
**CANADIAN BROADCAST STANDARDS COUNCIL
QUEBEC REGIONAL COUNCIL**

CIQC-AM re *Galganov in the Morning*

(CBSC Decision 97/98-0473)

Decided August 14, 1998

Y. Chouinard (Vice-Chair), R. Cohen (*ad hoc*), M. Gervais,
S. Gouin and P. Tancred

THE FACTS

At the time of this complaint, Howard Galganov, well-known political campaigner for the rights of English-language Quebecers, hosted the morning show on CIQC-AM (Montreal) which ran from about 7:00 a.m., following the morning news, to 10 a.m. The first two hours of *Galganov in the Morning* consisted of chit chat between Mr. Galganov and his co-host, Jim Connell, various interviews and discussion of current affairs topics. This time slot also made room for a daily editorial by Howard Galganov. The last hour of the show was in an open-line format, dedicated to taking calls from listeners. A sampling of the broadcasts of November 17, 20 and 21, 1997 is provided below (more complete transcripts of these broadcasts are included in Appendix A).

Mr. Galganov's editorial on November 17, 1997 dealt with a "graffiti incident" which had occurred in Montreal over the week-end:

To the victims of this graffiti and intimidation, I offer my sympathy for what you and your families are going through. But I also commend you and yours for the bravery it took and still takes to come forward and as much as I laud all of you for being brave and loyal Canadians, I equally hold all of our politicians, including the racist-separatist Parti Québécois government with the deepest of contempt for doing nothing to discourage this outrageous form of intimidation and to the Federal Government of Canada for its continuing acquiescence and gutlessness. If Canada is to be saved, it will be by the few and by the brave. With the determination of the so-called hard-liners who have the courage to come forward and state it like it is in spite of the kiss-ass leaders who have led us down the garden path. Canada will not be saved by the jelly-knees. I feel for you. For all of you who have been targeted by

Québécois-nationalist scum. ... Bravo for your courage and a pox on all those responsible for this ethno-centric graffiti outrage, Anglo kiss-ass leaders included.

During the open-line portion of that same broadcast, Mr. Galganov took a call from someone who talked about how, in his view, the French press in Quebec skews facts to favour separatist policies. Mr Galganov responded as follows:

Howard Galganov: I think it is very important that the press has absolute freedom but I also think that it very important that there are people who are there to take on the press. I think it is important that there are shows such as *Galganov in the Morning* and the others that are going to sit down and shine a bright light upon lies and distortions and I think if anyone is getting screwed, it's the Francophone people who are reading this crap because they are not getting the honest and the true picture.

Later that same day, Mr. Galganov took a call from a frequent caller to the show:

Howard Galganov: And, if it was the "faute du fédéral", then it's gotta be Gérard. Good morning Gérard.

Gérard: Bonjour Monsieur Galganov. Bon matin à vous tous.

Howard Galganov: Thank you.

Gérard: Félicitations au maire nationaliste de Saint-Lazare et félicitations à tous mes braves qui font des graffiti nationalistes.

Howard Galganov: Okay, so, you're congratulating the separatist piece of puke of St-Lazare because he spent \$50,000 of taxpayers money to change some lousy street signs. This is money that should have gone into anything else, but no, you're congratulating a separatist piece of work because he's taking public money and putting it towards an ethnocentric cause. You know, you son-of-a-bitch, there are people out there, there are kids on the West Side who are going hungry every day because our separatist government, the government which you seem to love, is spending hundreds of millions of dollars, probably a billion dollars in ethnocentric projects at the expense of kids, at the expense of elderly people. You know, you got this woman Lorena Lafrance who's an Italian woman who is feeding all these kids, half of them are Francophones, the other half of them are ethnics who have just come from other countries, none of them are Anglophones. You got Sid Stevens of Sun Youth whose [*sic*] 50%, I'm sorry, 70% of the people he takes care of are Francophones but he doesn't care about that. He just cares that there are people out there who need help. You got Adrian Birkevicky of the Old Brewery Mission who feeds 70% of the people on the streets who are also French-speaking people, your people, Gérard. You're a puke. You know something, I don't want your 15 bucks anymore, you can't come back on my show. Don't call back.

What a [unfinished sentence]. Unbelievable. This is [unfinished sentence]. You know, I sit there and I listen [unfinished sentence]. I'm sorry, Henry, but I just saved you a whole bunch of money. This guy is unbelievable. "Bravo" he says to a separatist mayor because he spent \$50,000 dollars changing street signs when we have kids going hungry to school, French kids. But then again, what does Gérard care about somebody else's kids, French, English or other? He's such an ethnocentric piece of work. What would he know about this.? And "bravo" he says to people who write graffiti on people's homes. How would he like a knock in the middle of the night on his door? How would he think that's so great? How would he think

if Francophones in other parts of the country were receiving the same kind of treatment as Anglophones receive here? You know something, these people are just absolute savages. Gérard, don't call back my show anymore. You are *persona non grata*. I don't want your hateful, venomous, ridiculous, God knows what.

Other callers piped in their acquiescence of Mr. Galganov's treatment of caller "Gérard":

Caller [woman, introduced as "Roy"]: Ah hi, you know, I think Mr. Gérard is someone who is psychologically very mature, immature, and wants to get a little bit of attention and his life is so pathetic that [interrupted]

Howard Galganov: He's going to have to call Schnurmacher for attention and speak to him in English 'cause I don't want to speak to him anymore.

...

Caller Raymond: Yeah, hi, Howard. You deserve the Canada Cross for saying to that guy in St.-Jean-sur-Richelieu, *persona non grata*. He's a pig. If I put my hands on his collar I am going to send him to Charles De Gaulle country.

Howard Galganov: Anyways, Raymond, you are right, he's a pig and he's not coming back on this show. ...

On November 20, a veteran of World War II called the show stating that he felt like a second class citizen because of the lack of recognition in Quebec, be it by the simple wearing of a poppy, of the effort and sacrifice of Canadian soldiers overseas. Mr. Galganov offered the following:

Howard Galganov: ... I guarantee you Charlie, you're every inch the first class citizen. It's these separatist bastards. It's these people who are cowards, who come in the middle of the night and spray paint people's homes. It's the people who wear hoods and try to disrupt legitimate and democratic meetings. They're the second class citizens, Charlie, not you. You did it, you went there and paid your dues, and you helped to make sure that this world would be free from people like them.

...

You know, I was watching on t.v., a year and a half ago, they were celebrating the 50th anniversary of the liberation of the Netherlands and there is this huge, huge outpouring of love, absolute love and adoration, admiration for the Canadian soldiers that liberated the Netherlands, and especially a place called Apeldoorn where my father fought and was decorated, and I saw that cow Josée Legault giving her two cents on *Sunday Edition* and she says "Well, it's not really a Quebec thing". What a piece of garbage. Anyways, we'll be back...

The Letter of Complaint

On December 1, 1997, a listener wrote a lengthy letter complaining of Mr. Galganov's use of foul language and hateful commentary. (This letter is included in full in its original French in Appendix B.) In her letter, the complainant stated that Howard Galganov's show is a "[translation] sounding-board for disseminating his hatred not only toward sovereignists but also any person or association who negotiates, makes any deals or agreements, or even engages in simple dialogue with them." She also stated her view that "[translation] The choice of words and the frequency of the insults makes *Galganov in the Morning* Montreal's very own 'trash talk show'."

The Broadcaster's Response

No *official* response was received from the station within the 2-week time-frame allotted to broadcasters for responding to complaints. A response of sorts was broadcast, however, on December 9th when Howard Galganov chose to "discuss" the complaint on his show. This "response" led to another complaint and a corresponding decision on *that* matter is also being released today.

