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## ANNEXE

### Décision du CCNR 05/06-0785 et -0800 TQS concernant un reportage diffusé dans le cadre du *Grand Journal* (« Mitrailleuse par la poste »)

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#### Les plaintes

Le CCNR a reçu 17 plaintes portant sur ce reportage pendant le mois de décembre 2005. Seulement deux des 17 plaignants ont remis leurs Demandes de décision. Le texte de ces deux plaintes est reproduit ci-dessous :

#### Dossier du CCNR 05-06-0785, (plainte en date du 6 décembre)

My complaint is about a segment aired on TQS TV on the night of Dec. 5 during the 6:30 pm newscast.

The reporter, Normand Lester, did a segment about legal semi-auto versions of the German MG34 machine gun. During the broadcast he spoke the following lies:

1. A firearm can be bought by a 14 year old with just a hunting permit. (That is a lie, one must be 18 and have a Firearms Permit).
2. One does not need a permit to buy ammo. (That is also a lie, one must also have a valid Firearms permit to buy ammo).
3. The MG34 is the same as the Ruger-14 used by Marc Lepine. (Again a lie. The MG34 is completely different and shares no common parts).
4. The MG34 he had was full-auto. (Again a lie. While there are still a number of full-auto MG34 [sic] around, he doesn't have the proper permits to have one).

Also if Mr. Lester bought the gun and ammo without the correct permits he has committed an illegal act.

He also slanders the firearms company Marstar by claiming they have acted illegally.

Here is a link to the report (In French)

<http://www2.canoe.com/infos/societe/archives/2005/12/20051206-101900.html>

#### Dossier du CCNR 05-06-0800 (plainte en date du 9 décembre)

The following was said during *Le Grand Journal* aired at 16:30 [sic], December 5 2005 on TQS (Television Quatre Saisons). This is an informational broadcast.

Normand Lester presented that day a documentary explaining how supposedly easy it is in Canada to have a heavy machine gun delivered by mail over to your place.

This documentary contains false and misleading information about the legitimate firearms situation in Canada. It also contains a highly political oriented opinion. My right to quality and neutral information has been violated.

Please see the attached file for details.

Le 20 décembre, ce plaignant a envoyé le courriel suivant au CCNR :

In my complaint there were two attached files. One that was only a brief statement that I typed over your site and the other was the complaint itself. I wrote it in Word format. In the email I received and that TQS apparently received there was only one document, the one that was containing only a very short statement. I am resending you the files. Please make sure all people concerned with this complaint receive everything so that they can be aware of what's going on and act accordingly. Please confirm me that they received everything.

Le plaignant a joint le document suivant à ce courriel-là :

Respondent:  
TQS Television Station  
*Le Grand Journal*, 12/5/2005 -16:30  
Reporter: Normand Lester

The following was said during *Le Grand Journal* aired at 16:30 [*sic*], December 5, 2005 on TQS (Television Quatre Saisons). This is an informational broadcast. Reporters are expected to be focused on the facts and expected to give all relevant information about the topics they are dealing with, despite their opinion. It's not what happened at all during the documentary made and presented by Normand Lester that day. My right to have an honest information was definitely not respected, not to say ignored. Please see the details below.

Normand Lester presented that day a documentary explaining how supposedly easy it is in Canada to have a heavy machine gun delivered by mail over to your place. The documentary also showed him operating two firearms. The so-called MG-34 and a Mini14. He was pretending to denounce what he called an unacceptable situation.

What stroke [*sic*] my attention was when Lester said that a 14-year-old teen was capable of buying an MG-34 with a duck hunting license. This is an obvious lie. He's misleading the population while it is clearly stated in the firearm act that nobody under the age of 18 can legally buy any type of firearm. Besides, a hunting permit does not grant anyone the authorisation to buy, possess, use or borrow [*sic*] a firearm.

