
APPENDIX B

CBSC Decision 10/11-2338 & -2339 Sun News Network re *ByLine* (England Riots)

The Complaints

The CBSC received 10 complaints about this broadcast. Four complainants provided enough information for the CBSC to pursue the complaint. Of those four, two individuals filed Ruling Requests. The correspondence relating to their files is reproduced below.

File 10/11-2338

The following complaint was submitted via the CBSC's website form on August 13, 2011:

station: SunTV

program: Brian Lilley

date: Saturday, August 13

time: 5:00-6:00

concern: During a discussion of the London riots, Brian Lilley's guest Michael Coren made the comment: "The problem isn't BlackBerrys – it's Black thugs!"

This comment should have no place on Canadian airwaves. I've never heard an equivalent even on American airwaves. This type of incendiary racism has to be stopped from contaminating our discourse. As well, it is abusive for young black people to have this pumped into their homes. Action has to be taken on this now.

File 10/11-2339

The following complaint submitted on the CBSC's website form on August 13:

station: SunTV

program: Brian Lilley's show

date: see below

time: see below

concern: Here is time, place, everything you need on the YouTube grab:

<http://drdawgsblawg.ca/2011/08/its-not-blackberries-its-black-thugs-michael-coren-racializes-the-london-riots.shtml>

On August 14, he also wrote to the CRTC, which forwarded the complaint to the CBSC:

Hateful, racist comments were made on SunTV four-five days ago by Michael Coren:
<http://drdawgsblawg.ca/2011/08/its-not-blackberries-its-black-thugs-michael-coren-racializes-the-london-riots.shtml>

Not only is he in violation of Canada's human rights laws, he has been given free reign by SunTV. Both, in my view, are equally culpable; SunTV should lose its broadcasting licence forthwith.

The CBSC wrote back with the following e-mail on August 19:

The Canadian Broadcast Standards Council (CBSC) has received your correspondence concerning *ByLine*.

Internet content does not come within the purview of the CBSC's mandate, even if it is found on a broadcaster's website, and thus we are unable to formally pursue your complaint. The CBSC cannot deal with complaints about clips found on YouTube or similar media-sharing sites because it is too difficult to determine whether the content has been edited or altered.

If, however, you have seen the show on television, please send us the date and time of broadcast and we will proceed with your complaint.

The CRTC also sent the complainant a letter explaining that the CBSC needs the name of the station, the date and time of the program in order to proceed. The complainant wrote back to the CRTC on August 19:

I provided the actual clip in my earlier complaint, and the date on which it appeared. So I'm not sure what additional information you are requesting. Please advise.

He also wrote back to the CBSC on August 19:

Are you seriously accusing me of altering this clip, which appeared one week ago on Brian Lilley's show? Has anyone at SunTV denied the authenticity of this clip? Did you even bother to ask [Sun News Network's Director of Legal Affairs]?

No. Thought not. Why are you so determined to cover for SunTV's racism?

I imagined you people were serious about investigating complaints. I apologize for having wasted your time.

He wrote again that same day:

Let me be more specific. The YouTube clip is the faithful record of an interview that did indeed take place on Brian Lilley's *ByLine* show on SunTV on August 9. It is not altered in any way. I guess I was reacting to the insinuation that it was.

The date and time of the racist comments to which I referred are: August 9, 2011 19:18 @about the 3-minute mark).

Now, could the CBSC please get on with investigating my complaint, rather than inventing reasons not to act?

Many thanks for your attention.

On August 24, the CBSC replied to his first e-mail of August 19 before realizing he had also sent a second e-mail which did provide the required information:

Thank you for getting back to us concerning your complaint. I am not accusing you of altering any clips. The CBSC only deals with on-air television and radio content. Our jurisdiction does not extend to the Internet. We deal with complaints from people who have seen the show as broadcast originally on TV or radio so when we review a complaint for a decision we watch or listen to the official logger of what was actually broadcast. We cannot assume that someone who saw a YouTube clip of a show saw the show as aired by the broadcaster about which they are complaining.

Therefore, if you saw the show as aired, please provide us with the date and approximate time of broadcast on television so that we can ask the broadcaster to put aside an official copy of that episode for your complaint.

Once the CBSC realized the complainant's second e-mail of August 19 did provide the date and time, it sent the following e-mail:

Thank you for sending us the missing information concerning *ByLine*. We have asked the broadcaster to hold a copy of the official logger, as explained in my previous email, sent a few moments ago. As soon as Sun News confirms that they have put this copy aside I will contact you again with the next step.