On January 19, 1998, the President of CIQC responded to the complaint as follows:

[Translation] I apologize for the delay in responding to your letter; the delay was due to the Christmas season and the Ice Storm in early January. After having read your letter, we met with Mr. Galganov and came to an agreement to limit his participation in CIQC-AM's programming.

As of January 19, Mr. Galganov no longer hosts the morning show as he has been replaced by Jim Duff, formerly of the CJAD radio station. We hope that this decision will permit you to cancel your complaint lodged with the Canadian Broadcast Standards Council.

I thank you for your interest in CIQC-AM and hope that you will continue to tune in to our station.

Prior to receiving this response, the complainant requested, on January 5, 1998, that the CBSC refer the matter to the appropriate Regional Council for adjudication. She also provided a rebuttal to CIQC's response in a letter dated January 30 (included in full in its original French in Appendix B).

THE DECISION

The CBSC's Quebec Regional Council considered the complaint under the *Code of Ethics* of the Canadian Association of Broadcasters (CAB). The relevant clauses of this Code read as follows:

CAB Code of Ethics, Clause 2 (Human Rights)

Recognizing that every person has a right to full and equal recognition and to enjoy certain fundamental rights and freedoms, broadcasters shall endeavour to ensure, to the best of their ability, that their programming contains no abusive or discriminatory material or comment which is based on matters of race, national or ethnic origin, colour, religion, age, sex, marital status or physical or mental handicap.

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.

The Regional Council members listened to tapes of the programs in question and reviewed all of the correspondence. The Council considers that the program in question did not violate any of the aforementioned provisions of the *CAB Code of Ethics*.

The Expression of Political Opinion, whether Calm or Vehement

There is no doubt that Howard Galganov's opinions are expressed strongly, even vehemently, and, some might say, inflexibly, whether off or on the air. The host might even wear any such characterization as a red badge of courage. The question for the Council, though, is whether *political* views, even thus expressed, are subject to curtailment or restriction. While freedom of expression is one of the fundamental freedoms enumerated in Section 2 of the *Charter*, it is a freedom which was not drafted as absolute. As Section 1 of the *Charter* provides, these freedoms are "subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society." Although the Codes administered by the CBSC are not subject to the application of the *Charter*, the Council has always proceeded with its deliberations on the basis that freedom of expression is fundamental to the rights of the broadcasters but that even they fully expect

that the Codes they have created are of the nature of those reasonable proscriptions which *ought* to apply in the free and democratic society of which they are a part. The foregoing being said, it is the view of the Council that, of all of the categories of speech, none can be worthier of protection than that speech which can be described as *political*. After all, the freedom to express political views is at the very root of the need for a guarantee of freedom of expression in the first place. It is *that* speech which has historically been the bridge to democracy. This is not to say that *all* speech which can be described as political will be free from any oversight but rather that such speech will be most carefully protected in the face of that oversight.

Although, in *CHOM-FM and CILQ-FM re Howard Stern Show* (CBSC Decision 97/98-0001+, October 17-18, 1997), the Quebec and Ontario Regional Councils jointly concluded that September 1997 broadcasts of the *Howard Stern Show* contravened the *Code of Ethics* and *Sex-Role Portrayal Code*, some of Stern's comments were viewed as protected speech. On his September 2 show, his premier show in Canada, Stern made several comments about the French in France and in Canada which outraged both Francophone and Anglophone complainants and were found to breach the *CAB Code of Ethics*.

The CBSC has no hesitation in finding that, in this case, the expressions "peckerheads", "pussy-assed jack-offs", "scumbags", "pussies", "Frig the French" and "Screw the French" are ... abusive."

That being said, some of Stern's commentary was found to be irreproachable. In its decision, the CBSC differentiated between insults aimed at identifiable groups and Stern's political or historical comments. Code breaches did not include the latter.

Those comments relating to the state of radio in Canada, the use of English in Quebec, the value of French culture, Canada as an appendage of the United States, the role of the vanquished French in Vichy France, the issues relating to separatism, and so on, are the host's *opinions* and, unless utterly and irresponsibly uninformed ... they are his to espouse. ... It is the view of the Regional Councils that these political and historical comments fall squarely within the bounds which freedom of expression is meant to protect.

Application of the Political Speech Principles to this Case

As noted above, it is acknowledged that the host's views were strongly held and vehemently expressed. The question for the Quebec Regional Council to decide is whether the speech was political and not excessive or political but beyond the bounds of protection for even such speech. The Council's answer to the first question is that the speech was political and, as to the second, it does not consider that the speech encountered on this date triggered the application of Clause 2 of the *CAB Code of Ethics*, the "human rights" provision, which prohibits abusively discriminatory comment based on certain protected grounds, namely "race, national or ethnic origin, religion, age, sex, [sexual orientation] marital status or physical or mental handicap". In the Council's view, Mr. Galganov was

extremely careful in circumscribing his commentary to avoid discriminatory comment based on one of the protected grounds, as evidenced by the following exchange on December 9th (see Appendix A of CBSC Decision 97/98-0509 for a more complete transcript) between him and a caller who was upset at the “French bastard separatists” who allegedly told her to take down her Canadian flag:

Howard Galganov: Well that’s not right. French has nothing to do with it. Separatist is a different thing entirely.

Vivian: Yeah, I told them these are separatists, they are asking me to take down my flag.

Howard Galganov: Yeah but Vivian, let me tell you something. There’s this guy who’s part of the Parti Québécois. What the hell is his name? Ah, he’s one of the right hand men to Bouchard and he’s of British origin and [unfinished sentence]. Geez, someone is going to have to call me and give me this guy’s name because [interrupted]

Vivian: Yeah, I guess so because I don’t know either.

Howard Galganov: But he’s not French. He’s British. Look at this jerk, Richard Holden. He’s not French.

Vivian: No, he’s not French.

Howard Galganov: You take a look at [unfinished sentence]. Look, you can’t confuse, not even a little bit, French Quebecers, French Canadians, with separatists. You know, there are so many [interrupted].

Vivian: You know, I’m French.

Howard Galganov: You’re French on top of it?

Vivian: Yeah. Ha, ha, ha.

Howard Galganov: Jesus Murphy. Woof.

Vivian: I’m French but I will not speak unless I really have to.

Howard Galganov: Ah? Je parle français toujours. I love speaking French. I feel so superior to those people who don’t want to speak English and either can’t or won’t. You know, the fact is that I can communicate in both languages is a tremendous blessing. I love it. I think it is great. And those who don’t, well tough on them. But remember, Vivian, even though you are French, this has nothing to do with French, it has to do with ethnocentric racism.

This care in identifying the “brunts of his barb” as political or ideological groups distinguishes Howard Galganov’s comments from those of Howard Stern, who excoriated the French on the basis of their national origin rather than their political views.

One of the other limits to unfettered freedom of expression is found in the third paragraph of Clause 6 of the *Code of Ethics* which requires “full, fair and proper presentation of ...

opinion, comment and editorial”. Both the notions of fairness and propriety of Mr. Galganov’s commentary are called into question by the complainant. The issue of propriety is dealt with in the section below. As to fairness, the Council notes that the complainant’s concerns are not related to *balance* (one of the subsets of fairness) but rather to the vehemence of the expression of Mr. Galganov’s views.

