

Why We Need Broadcast Standards

by

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Andrew Coyne is nothing if not consistent (Broadcast Standards Council, not Stern, is really offensive, *Ottawa Citizen*, November 13, 1997). It was only three years and a week before that article that his piece on the Canadian Broadcast Standards Council (CBSC) and the *Power Rangers* appeared in the *Globe and Mail* under the title "The day the Power Rangers met the Mighty Morphin CRTC".

In 1994 he called the Council "a front, he standards it enforces designed and dictated by the evil empire itself, the Canadian Radio-television and Telecommunications Commission." This time, his tune hasn't changed, but the Council has now been elevated to "a fraud, a front for the regulatory ambitions of the only body whose opinions really count in Canadian broadcasting, the Canadian Radio-television and Telecommunications Commission."

Rubbish. Self-regulation was proposed by the *broadcasters* to the Commission, not the other way round. The concept, which had been mulled over by the private broadcasters as early as 1986, was cohesively packaged by the Canadian Association of Broadcasters (CAB) in 1988 and advanced to the Commission, which finally approved the principle of a self-regulatory broadcast standards council in 1990.

The Council began dealing with complaints in 1991 and handed down its first rulings *against* broadcasters in June 1993. Since I became National Chair in July 1993, the CBSC has rendered 70 decisions, of which 52 have favoured the broadcasters against whom the Canadian audience's complaints were made and 18 were negative.

Coyne slips out into public view on this issue when it is *convenient* to do so. Not a whisper for the other 16 negative decisions as they were released or posted on the CBSC website. Nor a whimper for the 52 occasions when the Council decided that the broadcasters were not in breach of the Codes it administers.

The Council administers four Codes: the Code of Ethics, the Sex-Role Portrayal Code, the Violence Code, and the Radio and Television News Directors Association (RTNDA) Code of (Journalistic) Ethics. Both the Sex-Role Portrayal and Violence Codes have been approved by the Commission, it is true, but both were created by the broadcasters themselves. Moreover, the Code of Ethics, under which the Stern decision was rendered, has never been approved by the CRTC. This has been, may I add, a sore point to the Commission over much of the time I have served as CBSC National Chair.

As to the Code of (Journalistic) Ethics, it was created in 1970 by the RTNDA and, as the sole result of a joint CBSC-RTNDA initiative, began to be administered by the CBSC in the fall of 1993. *We* informed the CRTC of that initiative *after* the deal was done.

It is not immediately apparent why Coyne should single out broadcasters as being *disentitled* to have their own standards and to have these rigorously administered by their own self-regulatory body, in pretty much the same way as any other group of professionals in this country. The Canadian Medical Association has its own Code of Ethics, the Law Societies theirs. So, too, the Architects and so on. The last time I checked, but please don't tell Mr. Coyne, even Canadian newspapers face Press Councils in nine of the provinces.

It may be that Andrew Coyne does not like the CBSC decision in the Howard Stern case. He certainly did not like that in the Power Rangers. It may even be that he supports unfettered, untrammelled freedom of speech. No limits. No holds barred. Or perhaps only barred by him, on the basis of his standards, if there are any which he would apply to broadcast publishing. It's a funny thing but I expect that neither Coyne nor his editor would permit the Stern excesses in *their* newspapers.

Which identifiable group would *they* label "p***erh**ds", "sc****gs" or "p***y-a**ed j****ffs" [originally "peckerheads", "scumbags" or "pussy-assed jackoffs"] in their columns? Which letters to the editor would they deem publishable (or *not* publishable) on the basis of the bust size of their authors? Which humorous Southam columnist would be allowed to say, as Stern did, "Oh, I just wanna take that piece of a** [originally "ass"] body, put tape over her mouth, and do things to her. ... And have her lay by my pool in a bikini and have her come out and service me. [Stern's words excised by The Citizen: And I'm laying by my pool, in comes that nude with just a pair of heels. And then like, I reach in, I yank out her vocal chords and then she just orally satisfies me by the pool. Oh, she's totally a mute Kim. And she's totally nude. ... And then I break her legs and position them in the back of her head so that she's sitting, and they're permanently fixed like that. We let them knit and mend.]" Cute, isn't it? Good for the newspapers? I doubt it. Good for the broadcasters? Definitely not.

In any event, that's how the CBSC sees it. And that is how Canada's private broadcasters have chosen to deal with their responsibilities to the public for the programming which they air.

The private broadcasters actually prefer a system in which they set their own standards in the form of codes and in which they submit the measure of these, on a level playing field basis, to their own arbitrator to judge. The broadcast stations and networks are all, at the end of the day, made up of men and women who often play roles of significance, whether public or less visible, in their own communities. That's where they go home each night and, unlike Howard Stern, who says that he would not let his 11-year old daughter listen to his show but doesn't care whether *yours* does, the broadcasters do care.

As to the notion of free speech, *broadcasters* believe that there are *and ought to be* limitations, just as newspapers do. Newspaper editors determine what is and is not suitable to

publish just as station managers and broadcast executives do. They just do it in private and don't tell the public what they have chosen *not* to run. No-one accuses *them* of stomping on free speech. Nor the various Press Councils when they land on a writer with a thud.

Perhaps their negative determinations are not picked up by the media. Nor are most of our negative decisions. This one was. It doesn't change the issue, which is that free speech is not the *only* Canadian value. It is an important value, to be sure, but one to be balanced against *other* important Canadian values. In Canada, we respect freedom of speech but we don't worship it.

This was a fine country when the Mighty Morphin Power Rangers were on Canadian television. Its disappearance from those airwaves did not destroy the fabric of this nation. To some, it may seem hard to imagine that Canada functioned before September 2, when Howard Stern arrived in Montreal and Toronto, but it did.

Despite the fact that the CBSC has rendered *18* negative decisions in four and a half years, despite the fact that broadcasters have no doubt smarted from time to time as a result of one or another of those, despite the fact that broadcasters have certainly made choices about what they will or will not air because of the CBSC's interpretation of those standards, life has gone on in Canada. Perhaps even imperceptibly better for those standards. And, despite the Stern decision, it still will.