Moreover, to buy a firearm, a Firearm licence is mandatory. This licence is granted after a rather long and meticulous process. First, you need to take a firearm safety course, then you need to complete a form asking for your personal information. You also need two sponsors that will sign and attest that you are not posing any threat to public safety by possessing firearms. If you are separated from your spouse since less than two years [*sic*], she or he needs to give his agreement. If he or she does not, the Canadian firearm centre will automatically notify him or her anyway. She or he will be asked if you might represent a threat to yourself or others. Then a criminal background is run to make sure you don't have any past criminal record. The Canadian Firearm Centre also have a 1-800 line if someone needs to make a complaint or express a concern. M. Lester did not mention anything about this. He was telling something wrong and neglected to give complete and detailed information. This firearm licence process has nothing to do with a hunting permit.

Concerning the weapons he showed, he seemed pretending having [sic] bought them. While in fact he could very well have them rented over [sic] a Montreal movies accessories [sic] only for the purpose of his documentary. Here is why:

- 1- When he loaded the mini-14, a zoom-in was done on Lester and it is very clear that he was loading the rifle with blank ammunitions.
- 2- Blank bullets produce huge flashes, as we saw in the video. Real rounds just don't flash like that.
- 3- The recoil is almost null. We clearly see that the weapons are almost still when Lester shoots. It means that these firearms were modified to shoot ONLY blank ammo. If Lester would have used blank ammo with an unconverted one, the firearm would not have operated without a specific device called a Blank Firing Adapter. Such a device WAS NOT on any firearm he used.

These points bring me to strongly believe that these firearms are simply movies accessories. So there is some serious doubts over the whole thing, because Lester did not demonstrate clearly if he actually bought these firearms and really had them delivered over to his place like he wants us to believe. So how can he testify in such a way, during an information broadcast, if he did not CLEARLY demonstrate that he really bought these firearms!?

Concerning the firearms themselves, Lester did not mention anything about the fact that the Ontarian-based [sic] company Marstar does not sell MG-34 machine guns. In fact, they are selling what appears to be a simple rifle that shoots ONE bullet at a time and that LOOKS LIKE an MG-34. Which is a big difference. Besides, he did not mention either that this rifle uses ordinary hunting rounds, costs almost 5000\$ and weighs about 25 pounds! He did not question either on how many crimes were committed in Canada using MG-34 (or the rifle sold by Marstar) or similar firearms or if these firearms caused any death or injuries directly or indirectly to the operators or to a bystander. He simply tried to scare everybody by giving only small parts of information and by showing a dramatic, emotional, audio video document obviously designed and directed to forge a very narrow politically oriented opinion about the firearms situation in Canada. Besides, such a dramatic presentation can create some irreparable damage to a legitimate Canadian corporation. Lester seems trying [sic] to make believe that anybody can buy a heavy machine gun over [sic] this company with no questions asked. He does not state if it's really true, because he did not reveal the information I spoke above. To top it all, such a document was aired during a broadcast that pretends to be informational in content. This is not acceptable by any means!

To complete the file, I find it VERY funny to see this fear campaign airing 3 days before the expected gun ban project announcement by the Liberals. Another funny coincidence is the fact that a politically motivated group called the Gun Control Coalition is also making a rather big media operation during this period of the year. So, to me, it is obvious that airing period [sic] normally set for informational content purpose [sic] at TQS was used to pass a highly politically motivated opinion.

No matter what our political views on ANY subject are, if we begin to allow Michael Moore-style false or opinion-oriented documentary or "mockumentary" airing during broadcasts set for quality and rigorous information, the media won't have public thrust anymore. No matter how hard the industry, including regulatory bodies, worked in the past to establish it.

## La réponse du télédiffuseur

TQS a répondu aux plaignants le 6 février 2006 avec la lettre suivante :

Dear Sir,

We acknowledge receipt of your letter addressed to the Canadian Broadcast Standards Council (CBSC) concerning your dissatisfaction regarding the newscast *Le Grand Journal* broadcasted on December the 5<sup>th</sup> 2005. Your complaint targeted a reportage [sic] from our journalist Mr. Normand Lester, about fire guns [sic].

