
**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL COUNCIL**

CIWW-AM re the Geoff Franklin Show

(CBSC Decision 92/93-0181)

Decided October 26, 1993

Marianne Barrie (Chair), Al MacKay (Vice-Chair), Susan Fish, Paul Fockler,
Don Luzzi, Robert Stanbury

THE FACTS

During the course of the early morning Geoff Franklin Show, the host made a series of comments concerning the actions of a man subsequently charged with cruelty to animals which the listener felt were "inciteful of hatred, revenge, vigilante action and advocating assault in violation of the law."

The complainant's letter of June 21, 1993 was sent to the CRTC, which in turn forwarded it to the CBSC.

The background to the complaint related to the story of a man from Gatineau, Quebec who had decided to punish his dog by dragging it alongside the car for several blocks while he drove at speeds beyond the dog's running capacity. The news story received significant coverage in the Ottawa-Hull area and Mr. Franklin seemed to be echoing popular sentiment in his critical attitude toward the perpetrator of the canine cruelty. The host put forward what he considered suitable punishment for the man, stating in part:

What about this rocket scientist .. who punished his dog by dragging him alongside his car...
[T]he idiot ... will be brought on charges... I have an idea... [H]ow about we have animal
lovers sign up ... chain this guy to a car and drag him alongside the car.

Listeners were invited to call in with their views on this idea or other suitable punishment for the man. The host opened the phone lines and a number of callers stated they would be more than happy to drive the car. Several callers also offered alternative punishments for the man, including tarring and feathering him.

In the opinion of the listener, the host went too far. "Mr. Franklin suggested that this man should be dragged from a car himself. He also invited listeners to call in and suggest things that could be done in vengeance to the abuser." The complainant added the following comments:

I found [the host's] comments and tone to be inciteful of hatred, revenge, vigilante action and advocating assault in contravention of the law.... I do hope that Mr. Franklin has not caused public morals to be lowered to the level of the abuser by advocating vigilante action. I believe that a radio announcer is in a privileged position to influence the public and should be professional by keeping moral ethics and the broadcast regulations in mind. I felt that Mr. Franklin tried, convicted and attempted to sentence a person without a trial.

The Vice-President and General Manager of the station responded to the listener on July 19. He declared to the listener: "we concur with your concerns and we share your objections to [the announcer's] handling of this emotional and controversial news story." He explained that the on-air host's "judgment and handling of the news story was greatly influenced by the fact that he is a dog owner and avid supporter of animal rights."

This does not excuse the fact he vented his personal outrage on the public airwaves, and we agree, his position as an on-air personality carries with it a fiduciary responsibility to ensure impartial and balanced coverage of any controversial subject matter.

The station took the following steps regarding the on-air host's actions.

It has been made very clear to Mr. Franklin that Key Radio Limited will not tolerate the use of our radio stations to incite hatred, violence or to encourage vigilante action regardless of the circumstances. Should Mr. Franklin allow this type of incident to occur again, he has been told this could constitute grounds for immediate dismissal.

Further, he has been instructed to review the Canadian Broadcast Standards Council manual, especially Section "C", Code of Ethics, Clause 7 - Controversial Public Issues. This manual, and the Canadian Broadcasting Act, is mandatory reading for all of our on-air staff.

The complainant declared himself "pleased with [the] response for the most part" but felt that "this [was] a serious matter" and could have been avoided "by responsible coverage of the incident." He continued:

In my opinion any on air staff should be aware of all the ethics regulations, respect them, and be mindful of the consequences of violating them. This would prevent such incidents from occurring in the first place but this did not happen here. Therefore I feel it should be up to the CBSC to review this incident and enforce their code of ethics if they are not followed, otherwise there would not be much point in having regulations.

THE DECISION

The Ontario Regional Council of the CBSC considered the matter under Clauses 6 and 7 of the *CAB Code of Ethics*. The clauses read as follows:

Code of Ethics, Clause 6

It shall be the responsibility of member stations to ensure that news shall be represented with accuracy and without bias. The member station shall satisfy itself that the arrangements made for obtaining news ensure this result. It shall also ensure that news broadcasts are not editorial. News shall not be selected for the purpose of furthering or hindering either side of any controversial public issue, nor shall it be designed by the beliefs or opinions or desires of the station management, the editor or others engaged in its preparation or delivery. The fundamental purpose of news dissemination in a democracy is to enable people to know what is happening, and to understand events so that they may form their own conclusions.

Therefore, nothing in the foregoing shall be understood as preventing news broadcasters from analyzing and elucidating news so long as such analysis or comment is clearly labelled as such and kept distinct from regular news presentations. Member stations will, insofar as practical, endeavour to provide editorial opinion which shall be clearly labelled as such and kept entirely distinct from regular broadcast of news or analysis and opinion.

It is recognized that the full, fair and proper presentation of news, opinion, comment, and editorial is the prime and fundamental responsibility of the broadcast publisher.

Code of Ethics, Clause 7

Recognizing in a democracy the necessity of presenting all sides of a public issue, it shall be the responsibility of member stations to treat fairly, all subjects of a controversial nature. Time shall be allotted with due regard to all the other elements of balanced program schedules, and to the degree of public interest in the questions presented. Recognizing that healthy controversy is essential to the maintenance of democratic institutions, the broadcast publisher will endeavour to encourage presentation of news and opinion on any controversy which contains an element of the public interest.

The Regional Council listened to the tape of the program and reviewed the relevant correspondence. It determined that the host had, as a dog-lover himself, been motivated by anger in marshalling the listeners' calls but that he had not ever meant to be taken as a serious advocate of criminal activities. In the result, it considered Mr. Franklin's comments to be in poor taste but not constituting a breach of any of the provisions of the *Code of Ethics*.

In the course of complaint resolution, the CBSC considers that it is firmly within its mandate to evaluate not only the complaint itself against the standards established by the various Codes which it administers, but also the responsiveness of the broadcaster in dealing with the viewer or listener. In this case, the Regional Council considers the steps taken by the Vice-President and General Manager of the station to be of a thoughtful and collaborative nature and exemplary in the fulfilment of broadcaster responsiveness to a complainant. The members of the Council noted the station's forthright handling of the matter by

apologizing to the complainant, reprimanding the program host, and requiring the host to review the *CAB Code of Ethics*.

This decision is a public document upon its release by the Canadian Broadcast Standards Council and may be reported, announced, or read by the station against which the complaint had originally been made; however, in the case of a favourable decision, the station is under no obligation to announce the result.