The complainant notes, and the Council has confirmed, one comment which contains some violent overtones. On November 20th, Mr. Galganov made the following comments to caller who had travelled outside of Quebec and become envious of his friends who had moved to other parts of Canada:

Howard Galganov: Well, we can’t get out of here, Eddy. And I don’t think we should have to feel that we have to get out of here. What we have to do is beat the crap out of all these nationalistic ethnocentric Québécois crapheads who are destroying what we’ve built over the years. You know, again, if you listened to the editorial this morning, I really remember Montreal in the sixties. I was born in 1950, in 1967 with Expo 67, I was 17 years old and what a place to be. And it was bilingual. It was vibrant. We had everything. We owned it. We owned the world. And look what these ethnocentric separatist asses have done to us.

Eddy: I wish I was older. I’m only 25 and I didn’t get a chance to see it. I’ve only seen the decline so [interrupted]

Howard Galganov: Eddy, stick around. The best is yet to come because these guys can’t last forever. Their own people are going to bury them.

Eddy: Let’s hope. Let’s hope.

Leaving aside for the moment the issue of vulgar language which is dealt with below, the Council does not find the statement “we have to ... beat the crap out of all these ... crapheads” to be in breach of the fairness requirement of the Code. The Council does not view this statement as “[translation] a call to violence”, as contended by the complainant. While the meaning sought to be conveyed by Mr. Galganov in making this pronouncement is ambiguous, to say the least, the Council does not consider this isolated comment to be more than an unpleasant, tasteless, juvenile comment, but not a genuine pre-meditated attempt to encourage the commission of a criminal offence.

The Council considers this example to be analogous, to some extent, to the statements dealt with in *CIWW-AM re the Geoff Franklin Show* (CBSC Decision 92/93-0181, October 26, 1993). In that case, the Ontario Regional Council also dealt with an allegation that the host of an open-line radio show was advocating violence. In that case, the host had responded to a case of animal cruelty by encouraging callers to suggest methods of “getting even” with the perpetrator of the crime. The Council did not find any breach of a Code.

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*.

It follows from the above conclusion regarding the complainant's example of "comments inciting hatred" that the Council is even less concerned with other examples of name-calling and "unfair" comments cited by the complainant, in particular the comment whereby Mr. Galganov insinuated that separatists can't or don't read. In the Council's view, such name-calling and branding opposing political camps as intellectually inferior may not be the most mature or clever manner in which to approach political debate, but the Council acknowledges that it is, for some, at times, part and parcel of the expression of political convictions. It does not, in and of itself, constitute a breach of the Code.

The Issue of the Vulgarity of the Language

In the complainant's view, "[translation] Use of words which describe excrement or vomiting ... is reprehensible. Use of words relating to private parts of the human body ... is completely unacceptable." Concerns over vulgar and crude language have been dealt with by various other Regional Councils before and it would be helpful to review those decisions here.

The first time the CBSC was called to deal with the issue of vulgar language was in *CFRA-AM re Steve Madely* (CBSC Decision 93/94-0295, November 15, 1994) in which the complaint was about use of the word "damn". The Council found no breach of the Codes, stating the following:

In its determination of what constitutes "obscene or profane language", Council considered that current broad social norms must be applied. The Council also had to face the fact that some language which may at another time have been broadly considered obscene or profane had now slipped into common and marginally acceptable usage. Terms formerly considered blasphemous or irreligious are today non-religious and inoffensive to the population as a whole, even if perhaps in poor taste. In general, the Regional Council concluded that there may be words which ought not to be used in the medium but whose use could not be raised to the level of profanity or obscenity. While the word "damn" gave the Council no difficulty by current standards, this was a case which fell into that middle ground insofar as the word "Goddammit" was concerned. In their view, the host used the term as an epithetic expression of frustration but not in an *intentionally* irreverent, blasphemous or irreligious way. While good taste and judgment might have dictated the non-use of the expression on the public airwaves, it was not a sanctionable usage.

In *CHAN-TV re Sportscast* (CBSC Decision 95/96-0108, December 18, 1996), the words "crap" and "ass" were used by an interviewee sports expert in a description of a hockey team. A viewer felt that such "gutter words" were completely unacceptable and were setting a very poor example to the younger generation. The B.C. Regional Council applied "current broad social norms" and concluded that this language, while not "attractive,

articulate or perhaps even appropriate to the airwaves,” nevertheless did not violate the Code.

They may even be, to use the characterization of the complainant, “gutter or crude” language. They are not, however, in the view of the B.C. Regional Council, either obscene or profane, which is ultimately the test which the Regional Council must apply.

In *CJOH-TV re “White Men Can’t Jump”* (CBSC Decision 94/95-0060 March 12, 1996), the broadcaster had aired a feature film based on the street life of California which, as the Ontario Regional Council observed, was “replete with epithets and very coarse street language.” The broadcast began at 9:00 p.m., preceded by an oral advisory and an on-screen advisory, followed by three further advisories during the first hour at each of the commercial breaks. The complainant took offence to both the language and the time of day the film was broadcast. The Council began by observing that the language was coarse:

The Council is entirely in agreement with the complainant that the language is coarse, even incessantly so for at least the first half hour of the film. The Council is equally of the view that the language used is that of the streets of California portrayed in the motion picture.

The Council did, however, conclude, in reliance on its earlier decision in *CFRA-AM re Steve Madely* (CBSC Decision 93/94-0295, November 15, 1994), that it fell within socially admissible norms.

In *CIRK-FM re T-Shirt Promotion Spot* (CBSC Decision 96/97-0206, December 16, 1997), the Prairie Regional Council had to deal with use of the phrases “Life’s a Bitch” and “Kick ass” in a promotional announcement for K-97 T-shirts. The Council’s evaluation in that case differed slightly from the cases referred to above because the Council had to grapple with the “prevailing standards of good taste”, the test set out in Clause 8 of the *Code of Ethics*, the advertising provision of the Code.

Despite the CBSC’s general reluctance to deal with questions of taste, the Prairie Regional Council acknowledges that the term “good taste” is actually used in Clause 8. This necessitates an explanation of the Council’s understanding of the term in *that* context.

The Council notes that the term “good taste” does not appear on an isolated basis. While the drafting of the paragraph is not the most felicitous, an explanation, if not a definition, of the terms is provided in the closing words of that paragraph. These are: “and shall not offend what is generally accepted as the prevailing standard of good taste.” It appears to the Prairie Regional Council that the drafters were explaining that “good taste” means that the advertising content shall not offend *prevailing standards* of good taste. The Council understands this to be a *higher* test than merely being characterisable as *good* taste. In a sense, the wording suggests that the material questioned must not be the *opposite* of good taste to be in breach; it must actually *offend* prevailing standards to be sanctionable. It may be that the “prevailing standards” test in Clause 8 could be more easily met than the general “taste” threshold which, as discussed above, the CBSC applies more generally. In any event, it is the view of the Prairie Regional Council that the expressions “Life’s a bitch” and

“Kick ass” do not breach the “prevailing standards” test and that it is not necessary to consider the other issue at this time.

It is appropriate to provide a sense of the Prairie Regional Council’s view of “prevailing standards” and how these are to be assessed. It is clear that it cannot be the function of the CBSC or the various Regional Councils to *conduct surveys* in order to determine what prevailing standards are; it is rather the function of the Councils to apply the reasoning and sense of a balanced group of public and industry representatives to the programming under consideration. It is indeed a reflection of that “balance” that has enabled the various Regional Councils to arrive regularly at conclusions in such matters without dissenting voices, whether the conclusions favour or run against the broadcasters.