On this matter, Mr. Lester responds as follows:

*“First of all, I would like to briefly recall the information held in my eight different interventions at TQS, some as reports and others as discussions about the machine gun MG-34:*

*Sixteen years after the massacre at the École polytechnique of Montréal, semi-automatic machine guns with 250 bullets cartridges are available in Canada with a simple firearm permit despite the federal law on the matter of guns.*

To sell to any Canadian with a simple firearm permit a 8 mm German machine gun MG-34. This powerful war weapon is available through postal, phone or online order to the well-known weapon dealer, Marstar, established in Van Cleek [sic] Hill, Ontario, close to the Québec border (the registered permit number is required by email). The armourer describes himself as a supplier of different services for police and the Canadian army. This machine gun, with a modified breech, fires in semi-automatic mode, exactly like the mini-Ruger of the serial killer Marc Lépine. After the massacre of Marc Lépine in the École Polytechnique, a legislation forbidding the use of chargers over five bullets has been adopted for preventing a shooter going wild to provoke a massacre in public spaces, forcing him to perpetually reload his weapon. But the legislation is silent about the rifle ammo belt.

*Marstar Canada sells this firearm and presents the MG-34 as a “semi-automatic machine gun”. The fact that it has been modified to shoot in semi-automatic mode was clearly specified in all my interventions on TQS.*

*For that matter, Marstar sells other types of machine guns like the Browning calibre .50. No one would ever qualify the Browning .50 or MG-34 as rifles! They are big calibre army weapons, whether they have the capacity to shoot in bursting or not. The main purpose of those firearms is not hunting, clay pigeon shooting or competition firing. Their purpose is to kill human beings as efficiently as it [sic] can. It was clearly said in the reportages that the MG-34 was modified to shoot like the Ruger of Marc Lépine. For the people who wouldn't be able to understand what it is about, I completed a firing demonstration with the two firearms. Further to my explanations, the viewers could see that a bullet was shot every time I pulled the trigger as long as there were bullets on the belt.*

*This is what the reportage wanted to demonstrate: despite the federal legislation on firearms which is limiting the chargers to five bullets for semi-automatic weapons, some powerful army machine guns are available in Canada with ammo belts for 250 bullets with a simple heavy weapon permit. The reportage was showing the relevant pages of Marstar Canada's website where those weapons and their accessories were sold and was describing the sale conditions (NON-RESTRICTED).*

*I purchased powerful ammunitions Mauser 8 mm with a simple firearm permit at the DANTE, an ironware shop in the neighbourhood of little Italy in Montréal. This demonstrates, to me, that it is extremely easy to get ammunitions for a MG-34.*

*When I said in a teaser that the MG-34 and its ammo belt was available in Canada with a simple “duck hunting” permit I was just illustrating my topic. I could have said with a simple “squirrel hunting” permit. Duck or squirrel hunting permits don't exist. It is common in*

*journalism to use lapidary and colourful formula in punch lines. In that case it meant the MG-34 is available in Canada with a simple heavy weapon permit. By mentioning a hunting permit, I was underlying the fact that a simple weapon possession permit was in question. Not a restricted weapon permit or a permit for a prohibited weapon. I was referring to heavy weapon, rifles or shotguns that are used for hunting.*

*The central idea of the report is that 16 years after the drama of Polytechnique, it is easy in Canada, with a simple permit of possession of firearms, to legally buy a powerful weapon of war supplied with a swifter of 250 balls. The fact that one can get a permit at the age of 14 or 18 years old has nothing to do with the subject of the report which did not relate to the age of acquisition of a firearm in Canada.*

*To sum up, I would like to clarify that even if no crimes were perpetrated with a MG-34 in Canada, I demonstrated that the MG-34 could be used and fired by a middle-sized man standing up, me for instance. This renders the MG-34 with its Ammo-belt a legal weapon that can be a lot more dangerous than the Ruger of Marc Lépine. That was the idea of the reportage."*

We hope these precisions responded to your preoccupations.

