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**CANADIAN BROADCAST STANDARDS COUNCIL  
ONTARIO REGIONAL COUNCIL**

CIII-TV re First National Newscast (Premiers' Conference)

(CBSC Decision 96/97-0246)

Decided February 26, 1998

A. MacKay (Chair), R. Stanbury (Vice-Chair), R. Cohen (*ad hoc*),  
P. Fockler, M. Ziniak

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## THE FACTS

On Friday, August 8, 1997, one of the stories covered by CIII-TV (Global Television) in its 6:30 p.m. newscast was that of the Premiers' Conference in St. Andrews, New Brunswick. The complaint regarding this newscast related to an exchange between Newfoundland's Premier, Brian Tobin and Quebec's Premier, Lucien Bouchard, which was introduced and described in the following way.

**Kevin Babin (reporter):** National unity was discussed at the Premiers' breakfast meeting. Lucien Bouchard from Quebec decided to leave the room when the issue came up. While he was absent the remaining nine Premiers decided to hold an informed meeting on national unity later this fall.

[Comments by Premiers McKenna and Romanow]

**Kevin Babin:** The Premiers don't expect to find the magical formula for national unity at the meeting. The meeting will only deal with process and, more importantly, although invited, Bouchard will not attend.

**Premier Bouchard:** Anyway, it's not for me to conduct the exercise. They want to do it. It's up to them. But I will not be there.

[Comments by Premiers Klein and Harris]

**Kevin Babin:** And for those worried re-opening old national unity wounds could lead to disaster, Newfoundland's Brian Tobin had this reply.

**Premier Tobin:** I'm delighted we're going to have a frank exchange and discussion with each other. I think it's what Canadians expect of us.

**Premier Bouchard:** It's doomed before it begins.

## The Letters of Complaint

On August 11, 1997, a viewer wrote a complaint directly to Canwest Global Television stating that:

On Friday, August 8, 1997, I was watching the 6:00 news on CTV. There was a report on the Premiers' Conference in New Brunswick. At some point, CTV described an exchange between Newfoundland's Premier, Brian Tobin, and Quebec's Premier, Lucien Bouchard. According to CTV's report, the nature of the exchange can be described as follows:

- ! In light of a future Constitutional Conference, Premier Tobin made a remark regarding the last Federal Election to the effect that Quebecers had voted in favor of federalist parties in a proportion of 65%.
- ! Mr. Bouchard replied that "*If you think that 65% of Quebecers are federalists, this is doomed from the beginning*".

At 6:30 P.M., I switched to the **Global News**. However, Global's coverage was quite different and can be described as follows:

- ! Mr. Tobin made general remarks regarding the upcoming Constitutional conference.
- ! The Mr. Bouchard was attributed to reply "*This is doomed from the beginning*".

In Global's coverage of the incident, Mr. Bouchard's reply were distorted by omitting the reference to the 65% matter, which was the topic of the discussion, leading the viewer to believe that Mr. Bouchard was to the opinion that **ANY** constitutional talks would be doomed from the beginning, which is not what Mr. Bouchard actually said, according to CTV's more complete coverage.

I think this is unacceptable and inflammatory as well as a breach of journalistic ethics. To attribute false comments to a politician by editing a recorded segment and placing it into another context in nothing short of public opinion manipulation.

Global News should make a formal retraction and apology on air, including the description of what was reported and what should have been reported. This should be done on the 6:30 news before Friday, August 15, 1997. Should this complaint be unsuccessful, I will formally lodge a complaint to the Canadian Broadcast Standards Council for investigation.

On August 18, the complainant sent the following substantively similar, although not identical, letter to the CBSC, together with a copy of his letter to Global Television:

La présente est pour déposer officiellement une plainte auprès du Conseil canadien de la radiotélévision au sujet d'un bulletin de nouvelles diffusé le 8 août 1997 à 18:30 au réseau Global (Canwest).

Les faits se résument comme suit:

Le 8 août 1997, j'ai regardé les nouvelles de 18:00 d'un réseau concurrent, soit CTV. Ils ont fait la description d'un incident survenu lors de la conférence des premiers ministres au Nouveau-Brunswick. L'incident en question impliquait les premiers ministres Tobin de Terre-Neuve et Bouchard au Québec.

! M. Tobin a fait une remarque sur la proportion de fédéralistes québécois en affirmant que 65% des québécois ont voté pour des partis fédéralistes lors de l'élection fédérale du 2 juin dernier.

! M. Bouchard a alors répliqué à M. Tobin: *"If you think that 65% of Quebecers are Federalists, this is doomed from the beginning!"*.

Suite au bulletin de nouvelles de CTV, j'ai changé de chaîne afin de regarder le bulletin de Global. Leur version de l'incident était différente.

! M. Tobin s'est vu attribué des commentaires de natures générales sur la nécessité de tenir des discussions constitutionnelles.