It is the view of the Regional Council that, in general, for a matter to breach the “prevailing standards” test of Clause 8, it must extend beyond the level of offensiveness, if not even crudeness or vulgarity. This is not to suggest that the CBSC *approves* in any way of offensiveness, crudeness or vulgarity on the airwaves but rather that, in the interest of preserving a broad range of scope for freedom of expression, *such* matters of taste must be left to the marketplace.

...

[I]t is the view of the Prairie Regional Council in this case that the expressions “Life’s a bitch” and “Kick ass”, while admittedly crude, have fallen into more commonly acceptable usage than a number of the expressions used in the decisions previously cited. In the circumstances, the Council can find no breach of the Code.

When the Council considers the language which has offended the complainant in this case, i.e. words such as “kiss-ass”, “son-of-a bitch”, “puke” and “crap”, it is unable to determine that this language is any worse, although certainly more repetitious, than the words used in the matters considered above. Applying the “broad social norms” test, the Council concludes that no Code has been violated. In coming to this conclusion, the Council has taken into consideration the fact that *Galganov in the Morning* addresses primarily an adult audience. Had the target audience been more youth-oriented, the Council’s conclusion may have been different; however, it remains the case that the majority of listeners to the show in question are adults. In the circumstances, the Council sees no overriding societal interest in curtailing the broadcaster’s right to freedom of expression and, therefore, considers that concerns about the crude and vulgar language in *Galganov in the Morning* should be “regulated” in the same way as other matters of taste, i.e. via the on/off or dial button.

The CBSC and Matters of Taste

The Council has generally held to the principle that questions of taste are left to the market place. In the more recent CBSC decision in *CHOM-FM and CILQ-FM re Howard Stern Show* (CBSC Decision 97/98-0001+, October 17-18, 1997), the Quebec and Ontario Regional Councils jointly concluded that the September 1997 broadcasts of the Howard Stern Show contravened the *Code of Ethics* and *Sex-Role Portrayal Code*. While acknowledging that there were parts of the show that could likely be classified as being in bad taste, the two Regional Councils were unwilling to find the stations in breach of the Codes with respect to issues of bad taste for the following reasons (the stations were ultimately found in breach of the two Codes with respect to matters other than bad taste).

Many of the complaints received regarding the Howard Stern Show related to questions of taste. Stern was accused of being offensive, vulgar, adolescent, rude, unsuitable, outrageous, sick, tasteless and so on. ... The Quebec and Ontario Regional Councils are, however, agreed that, under the present Codes, matters of taste must be left to be regulated by the marketplace. Such choices remain those of the listener. This is the time when the on/off switch is the listener's coping mechanism. Unless comments made by a broadcaster are of a nature to breach provisions of one or more of the Codes, the CBSC will not judge them one way or the other.

In the *CIRK-FM* case referred to above, the Council summarized its position regarding having to determine matters relating to good or bad taste as follows:

In other words, the CBSC will be reluctant to interfere with a programming or advertising matter unless there is a clear breach of a provision of one of the Codes. In general, it has long considered that questions of bad taste alone will not be sufficient to result in a breach of a provision of one of the Codes.

The Council further noted:

Broadcasters are, however, generally members of the communities in which they function and will regularly attempt to respond to the concerns of their listeners or viewers, even on matters of taste which do not fall within the purview of the Codes. That, though, is a matter for the determination of each station and the broadcaster is under no compulsion in this regard.

Responsibility for All Material Aired

In her letter dated December 1, 1997, the complainant stated that "[translation]... my research did not take into account the comments of listeners who called the show. CIQC does not use time-shifting to filter calls and the host gives free rein to the hateful commentary and threats of physical violence directed towards sovereignists made by callers." The Council considers it appropriate to note, as a point of information for the complainant and possibly as a reminder for the broadcaster, that broadcasters are responsible for *all* material aired on their station, regardless of its origin or source.

In *CHOG-AM re Connections* (CBSC Decision 96/97-0040, May, 8, 1997), the Council dealt with a complaint regarding comments made by a caller to an open-line show. Referring to the CRTC's *Policy Regarding Open-Line Programming*, the Council held that broadcasters are responsible for the content of all material aired, including comments made by guests or callers during open-line programs. The Council did not consider that the broadcaster could avoid responsibility by dissociating itself from the comments made.

... the Ontario Regional Council does not find that its decision is at all affected by the fact that Dr. Green stated "Those are *your* words... I wouldn't be as nasty [Emphasis added]." The broadcaster is as responsible for them as if they had come from Dr. Green's mouth.

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 the broadcaster's response to be less than adequate. The Council notes that the poorly explained tardiness of the response created additional aggravation for the complainant. Moreover, the response did not address any of the issues raised by the complainant.

As stated in *CIII-TV (Global Television) re an episode of Seinfeld* (CBSC Decision 96/97-0074, May 8, 1997):

The process by which the CBSC becomes involved in adjudicating a dispute between a broadcaster and a listener/viewer places reasonable, but not insignificant, demands on the complainant. A simple phone call is not enough to trigger the process. The CBSC procedures require that a complainant must take the time to put his/her concerns *in writing*, and while no knowledge of broadcast codes is required of the complainant, the concerned individual must outline why he or she believes that the content of the broadcast was not appropriate. Often, in the experience of the Council, the letters provide lengthy explanations of the reason for the complainant's concern.

There exists a corresponding demand upon the broadcaster to treat the complaint with respect. Ideally, the station's reply should reflect its own review of the challenged program in light of the concerns of the complainant and explain in a clear and direct fashion why the program does not violate any of the industry Codes and standards to which the station has agreed to adhere. At the very least, it ought to be responsive to the concerns of the complainant. The CBSC does understand that, from time to time, large numbers of complaints make it difficult to provide individually composed letters to *each* complainant but it has been the experience of the Council that, in such cases, few though they have been, the broadcasters have gone out of their way to try to encompass the issues raised collectively by the complainants.

In this case, the complainant has gone to great lengths to document her concerns. The Council would have expected a more thoughtful response from the broadcaster in return.

In the circumstances, however, given that the Council is of the view that the question of broadcaster responsiveness *in this case* is intrinsically linked to the substance of *the second complaint*, it reserves its findings on this issue for the accompanying decision *CIQC-AM re Galganov in the Morning* (CBSC Decision 97/98-0509, August 14, 1998). Nothing more is required as a function of this decision.

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

**Appendix A to CBSC Decision 97/98-0473
CIQC-AM re Galganov in the Morning**

Partial Transcript of the November 17, 1997 Broadcast of *Galganov in the Morning*

At 8:18 a.m., Howard Galganov presented his morning editorial comment:

Jim Connell: Howard Galganov in the morning. In his editorial this morning he talks about the deplorable incidence of graffiti that occurred over the weekend among other forms of intimidation. Howard?

Howard Galganov: Welcome to the greatest democracy in the entire universe where if you hand out St-Lucien T-shirts during a St-Jean Baptiste Parade you are investigated, visited and intimidated by Quebec's very own brown shirts. Welcome to Distinct Land, where you're a provocateur if your political opinion differs from the majority view. Or where you face a risk of physical retribution from the majority for expressing that view. Welcome to the hall of Québécois ethno-centric nationalism where your personal property and space are violated if you dare to oppose a racist movement dedicated to the destruction of Canada. To the victims of this graffiti and intimidation, I offer my sympathy for what you and your families are going through. But I also commend you and yours for the bravery it took and still takes to come forward and as much as I laud all of you for being brave and loyal Canadians, I equally hold all of our politicians, including the racist-separatist Party Québécois government with the deepest of contempt for doing nothing to discourage this outrageous form of intimidation and to the Federal Government of Canada for its continuing acquiescence and gutlessness. If Canada is to be saved, it will be by the few and by the brave. With the determination of the so-called hard-liners who have the courage to come forward and state it like it is in spite of the kiss-ass leaders who have let us down the garden path. Canada will not be saved by the jelly-knees. I feel for you. For all of you who have been targeted by Québécois-nationalist scum. I feel for you, because I too am one of your own. I too have lived with insults, death threats and attacks upon my property and with armed body guards. I feel for you because this is no way for Canadians to have to live, not anywhere within Canada. But in Distinct Land, we don't live like other Canadians, in Distinct Land, we have to be politically correct, or the moderate media, or the moderate intellectuals, or the moderate political class will have you for breakfast.