## **Correspondance additionnelle**

Le plaignant du Dossier 05-06-0785 a remis sa Demande de décision avec le note suivante en date du 13 février :

Dear Sir or Ma'am,

I am writing this as my answer to the letter sent to me by TQS on Feb. 13. While I do appreciate the fact that TQS responded to my concerns, I still feel the need to voice some matters I felt were not addressed to my satisfaction.

1. Mr. Lester uses the word machine gun very liberally. He calls a semi-auto-only firearm a machine gun. I feel he many confuse his viewers mixing two terms that are mutually exclusive.
2. Mr. Lester also claims that an MG34 functions in the same way as the Ruger-Mini 14. Despite the fact that both are semi-auto firearms, again this misleads the viewers into thinking that an MG34 is the same as the Ruger-Mini 14. Anyone who knows anything about firearms knows this is simply false.
3. Mr. Lester makes repeated references to the Montreal mass shooting of 1989. He is clearly attempting to link this crime act with the semi-MG34 and maybe all semi-autos. In my view, this is an attempt to suggest that all owners of semi-auto firearms are potential spree killers. This is both false and offensive.
4. Mr. Lester states that the only purpose of the firearms in question is to "kill humans". Again he attempts to pass off his own views as facts. I own a 1919A4 Browning semi-auto, which is a copy of a machine-gun and is like the semi-MG34 in concept. I have never shot anybody and have no plans on doing so. I have also hunted with the Ruger-Mini 14, and it was very effective at hitting groundhogs. By saying these firearms are meant only to kill, Mr. Lester is using cheap emotional tricks to make the viewer see owners of these types of firearms as future killers.

5. Mr. Lester makes repeated comments on how powerful 8mm ammunition (what the semi-MG34 uses) is. 8mm is powerful as compared to what? I know he might say .22 Long Rifle, but this is a cop-out. Comparing 8mm to .22 would be like comparing Baffin Island to Tahiti. Both may be islands, but that is all they have in common. I would like to see Mr. Lester compare the ballistics of 8mm ammunition to other rounds in its class such as .303 Brit, .30-06 and 7.62x54 Russian. Only then would a viewer be able to judge the so-called powerful 8mm rounds for themselves.

6. Mr. Lester also laments that 8mm was very easy to buy. This shows a real lack of understanding the nature of the firearms business in Canada. The reason 8mm is so common is that there are a great number of firearms in Canada that use it. The 8mm round was the standard rifle round of the German military from 1888 to 1956 and was also sold around the world. The round is very popular with hunters and target shooters alike. The firearms that use 8mm cover the entire price scale from \$200 Serbian M24 rifles up to custom-made Krieghoff's that cost over \$5,000 and that is before engraving. I know for a fact that when I buy surplus 8mm I generally will not pay more than \$25 for about 400 rounds. Mr. Lester makes this seem shocking that 8mm ammo is so readily to be had. What does Mr. Lester think the average gun owner uses, BBs? Again he is pandering fear to his viewers by suggesting that they should be shocked that this "army ammo" is around. Why did he not also mention that 7.62x39, the same ammo used in the AK47, is sold for \$150 per 1,500 rounds. He again does not give the viewers the full story.

7. Mr. Lester also states that as a "full-grown man" he was able to fire the MG34 from the hip. Well, since the MG34 only weighs 12 Kg the fact that Mr. Lester could pick it up and shoot it was no feat of super-human strength. The real question should be how accurate was Mr. Lester when he was shooting from the hip. Based on my own experiences shooting the MG34, I would bet that the vast majority of Mr. Lester's shots were high and to the left as to be expected. While accurate shooting from the shoulder while standing with the MG34 is possible, I have only seen it done once, and that was by an actual German veteran who carried the MG34 in combat conditions on the Russian Front from 1941-1945.