! Et M. Bouchard de répondre: *"This is doomed from the beginning!"*.

La référence au sujet de leur mésentente, soit la proportion de 65% de fédéralistes au Québec, avait tout simplement été supprimée lors du montage vidéo laissant le téléspectateur croire que M. Bouchard est d'avis que toute forme de discussions constitutionnelle est inutile.

Je crois que ce type de manipulation de l'information est contraire à l'éthique journalistique et constitue de la manipulation pure et simple de l'opinion publique en plus d'être inflammatoire dans le contexte politique canadien actuel.

J'ai formulé ma plainte par écrit au réseau Global le 11 août dernier par télécopieur. Vous trouverez copie de ma plainte en annexe ainsi que le feuillet de confirmation d'envoi de la télécopie. J'avais accordé cinq (5) jours ouvrables à Global afin de se rétracter. Malgré le fait que j'ai donné plusieurs façons de me contacter (adresse postale, courrier électronique, numéros de téléphone et de télécopieur), la station n'a pas répondu ou même accusé réception de ma plainte.

Ainsi, par la présente, je demande que le CCNR se penche sur ma plainte et rende une décision officielle.

## **The Broadcaster's Response**

The complainant received the following response from Global's Senior Producer at *First National*:

I have thoroughly reviewed the events surrounding your complaint regarding First National's August 8, 1997 coverage of the Premiers' Conference in New Brunswick. First, I'd like you to know that we appreciate any and all feedback, positive or negative, about our program. By taking it seriously, we benefit as broadcasters and journalists.

In dealing specifically with your complaint, I must point out what you are probably already aware of. When our reporters undertake political stories they are subject to some

interpretation. This can be attributed to the reporter's experience in the field. In the case of Lucien Bouchard's remarks, whether you use his sound-bite from the beginning or the middle, it is clear that his words mean the same thing, that any constitutional process undertaken by the federalists is doomed to fail. There was nothing during the two days of the conference to suggest he had changed his well-known position on these matters one iota. I can tell you with certainty there was no deliberate attempt to take anything Mr. Bouchard said out of context or manipulate his words for any political purpose.

Just the same, we will undertake to remind the reporter about balance and what can sometimes be perceived by viewers of varying political stripes as bias. I invite you to watch First National each weeknight at 6:30 and judge us on our overall coverage of events, both political and non-political. I think you will find us very even-handed, informative and interesting to watch.

### **Subsequent Correspondence from the Complainant**

The complainant forwarded a copy of the broadcaster's response to the CBSC, informing the Council's Secretariat at the same time that he was unsatisfied with it. He requested, on August 26, that the CBSC refer the matter to the appropriate Regional Council for adjudication. With his request, the complainant added the following note:

This is further to my fax transmission of yesterday, August 18, 1997. In my letter, I had mentioned that I had not yet received a reply from Global to my complaint. However, when I got home last night, Global's reply signed by First National's Senior Producer ... was in my mailbox. A copy is enclosed.

I am not satisfied with [his] reply. I strongly disagree with him when he states that: "*This can be attributed to the reporter's experience in the field. In the case of Lucien Bouchard's remarks, whether you use his sound-bite from the beginning or the middle, it is clear that his words mean the same thing, that any constitutional process undertaken by the federalists is doomed to fail.*" Furthermore, I am deeply troubled when he adds that: "... *There was nothing during the two days of the conference to suggest that he had changed his well known position on these matters one iota.*"

The above confirms that the news report was editorial in nature and had no place within an actual news report. The fact that the reporter or any other person involved in the production of the news report were to the opinion [*sic*], rightly or not, that Mr. Bouchard is not open to constitutional talks does not give them the right to edit videotape to reflect what they think this politician would have said in these circumstances. The viewer should at least have a chance to hear the entire phrase and make his/her own opinion, just like CTV fortunately gave us.

As francophones living in Quebec and working in Ontario, we are increasingly subject to animosity from our anglophone friends, family members and co-workers on the national unity issue. This is fuelled by inflammatory news coverage such as the one presented on Global's First National on August 8, 1997.

Therefore, in light of [the Senior Producer's] reply, I request that the Canadian Broadcast Standards Council render a formal decision on my complaint.

On January 21, 1998, the complainant sent a clarification to the CBSC regarding his complaint. His note read as follows:

Just a clarification on complaint 9697-0246. In my original correspondence of August 1997, I stated that I relied on CTV's coverage to compare Global's report. It seems that it was rather CBC. In fact, I found the exact transcript of CBC's news report on the internet. The relevant part is reproduced below. The entire transcript can be found at: [CBC URL]

[citation begins ]

ROUSSY: But a testy exchange between Newfoundland's Brian Tobin and Bouchard revealed just how wide the gulf is between Canada's two solitudes.