Broadcaster Response

After requesting an extension, Sun News Network responded to both complainants on October 12 with the same letter:

I am counsel to the Sun News Network ("Sun News"). I am writing in response to Mr. [Complainant]'s complaint to the Canadian Broadcast Standards Council ("CBSC"), set out below.

Mr. [Complainant] states that Mr. Coren's comments on the broadcast segment in question were racist in nature. Sun News vigorously rejects that characterization of Mr. Coren's comments.

Mr. Coren's comments were addressed to what he saw as the failure by most commentators to discuss the causes of this summer's riots in London and elsewhere in the UK. In Mr. Coren's opinion, the riots were the result of a failure by the authorities in the UK to address the rise of gang culture in British cities, especially London.

Mr. Coren stated in his comments that the London riots began in the inner-city district of Tottenham, which he described as “never a good area”, but “a hellhole now.” Mr. Coren stated that Tottenham is characterized by “gangs of black young men – it’s not about race, it’s about culture -- who have taken over the area [emphasis added]” and operate with impunity. Mr. Coren then stated that “most of the victims of their crimes are other black people.”

Mr. Coren then addressed what he saw as the failure of the authorities to deal with the rise of this gang culture. He noted that “we’ve been told for 25 years that we have to understand gang culture”. His point was that while the authorities have been failing to deal with the rise of gangs in areas like Tottenham, the gangs have been victimizing British citizens, and black citizens in particular.

Mr. Coren then stated that the riots that started in Tottenham spread when other youth, including white youth, sense the unwillingness of the authorities to deal with gang lawlessness and “try to replicate this”.

It is clear from these statements that Mr. Coren’s comments were not calculated to expose black people to hatred and contempt. As set out above, he specifically said: “It’s not about race, it’s about culture.”

Under the circumstances, Sun News submits that there is no basis for stating that Mr. Coren’s comments were racist in nature. Mr. Coren’s remarks were directed at youth gangs. He took care to point out that the main victims of youth gangs in predominantly black areas are other black people. He also stated that this summer’s riots spread when non-black youth tried to replicate the actions of gangs in areas such as Tottenham, where in his view the riots started.

In other words, whether one agrees with Mr. Coren or not, it is clear that his comments constituted a serious attempt to understand the causes of the riots, and particularly to address causes that in his view were not being addressed by other media for fear of giving offence.

Sun News has a responsibility to address controversial topics. Sun News makes no apologies for being controversial, and will continue to take on contentious subjects.

Sun News, like all private media, is accountable to its audience and to the courts. Those who are offended by content have many remedies at their disposal, including changing the channel. One remedy that should never be on the table is to censor or ban voices one disagrees with or is offended by. Such a step would be inimical to the fundamental principles of freedom of speech.

In closing, Sun News and its parent company Quebecor Media respect, and always have respected, the rule of law under the Canadian constitution – both the obligations that come with it, but also the freedoms it affords. No campaign, organization or complaint will change this fact.

Sun News submits that this segment did not violate any CBSC broadcast guidelines or codes, and submits that the complaint should be dismissed.

Additional Correspondence

File 10/11-2338

The complainant filed his Ruling Request on October 13 with the following note:

Along with Coren's general tone, the specific comment he made which I identified as racist was "The problem isn't BlackBerry's, it's black thugs!" in regard to the London riots of last summer.

The broadcaster's lawyer claims that Coren made it clear that "it's not about race, it's about culture".

However, with his repeated mentions of "young black men" in addition to his purposely incendiary quote above, Coren makes it clear he has a problem with the culture ... of a certain race of young men.

This is racism full stop and as such a contravention of CBSC regulations.

File 10/11-2339

The complainant filed his Ruling Request on October 13 with the following note:

I read [Sun News Network's Director of Legal Affairs]'s letter with great interest.

Let me note that this clip is what we're talking about:

http://www.youtube.com/watch?v=Ere21Bz0Rh0&feature=player_embedded#t=0s

What Mr. Coren (via [the Director of Legal Affairs]) now claims he meant is irrelevant. Look at the clip. *Res ipsa loquitur*.

The fact is that Mr. Coren racialized an outbreak of violence that was predominantly white in white areas and Black in Black areas. Mr. Coren is making things worse in his explanation -- he appears to be claiming that whites borrowed all this from Blacks. That's highly questionable, especially in the context of the riots. Judging from the sheer numbers involved, we were not dealing with gangs.

Nor does the phrase "culture not race" exonerate Mr. Coren. That's a feeble alibi at best, and in this context irrelevant: there is no evidence that Blacks played a lead role in the riots -- indeed, there is much evidence to the contrary, if news photos at the time can be believed. The salient issue is, here, why Coren singled out Blacks, for whatever reason, in a series of events that were non-racial in character.

I would, therefore, appreciate a ruling by the panel.