In the same vein, it should also be remembered that the MG34 was served by a crew of at least 2 men. One man can't use the firearm effectively; trust me, I know.

In closing, I feel that Mr. Lester was not so much reporting the news, but trying to make it. I feel that his personal bias overshadowed any professional merit in the report. By leaving out important information, Mr. Lester shaped the report to reflect his own view that "guns are bad". He offered no alternate viewpoint by those who own and use these firearms. He was not reporting, but trying to further a personal agenda under the mask of news cast.

I believe that viewers should have all the information to allow them to make up their mind.

I can provide supporting information to prove my accusations if you wish.

**Le plaignant du Dossier 05-06-0800 a envoyé la note suivante le 15 février :**

I just received the answer from TQS, it took them a great deal of time to answer me. After reading M. Lester's answer, I am even more concerned than before. So the form to keep going with the process and explain my position regarding this matter will be sent. I will also take the liberty to inform you more deeply about my position and why I am so concerned.

**Le plaignant a ensuite remis sa Demande de décision le 21 février avec la note suivante :**

I received the email from TQS the 2006-02-13. The letter was written on the 2006-02-6th. It took them a great while to answer me.

St-Jean-sur-Richelieu, 20 February 2006

I am hereby requesting a ruling from the CBSC concerning the docket #C05/06-0800.

Background: On December 5, 2005 the subject feature was aired on TQS during the newscast *Le Grand Journal*. After receiving explanations from TQS and Normand Lester, I still consider that my right to a complete and unbiased information was violated by this piece of news. After reading Mr. Lester's answers, I am even more concerned than before.

It appears that Mr. Lester is in favour of more restrictive firearm control measures and is willing to do whatever it takes to make people believe in his message. I do not intend to discuss the merits of the point in question, but rather the way Mr. Lester is dealing with the subject. I don't think there is any cause worth distorting and omitting facts on a public medium, nor creating a smoke screen to make the issue fuzzy.

First, in his answer to my letter, Mr. Lester did not even bother to address the key issue of whether he actually purchased the subject firearms or rented them from a movie prop supplier. Although he attempts to make us believe that he bought them and got them delivered to his place, there is no explanation about this in his answer and the subject firearms could have been obtained from several other sources than Marstar. This is not a trivial point, since this might be a case of deliberately misleading the public and the other facts of his so-called reportage would have been faked.

Answer regarding Marstar advertising as an armourer [which] describes himself as a supplier of different services for police and the Canadian army: There is no mention of this on their website, <http://www.marstar.ca/> under Marstar Canada, Classic collectibles.

Mr. Lester is also pretending that Marstar is selling firearms over the internet: "This powerful war weapon is available through postal, phone or online order to the well-known weapon dealer, Marstar, established in Van Cleek [*sic*] Hill." Here again Marstar's website tells a different story and contains the statement "No firearms are sold on line". Source: <http://www.marstar.ca/FAQ-webguns.htm>.

Each firearm sold is registered in accordance the Canadian Firearms Act and every Canadian citizen who wants to legally acquire a firearm must go through a rather complex and intrusive process. Lester did not mention anything of the above in his show. He explicitly stated that anyone with a duck hunting license can buy this rifle!

Regarding the firearm itself, Lester made a number of comments quite out of place in a news broadcast. He did not mention that a collectible MG-34 costs around \$5000, weighs about 25 lb (without the ammo belt) and has NEVER been involved in the perpetration of ANY crime or incident in the whole of Canadian history. Hence, the strangeness of his answer: "To sum up, I would like to clarify that even if no crimes were perpetrated with a MG-34 in Canada, I demonstrated that the MG-34 could be used and fired by a middle-sized man standing up, me for instance. This renders the MG-34 with its ammo-belt a legal weapon that can be a lot more dangerous than the Ruger of Marc Lépine. That was the idea of this reportage." A look at the footage will demonstrate that such a contraption is difficult to carry concealed under a trench coat, not even speaking of the 250-round belt dragging on the ground! Maybe Arnold Schwarzenegger can do this with the help of a special effects crew! But such a statement has nothing to do with news journalism and can hardly be considered objective. The only thing we have here is Lester playing in a scary series! There are no facts whatsoever to prove such a statement, but Mr. Lester may have the same respect for as than [*sic*] Michael

Moore!