BRIAN TOBIN / BC PREMIER [sic]: And remember, in the last federal election campaign, more that 60 per cent of Quebecers voted for a federalist option. That's the reality.

BOUCHARD: If you enter into this new process, which is not substantial process, new process, with the idea that 65 per cent of Quebecers are federalists, well, it's doomed before it begins.

[end of citation ]

## THE DECISION

The CBSC's Ontario Regional Council considered the complaint under the *Code of Ethics* of the Canadian Association of Broadcasters (CAB) and the *Code of (Journalistic) Ethics* of the Radio and Television News Directors Association (RTNDA). The relevant clauses of those Codes read as follows:

### *CAB Code of Ethics, Clause 6 (News)*

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 analysing 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 broadcasts 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.

*RTNDA Code of (Journalistic) Ethics, Article 1*

The main purpose of broadcast journalism is to inform the public in an accurate, comprehensive and balanced manner about events of importance.

*RTNDA Code of (Journalistic) Ethics, Article 3*

Broadcast journalists will not sensationalize news items and will resist pressures, whether from inside or outside the broadcasting industry, to do so. They will in no way distort the news. Broadcast journalists will not edit taped interviews to distort the meaning, intent, or actual words of the interviewee.

The Regional Council members listened to a tape of the program in question and reviewed all of the correspondence. The Council considers that the program in question does violate clause 6 of the *CAB Code of Ethics* and Article 3 of the *RTNDA Code of (Journalistic) Ethics*.

**The Content of the Program**

While the Canadian Association of Broadcasters and the Radio and Television News Directors Association have not used identical wording to describe the purpose of the news, the message of both associations is essentially identical. The CAB requires that “news shall be represented with accuracy and without bias” and the RTNDA that the public shall be informed “in an accurate, comprehensive and balanced manner about events of importance.” The CAB Code also mandates that broadcasters shall “ensure that news broadcasts are not editorial” and the RTNDA Code that broadcasters “will in no way distort the news”. There is no conflict between the two Codes; they basically use different phraseology to establish the fundamental principles of news reporting which, at bottom, is nicely put in the following CAB Code sentence:

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.

In the view of the Ontario Regional Council, the choice made by Global Television in the news report at hand fails that test. Whatever one’s view of Premier Bouchard’s attitude toward national unity, a news report ought not to distort *his* words to make them reflect a reporter’s or News Director’s view of Bouchard’s political position. The people, as the Code provides, should be entitled “to know what is happening” in order that “they may form their own conclusions.” By removing the first part of the Premier’s sentence “If you enter into this new process, which is not substantial process, new process, with the idea that 65 per cent of Quebecers are federalists,” Global has not told the audience what was in fact happening. By leaving only “it’s doomed before it begins,” Global has usurped the audience’s democratic entitlement to reach its own conclusions. Its editing, not merely of an interview, but *of a single sentence*, has had the effect of distorting the meaning of the Premier’s statement as well as breaching the requirement to provide a “*full, fair and proper*

presentation of [the] news.” In effect, Global took a statement Premier Bouchard had made for *one* purpose, namely, to comment on the view that 65% of Quebecers had voted for federalist parties in the last election, and used it for *another*, namely, to conclude that *any* proposed Premiers’ conference on national unity would be doomed to failure.

The CBSC has no way of knowing whether this choice was made for an editorial or expeditious purpose. Whatever the reason, the Council considers that it violates Clause 6 of the *CAB Code of Ethics* as well as Articles 1 and 3 of the *RTNDA Code of Ethics*.

### **Broadcaster Responsiveness**

In addition to assessing the relevance of the Codes to the complaint, the CBSC always assesses the *responsiveness* of the broadcaster to the substance of the complaint. In this case, the Council considers that the broadcaster’s response has fairly addressed the issue raised by the complainant. Nothing more is required. Consequently, the broadcaster has not breached the Council’s standard of responsiveness.

### **CONTENT OF THE BROADCASTER ANNOUNCEMENT**

The station is required to announce this decision forthwith, in the following terms, during prime time and, within the next thirty days, to provide confirmation of the airing of the statement to the CBSC and to the complainant who filed a Ruling Request.

The Canadian Broadcast Standards Council has found that Global Television breached provisions of the Canadian Association of Broadcasters’ *Code of Ethics* and the Radio Television News Directors Association’s *Code of (Journalistic) Ethics* in its August 8, 1997 newscast relating to the Premiers’ Conference in St. Andrews. The CBSC found that, by editing a statement made by Premier Bouchard, Global distorted the Premier’s statement, contrary to Article 3 of the *RTNDA Code of (Journalistic) Ethics*. This had the effect of not fully and fairly reporting the news item in question, contrary to Clause 6 of the *CAB Code of Ethics*.

*This decision is a public document upon its release by the Canadian Broadcast Standards Council.*