In Distinct Land, it's quite alright to be a federalist as long as you are polite and quiet about it. In Distinct Land, it's quite alright to be an exponent of equal rights, as long as you remain invisible. We are not like the people anywhere else in Canada. Here we don't talk about living in a country. Here we are fighting with our hearts and our souls to save a country and from time to time, and sometimes more often than not, we seem to be fighting alone. Be wary of the crackers within our society, they could be dangerous. Be wary of those federalist elitists within our own community, they are indeed dangerous. Be wary of everyone who demands anything less than absolute equality for all citizens and unconditional federalism for Canada. It is these moderate elitists who have sent the messages during the past 30 years that has encouraged the ethno-centric nationalists of today. Be wary of separatist bullies, but also remember these cultural Cretans they send in the middle of the night under the cover of darkness, they are cowards. Be wary, but also remember that they confront down the streets while hiding their faces under hoods, they are cowards. Be wary, but remember that you are fighting a cause that is honest, noble and right and in the end, we will all persevere because of people like you. Be wary,

but don't be silent, don't be intimidated, don't be invisible and don't feel entirely alone. You are not. We all have the right to feel nervous and even frightened, I certainly do, but like you, I too will not be silenced and I will not accept any status other than being a full and included Canadian citizen anywhere in Canada. And that still includes Quebec. Bravo for your courage and a pox on all those responsible for this ethno-centric graffiti outrage, Anglo kiss-ass leaders included.

During the 9 to 10 a.m portion of the show, Mr. Galganov took the following calls:

Caller Jacques: Yeah, Howard, you know, you were also talking about freedom of the press. I noticed in the Journal de Montréal and La Presse this weekend, that they had an article on the person in Charmody that was acquitted for voter fraud, for cancelling the votes.

Howard Galganov: Yeah, hum hum.

Jacques: They were mentioning in the article that the Chief Quebec Electoral Officer wanted to, like I said, have another look to the judge's verdict.

Howard Galganov: I think he's going to appeal.

Jacques: Yeah, but in the article, both French papers mentioned that this gentleman was guilty of cancelling 91 votes.

Howard Galganov: Yeah.

Jacques: They never mentioned was the total votes were. That there were only 180. So someone reading that saying "Oh this kid cancelled 91 votes", well you know, it could be out of 10 000, it could be, well you know [incomplete sentence]. If I get stopped for doing 100 km/hour, was I doing 100 km/hour in a 20 zone or was I doing 100 km/hour in a 100 zone? You know, the article in the French press was made to really, I don't know, hide the strength of what he had done.

Howard Galganov: I think it is very important that the press has absolute freedom but I also think that it very important that there are people who are there to take on the press. I think it is important that there are shows such as *Galganov in the Morning* and the others that are going to sit down and shine a bright light upon lies and distortions and I think if anyone is getting screwed, it's the Francophone people who are reading this crap because they are not getting the honest and the true picture.

Jacques: Yeah, they also had another poll in La Presse saying that support for Partition has gone down. And the way they showed that was a poll showed that 60% of Quebecers wouldn't want Quebec partitioned.

Howard Galganov: It depends on the question. If you ask a question "Would you rather have Quebec stay together or be partitioned?" then of course it will be 60, 70, 80, 90.

Jacques: Well that's it. I can show you a 90% poll showing that Canadians don't want Canada partitioned.

...

Howard Galganov: And, it if was the “faute du fédéral”, then it’s gotta be Gérard. Good morning Gérard.

Caller Gérard: Bonjour Monsieur Galganov. Bon matin à vous tous.

Howard Galganov: Thank you.

Gérard: Félicitations au maire nationaliste de Saint-Lazare et félicitations à tous mes braves qui font des graffiti nationalistes.

Howard Galganov: Okay, so, you’re congratulating the separatist piece of puke of St-Lazare because he spent \$50, 000 of taxpayers money to change some lousy street signs. This is money that should have gone into anything else, but no you’re congratulating a separatist piece of work because he’s taking public money and putting it towards an ethnocentric cause. You know, you son-of-a-bitch, there are people out there, there are kids on the West Side who are going hungry everyday because our separatist government, the government which you seem to love, are spending hundreds of millions of dollars, probably a billion dollars in ethnocentric projects at the expense of kids, at the expense of elderly people. You know, you got this woman, Lorena Lafrance, who’s an Italian woman who is feeding all these kids, half of them are Francophones, the other half are of them ethnics who have just come from other countries, none of them are Anglophones. You got Sid Stevens of Sun Youth whose [sic] 50%, I’m sorry, 70% of the people he takes care of are Francophones but he doesn’t care about that. He just cares that there are people out there who need help. You got Adrian Birkevicky (sp.) of the Old Brewery Mission who feeds 70% of the people on the streets who are also French-speaking people, your people Gérard. You’re a puke. You know something, I don’t want your 15 bucks anymore, you can’t come back on my show. Don’t call back.

What a [unfinished sentence]. Unbelievable. This is [unfinished sentence]. You know, I sit there and I listen [unfinished sentence]. I’m sorry Henry but I just saved you a whole bunch of money. This guy is unbelievable. “Bravo” he says to a separatist mayor because he spent \$50, 000 dollars changing street signs when we have kids going hungry to school, French kids. But then again, what does Gérard care about somebody else’s kids, French, English or other. He’s such an ethnocentric piece of work. What would he know about this. And “bravo” he says to people who write graffiti on people’s homes. How would he like a knock in the middle of the night on his door? How would he think that’s so great. How would he think if Francophones in other parts of the country were receiving the same kind of treatment as Anglophones receive here. You know something, these people are just absolute savages. Gérard, don’t call back my show anymore. You are *persona non grata*. I don’t want your hateful, venomous, ridiculous, God knows what. Anyways. Elizabeth, you are on the air.

Caller Elizabeth: Yes, Howard, I would like you to get some facts straight. Voter fraud has been high on the priority list of AQ since the referendum.

Howard Galganov: So why didn’t you do anything about it?

Elizabeth: Been in the courts for a couple of years.

Howard Galganov: Ah, Elizabeth. It’s the courts. Why didn’t Alliance Quebec go out there the next day and start banging down doors, Elizabeth?

Elizabeth: Get your facts straight.

Howard Galganov: Elizabeth, you know, every time that someone touches your elitist puppy dogs at Alliance Quebec, you call up to say "Get your facts straight." Here's a fact, Elizabeth: it's two years since it happened, we're no closer to resolution. It's no longer the big issue it should have been. Alliance Quebec said "We're going to take the ball and run with it." Well they fumbled the ball, Elizabeth. They fumbled the ball two years ago and now all of a sudden, Constance Middleton Harper (sp.), who didn't have the bloody guts to go out and debate against Trenton Mell (sp.), who didn't have the guts to go out and get on this radio show, who didn't have the guts to out and just fight for the job as being the representative of the Anglophone community, now you're saying I should get my facts straight. Well I got news for you. You, Elizabeth, are the voice of Alliance Quebec who calls this show from time to time and you are telling that we should get our facts straight. Well, you are the voice, supposedly the voice, of the Anglophone community and look at the trouble we're in. So here is a fact Elizabeth, if you've been the ones representing us for the last fifteen years, you are responsible for the mess that we are in today. No one else. You and the rest of the Alliance Quebec, absolute elitist kiss-asses.

