decisions against broadcasters, even with respect to financially important programming, such as the *Mighty Morphin Power Rangers*, the *Howard Stern Show*, the *Jerry Springer Show*, and the Laura Schlessinger family counselling radio show, to name some. More important, broadcasters respect the system. When they must make announcements of their failings, they do so. When they must modify their programming (sometimes by removing it from the air), they do that, too.

Supervision of broadcast content by the private broadcasters' self-regulatory structure? You bet. Too bad that Ron Thomas's article was not subject to equally rigorous scrutiny.

As to Thomas's specific complaints about the *John Gormley Show* episodes, the Council stands firmly behind the broadcaster. That Ron Thomas does not share Gormley's political point of view does not make either of them wrong. The talk show host was not entitled to refer to the thief by name. He did not. Totally in conformity with the *Young Offenders Act*. Gormley was, however, entitled to refer to an unnamed *convicted* thief of whatever age harshly. Or sympathetically. He chose the former. Freedom of expression at work, either way.

As to the Gormley comment about the CUPE workers, Thomas simply has it wrong. The CBSC has the actual tape. The words used were not those cited by your author. Why are we not surprised? In any event, Gormley's view, albeit conservative, was absolutely legitimate social commentary. Gormley is entitled to his view of the world, Thomas to his. And Thomas and other callers had and have access to Gormley's call-in show to express their thoughts. Fair's fair.

Yours truly,

Ronald I. Cohen  
National Chair  
Canadian Broadcast Standards Council