In my humble opinion, the purpose of this reportage was simply to scare the public on the eve of the anniversary of the Polytechnique killings! To illustrate this point, let's replace the evil MG-34 with a pickup truck: "To sum up, I would like to clarify that even if no crimes were perpetrated with a pickup truck in Canada, I demonstrated that a pickup truck could be used and driven by a middle-sized man seated up, me for instance. This renders the pickup truck with its 350 horse power engine a legal weapon that can be a lot more dangerous than the Ruger of Marc Lépine." I don't dare imagine a driver going wild in one of our downtown areas .... It is shocking to see that we can still own such a device in Canada.

"This renders the MG-34 with its ammo-belt a legal weapon". What would be the use of putting this rifle illegal [*sic*]? Was it legal to steal 4 aircraft for a few terrorists on September 11th and to crash them to kill innocent workers? Does Mr Lester know (or care about) how many firearms are stolen from police officers or from the militaries each year?

"I purchased powerful ammunitions Mauser 8 mm with a simple firearm permit at the DANTE, an ironware shop in the neighbourhood of little Italy in Montréal. This demonstrates, to me, that it is extremely easy to get ammunitions for a MG-34."

For someone who wrote a very documented book about Gerald Bull and his super-cannon developments, Lester should know that a 8mm round is a just another medium game caliber, very popular among hunters and in the same class as the .308 and in fact is sold in hardware stores. We are not talking about a scary, very powerful military type of ammo. Again, I find it disturbing that a reporter would indulge in misleading the public with such biased and deceptive statements.

Another significant excerpt from Mr. Lester's self-justification: "The central idea of the report is that 16 years after the drama of Polytechnique, it is easy in Canada, with a simple permit of possession of firearms to legally buy a powerful weapon of war supplied with a swifter of 250 balls. The fact that one can get a permit at the age of 14 or 18 years old has nothing to do with the subject of the report which did not relate to the age of acquisition of a firearm in Canada." [emphasis mine]

Nevertheless, I still think that age is of the essence and that facts should be set straight, but the Lester show goes on!

"When I said in a teaser that the MG-34 and its ammo belt was available in Canada with a simple duck hunting permit I was just illustrating my topic. I could have said with a simple squirrel hunting permit. Duck or squirrel hunting permits don't exist. It is common in journalism to use lapidary and colourful formula in punch lines!"

Mr. Lester's views about journalism are very interesting and cast a different light on the subject matter. They may be appropriate in a tabloid, but what about an informational news broadcast. I believe that an ethics enforcement agency should carefully consider this issue in the interest of democracy which rests on proper information to the citizen.

Mr. Lester admits distorting the truth (Firearms Bill), deliberately omitting pertinent facts and considering that this is part of investigative journalism. The main issue here is: For what purpose?

Is he pursuing personal grudges against the media? Does he believe that his fame puts him above the most basic journalistic rules, or maybe that ethics are a thing of the past and that lying and distorting facts are normal attributes of reporters? What about ethics and objectivity? No doubt genuine journalists will appreciate! [*sic*]

To conclude, I would like to stress again that my intention is not to deny Mr. Lester's right to resort to Michael Moore's documentary style to further his agenda, but I strongly object to him doing so during an informational broadcast. There is no place in news bulletins for this philosophy during [*sic*] and this occurrence clearly violates my right to fair and unbiased information. These are the basic grounds for which I request a ruling from your agency and hope that common sense will prevail.