[commercials, song "Raise a little Hell"]

Howard Galganov: Well, I think we should raise a whole bunch of hell. Gerard, screw-off, don't call me back. I don't want to speak to you anymore. He's just a racist pig. We only have just a few minutes on the show. ... Roy, you're next.

Caller [woman, introduced as "Roy"]: Ah hi, you know, I think Mr. Gérard is someone who is psychologically very mature, immature, and wants to get a little bit of attention and his life is so pathetic that [interrupted]

Howard Galganov: He's going to have to call Schnurmacher for attention and speak to him in English 'cause I don't want to speak to him anymore.

Caller: Yeah, now I think we that should jail Mr. Villeneuve but the problem is that that is never going to happen because the PQ, they openly support these guys. I mean, when Mr. Rose goes and gets a standing ovation at some of these PQ conventions, what does that tell you?

Howard Galganov: I think it says everything, Roy. You're 100% right. I think we should go after Villeneuve and all the others, not just because he's Villeneuve, I don't think there is any room in society for this.

...

Caller Raymond: Yeah, hi Howard. You deserve the Canada Cross for saying to that guy in St.-Jean sur Richelieu, *persona non-grata*. He's a pig. If I put my hands on his collar I am going to send him to Charles De Gaulle country.

Howard Galganov: Anyways, Raymond, you are right, he's a pig and he's not coming back on this show. ...

The following calls were taken during the 9 to 10 a.m. portion of the show:

Caller Charlie: ...And what I have now, a little more about Distinct Land, did you hear of anybody call in or did you see yourself this letter to the Gazette last night by a Mr. Charon on "No poppies were seen on the PQ side"?

Howard Galganov: Yeah, that was incredible.

Charlie: It's odd. Isn't that odd?

Howard Galganov: It's horrible.

Charlie: I don't believe it.

Howard Galganov: Charlie, on October 30th 1995, during the referendum, people were turned away from the polling stations because they were wearing a poppy. Can you imagine?

Charlie: And we put up with that. Where are our newspapers on this? How come...?

Howard Galganov: The sovereignists. Let me use the word "sovereignist" because if you listen to Schnurmacher its "sovereignists". Right. The sovereignists are garbage. There are no sovereignists, they're bloody separatists when they can turn around and so dishonour, never mind the Anglophones, and the Ethnics who went and fought and died and bled for our rights but their own. People in the VanDuse, people in the Fusolière, French Canadians that went overseas to fight, when the French themselves didn't want to fight. When De Gaulle screwed off and got the hell out of France and lived in London, England, as our people were invading the shores of Dieppe and dying and bleeding on his soil. And the rest of the French living in France what did they do? They joined up with the Vichy government and we hear all this stuff, you know this romanticism about the underground, *La Résistance* is a lot of bullshit.

Charlie: Right, and you know what? You've just covered everything that I possibly could have said. You just missed out on the Chaudières and the Blackwatch, but you're right. I spent four years overseas. I spent from the age of 20 on, for four years in bomber command in England.

Howard Galganov: Good on you Charlie.

Charlie: We had some of the nicest fellows with us, French Canadians, that you could want to meet. And I became friends with many of them. Sadly, some of them did not come home. I often wonder what would these boys be thinking now. And what has bothered me, I know it was only four years out of my life and luckily I came back (eventhough we were bombed many times), and that is that in my old age, I didn't go over there for Nova Scotia where I was born or Quebec, or Alberta, or B.C., I went over there for Canada, to try in some small way to hope that we would not get under the Nazi heel, and in my old age now, I find that I am a second class citizen.

Howard Galganov: Well you're not. I guarantee you Charlie, you're every inch the first class citizen. It's these separatist bastards. It's these people who are cowards, who come in the middle of the night and spray paint people's homes. It's the people who wear hoods and try to disrupt legitimate and democratic meetings. They're the second class

citizens Charlie, not you. You did it, you went there and paid your dues, and you helped to make sure that this world would be free from people like them.

Charlie: I don't understand how any group, let alone any person, how a group like the National Assembly can have such a lack of respect...

Howard Galganov: Well they're not the National Assembly, they're the Quebec Provincial Assembly. Charlie, we're going to have to g to commercial messages.

Charlie: Yeah. Good talking to you.

Howard Galganov: Charlie, it's great talking to you. And thank you very much for what you did all those years ago. You know, I was watching on t.v., a year and a half ago, they were celebrating the 50th anniversary of the liberation of the Netherlands and there is this huge, huge outpouring of love, absolute love and adoration, admiration for the Canadian soldiers that liberated the Netherlands, and especially a place called Applegorn (sp.) where my father fought and was decorated, and I saw that cow Josée Legault giving her two cents on Sunday Edition and she says "Well, it's not really a Quebec thing". What a piece of garbage. Anyways, we'll be back...

...

Howard Galganov: Good morning Eddy. ...

Caller Eddy: Listen, Howard, I just got back from I guess almost three months of travelling outside of Quebec and throughout Canada. I've been in the States but mostly in the western part of Canada.

Howard Galganov: I'm surprised you even wanted to come back.

Eddy: I didn't. And this is what I'm trying to get at. I didn't at all. I have to tell you in all honesty, Quebec is a laughing stock. We are absolute [unfinished sentence]. Everybody laughs at us in [interrupted].

Howard Galganov: Everywhere bloody backwater.

Eddy: It's completely a joke. I mean I must admit that for three months I felt like a first class citizen. Everywhere I went people were friendly, people were talking to me, people were happy. And for all, any separatists who are listening out there, I will say that I heard and I spoke more French out West than I have living in the West End of Montreal in years.

Howard Galganov: And we here [interrupted]

Eddy: And it's not a language. This is where people, I get pissed off at people, it's not a language thing. We're sick and tired of this B.S.

Howard Galganov: This ethnocentric nationalism, Eddy. It's ethnocentric nationalism. It has nothing to do with language because I'll tell you wherever you go, whether it's in Alberta or Saskatchewan or British Columbia, French is spoken freely and the French communities are vibrant.

Eddy: That's right. In Winnipeg, for everybody listening out there, there is a place called St-Boniface which is all French. Signs completely, only, unilingually in French. In Alberta [interrupted]

Howard Galganov: Go to Sudbury.

Eddy: Eh?

Howard Galganov: Sudbury has the largest French university outside of Quebec. Sudbury has an enormous French community and they do very well.

Eddy: Really?

Howard Galganov: Yeah.

Eddy: Well, in Banff I spoke French. There's Francophones, people are leaving Quebec by the droves and these boneheads in Quebec City have no clue what's going on. Anyway it's a joke. I travelled with a bunch of Europeans and I explained the politics of Quebec to them and they just couldn't stop laughing.

Howard Galganov: I was speaking to friends of mine [interrupted]

Eddy: They couldn't believe that there are people running around with measuring tapes when there is no jobs.

Howard Galganov: Yeah. I was speaking to friends of mine who have moved to other markets whether it's Ontario, Calgary or some in the States, and you know they never, ever think about Quebec except for "Gee, it's nice to be out of there."

Eddy: Oh, that's... Well, all my friends living in Calgary they all say "You know, it's the best thing I ever did. I haven't looked back."

Howard Galganov: Well, we can't get out of here, Eddy. And I don't think we should have to feel that we have to get out of here. What we have to do is beat the crap out of all these nationalistic ethnocentric Québécois crap heads who are destroying what we've built over the years. You know, again, if you listened to the editorial this morning, I really remember Montreal in the sixties. I was born in 1950, in 1967 with Expo 67, I was 17 years old and what a place to be. And it was bilingual. It was vibrant. We had everything. We owned it. We owned the world. And look what these ethnocentric separatist asses have done to us.

Eddy: I wish I was older. I'm only 25 and I didn't get a chance to see it. I've only seen the decline so [interrupted]

Howard Galganov: Eddy, stick around. The best is yet to come because these guys can't last forever. Their own people are going to bury them.

Eddy: Let's hope. Let's hope.

Howard Galganov: Sooner than later and better sooner.

Partial Transcript of the November 21, 1997 Broadcast of *Galganov in the Morning*

The following calls were taken during the 9 to 10 a.m. portion of the show:

Howard Galganov: Good morning Tom. ...

Caller Tom: ... I was in the process of pouring my kid a glass of milk when that lady got on this morning and started talking about the milk carton. And I turn it over, and sure enough there is one side that is completely French. And, the 1-800 number is actually on the container of milk for QBON and according to federal statute all products have to be bilingual.

Howard Galganov: Right.

Tom: This is because we are a bilingual nation. And the rights of our Francophone minority are protected throughout the country.

Howard Galganov: I don't know if you heard Richard Lahaie (sp) this morning basically the best protection for French Quebec is staying within Canada.

Tom: Oh yeah, that's true. That is true.

Howard Galganov: You know what's going to happen?

Tom: If you are not interested in the French minority in Canada, then you really don't care about [inaudible].

Howard Galganov: Tom, let me tell you what's going to happen if Quebec really does get its way. You know, there is a Chinese curse, you know, "Let all your wishes come true", or "May you get what you wish for." If Quebec really does get its way then this is what could be the next scenario. Quebec becomes a Franco-ethnocentric state with huge walls all around it and the rest of Canada is going to say, you know, "Good riddance". And you are going to start finding other provinces saying "There's no reason in the world for me to have bilingual milk cartons, and there's no reason for me to have to have a certain hiring practice for Francophones. The federal government will be under no obligation at that point necessarily to have any French employees or give any French services. And you know, life is going to be a lot less complicated for a whole bunch of people. So you know something, let Quebec be as French as it wants to be and let the rest of Canada be as English as it wants to be. And of course United States of America that's grappling between Spanish and English, but they are grappling a lot differently than we are. America is an English country and let the French live among us and see how well they do. And I'll tell you something, they won't do very well at all. And they will be begging for products in any language because it won't be able to afford it in any language. And the best protection that the French Quebecers have is staying within a united federal Canada, that is strong from sea to sea and is going to be bilingual. And it is also remarkable how these pathetic underachieving jerk-offs all claim that they are going to keep their Canadian passports and they are going to keep their Canadian citizenship eventhough they are going to separate.

Tom: Howard, Howard, it is very interesting that you mention that. And if you notice Mr. Brassard, the unilingual underachiever in the National Assembly, the one who is unilingually

dealing with the rest of Canada and of course the rest of Canada is always referred to as English Canada, which is a lie.

Howard Galganov: Of course it's a lie.

Tom: The rest of Canada is bilingual. All of Canada is bilingual but the unilingual minister of intergovernmental affairs, Mr. Brassard, refers to Slovenia [sic] and Czechoslovakia, the Czech republic. You know, quite honestly, there is no Slovak with a Czech passport and there is no Czech with a Slovak passport.

Howard Galganov: And that was a deal, by the way, done [talking together]. Now wait a minute. That was a deal done in the middle of the night between politicians and after the deal was done the Slovaks said, "What the hell did we do?"

Tom: Ah, but the Slovaks are the ones who are paying the price.

Howard Galganov: Absolutely.

Tom: Now, you have a ruling class in Slovakia which in effect is what is needed here. What the underachievers are looking for is a way to become the ruling class.

Howard Galganov: Tom, you know, Ken Bowen (sp.) and Sealtest, and the rest of the dairy industry in Quebec. Let me tell you what happens if it falls apart for them. 47% of all dairy products in Canada come from Quebec. 47%. That's why they are so terrified of Unilever because Unilever is going to open the door a crack and the rest of the world is going to come through. And all these farmers that are so quick to support the PQ, they're the ones who are going to pay the price. And you know something, I don't feel sorry for them. Screw them.

Tom: The thing is, Howard, what I did this morning is I actually called the 1-800 number.

Howard Galganov: Yeah.

Tom: And the woman who got on the phone was very, very nice and you know, they speak both English and French there.

Howard Galganov: Yeah.

Tom: This I know because

Howard Galganov: Tom, we're going to have to wrap it up.

Tom: They looked into it and they took my number.

Howard Galganov: Yeah.

Tom: They will call you back. And the number is on your milk carton.

Howard Galganov: So look at your milk carton if you have QBON of milk, or two litres of milk. The number is 1-800-501-1150. Look at your milk carton. And you know something, the call is free. Flood their switch boards, tell them you want to see your language there too. Tom, thank you very much for the call.

...

Howard Galganov: It's also remarkable how these pathetic underachieving jerk-offs all claim that they are going to keep their Canadian passports, that they are going to keep their Canadian citizenship even though they are going to separate.

Annexe B à la Décision du CCNR 97/98-0473 CIQC-AM concernant *Galganov in the Morning*

La lettre de la plaignante en date du 1^{er} décembre 1997 se lisait comme suit :

Veillez trouver, ci-jointe, une copie de la lettre que j'ai également remise, aujourd'hui, au CRTC concernant un animateur de la station de radio CIQC 600 AM. Également incluses sont les citations en ondes de ce dernier. Afin de démontrer une certaine transparence, j'ai aussi annexé une liste des personnes et organismes avisés. Je contacterai votre organisme la semaine prochaine pour savoir si mes démarches peuvent aboutir à quelque chose.

Je vous écris cette lettre dans le but de formuler une plainte à l'égard de l'animateur de radio du matin de CIQC 600 AM, Howard Galganov. Son émission d'une durée de trois heures, de 7h à 10h est un tremplin pour véhiculer sa haine envers non seulement les souverainistes mais également toute personne ou organisme qui entretient des pourparlers, des compromis, des ententes ou même un simple dialogue avec ces derniers. Le choix des mots utilisés et la fréquence des insultes fait de cet animateur et de son émission le "trash talk show" de Montréal.

Vous trouverez, annexée à ma lettre, une liste des citations émises par Howard Galganov sur une période de deux semaines débutant le lundi, 17 novembre, au vendredi, 28 novembre. Je sais que CIQC adhère aux réglementations dictées par le Conseil canadien des normes de la radiotélévision, un organisme d'auto-contrôle formé par les propriétaires de stations de radio et de télévision. Par ce fait même, cette station radiophonique est tenu de conserver les cassettes audio de ses émissions pendant une période de trente jours.

Vous verrez que mardi et mercredi, les 18 et 19 novembre, n'ont pas été incluses car je n'ai pu couvrir les trente heures complètes de diffusion. Lorsque vous reviserez cette quinzaine, il est possible que vous trouviez d'autres expressions outrées car je ne suis pas une machine, je n'ai pu écouter son émission trois heures par jour pendant toute cette période. J'ai inscrit l'heure précise à laquelle les mots ont été prononcés pour faciliter vos recherches. Je crois sincèrement que l'assortiment des citations présentées justifie grandement une enquête des propos de cet animateur. En voici quelques exemples:

Lorsque deux interlocuteurs expriment leur désaccord avec l'animateur, ce dernier l'insulte de façon véhémente (19/11 : 9h51, 9h51, 9h54, 9h55). Les souverainistes se voient constamment qualifiés de "racists" (17/11 : 8h20, 26/11 : 7h23; 27/11 : 8h21), "scum" (17/11 : 8h20; 27/11 : 8h20), "garbage" (20/11 : 9h35), "bastards" (20/11 : 9h36), "crap heads" (20/11 : 9h46), "asses" (20/11 : 9h46), "jack-asses" (26/11 : 9h12); "under-achieving jerk-offs" (21/11 : 9h52), "cows" (24/11 : 9h26), "fascists" (26/11 : 7h46), "Nazis" (26/11 : 9h10) et de "asshole" (27/11 : 9h32). Veuillez noter que le mot "ethnocentric" (26/11 : 7h23, 9h12; 27/11 : 8h21) n'a été inclus dans ma liste seulement lorsqu'il a été utilisé conjointement avec un autre mot dérogatoire. Sans ça, j'aurais écrit un livre au lieu d'une liste. Je dois également préciser que ma recherche n'a pas porté sur les discours des auditeurs qui ont appelé à l'émission. CIQC n'utilise pas de délais pour filtrer les appels et l'animateur laisse libre cours aux propos haineux et aux menaces physiques pointés vers les souverainistes par les interlocuteurs.

Mais revenons aux paroles émises par Howard Galganov. Des lois anti-diffamatoires peuvent s'appliquer lorsqu'il cible spécifiquement des personnalités des domaines politique et journalistique. L'appellation de "... this piece of puke in St.Lazare." (17/11 : 9h51) réfère au maire supposément souverainiste de cette ville. Il qualifie également Josée Legault, journaliste/chroniqueuse à Le Devoir, de "cow" (20/11 : 9h38; 28/11 : 9h19). Le maire de Lachine se voit traité de "son-of-a-bitch" (25/11 : 9h57) parce qu'il refuse d'acquiescer aux demandes des partitionistes de sa ville. Jacques Parizeau se fait appelé "racist pig" (26/11 : 7h39). Jean Chrétien écope de la mention de "jack-ass" (26/11 : 9h22). Pierre Bourque, le maire de Montréal, se voit qualifié de "jerk-off" (27/11 : 9h20). Enfin, savez-vous ce qui a suscité la colère de Howard Galganov envers Alexander Norris, journaliste à The Gazette, le 27 novembre ? Ce dernier a écopé des qualificatifs "asshole" (27/11 : 9h19, 9h19, 9h26) et "jerk-off" (27/11 : 9h26, 9h53) à plusieurs reprises. Le journaliste avait osé utiliser le mot "Partitionists" dans son article du 27 novembre en décrivant les activités de la veille à l'Hôtel de ville de Lachine. L'ère [sic] de cet animateur a été, de plus, piquée lorsqu'en tentant de contacter, sur les ondes, le journaliste à son bureau, il a été accueilli par le message enregistré de M. Norris, en français ! Howard Galganov a, par la suite, fait la brillante remarque suivante : "...let this asshole go work for the Journal de Montréal !" (27/11 : 9h26)!! Lorsqu'il commente les journaux et autres médias francophones, c'est toujours fait de façon négative comme l'exemple précédent vous le démontre !

L'emploi des mots décrivant des excréments ou des vomissements tels "bullshit" (20/11 : 9h35), "crap" (17/11 : 9h29 ; 20/11 : 9h46 ; 26/11 : 7h25, 9h25 ; 27/11 : 8h58, 9h11, 9h32 ; 28/11 : 9h19), "pissed" (26/11 : 9h54) et "puke" (17/11 : 9h51, 9h51 ; 27/11 : 8h53) est répréhensible. L'utilisation de mots en rapport à des intimes parties du corps humain tels "ass" (25/11 : 9h25), "asses" (20/11 : 9h46; 26/11 : 7h42), "asshole" (27/11 : 9h19, 9h19, 9h26, 9h32), "jack-ass" (26/11 : 9h13, 9h22), "jack-asses" (26/11 : 9h18) est tout à fait inacceptable. Et que peut-on dire des mots à connotation sexuelle tels "kiss-ass" (17/11 : 8h20, 8h22; 26/11 : 8h23) "kiss-asses" (17/11 : 9h54 ; 25/11 : 9h25 ; 27/11 : 8h45; 28/11 : 9h53), "screw" (17/11 : 9h55 ; 21/11 : 9h47, 9h53 ; 26/11 : 9h19 ; 27/11 : 9h38 ; 28/11 : 8h54, 9h38) "screwed" (17/11 : 9h29 ; 20/11 : 9h35), "screwing" (26/11 : 9h10), "jerk-off" (27/11 : 9h20, 9h26, 9h53) et "jerk-offs" (21/11 : 9h52) ?

Dans ma recherche, j'ai seulement conservé les citations comprenant des mots inacceptables. L'animateur a cependant émis, à maintes reprises, des opinions haineuses sans utiliser ces mots clés répréhensibles. Ses émissions sont fertiles de remarques sous-entendues tels la citation du 28 novembre dans laquelle il déclare que la plupart des souverainistes sont des illettrés : "... there's not a lot of separatists who can read them anyway, so screw them." (28/11 : 8h54)

Ses propos du 20 novembre par lesquels il affirmait "We have to beat the crap out of these ... crap heads." (20/11 : 9h46) en parlant des souverainistes, n'étaient pas émis dans un contexte électoral ou référendaire. Vérifiez par vous-même ! Je crois que notre société se prévaut encore de lois interdisant l'incitation à la violence, surtout d'un animateur ayant libre accès aux ondes de la radiodiffusion !!

Qui, maintenant, est en mesure de déterminer l'impact de tels propos une fois les mots prononcés ? Si l'ensemble des citations que j'ai énumérées n'est pas suffisant pour forcer Howard Galganov à pondérer ses mots et ses déclarations, qu'est-ce que ça prend ?

L'animateur s'est vanter sur les ondes, à plusieurs reprises, qu'il avait le champs libre pour professer ce qu'il voulait. Il a également affirmer que si son patron à CIQC, ou un

organisme tel le CRTC ou le CCNR lui demandait de faire attention à ce qu'il dit, il démissionnerait immédiatement car cette éventualité est spécifiée dans son contrat. Je dois vous affirmer que ça ne serait pas une grosse perte pour notre société !

Lorsque vous reviserez les cassettes audio de ses émissions vous réaliserez, enfin, à quel degré les propos émis par cet homme sont outrageux. Ceci est dû, non seulement, au choix des mots utilisés, mais également à la tonalité de sa voix et à l'accent mis sur les mots clés. Ces effets contribuent alors à l'intensité de la haine et du dédain véhiculés par cet animateur.

En ce qui a trait à la liberté d'expression d'un animateur et au choix d'un auditeur de changer de station, il serait ridicule de limiter le débat à ces deux seuls aspects de la question. N'est-ce pas contradictoire que de prétendre que l'impact d'une radiodiffusion se limite seulement à deux intervenants, l'animateur et l'auditeur ? Ne doit-on pas tenir compte de l'influence exercée sur les adeptes de Howard Galganov ? Les propos de ce dernier n'encouragent-ils pas ses auditeurs à renforcer et à exprimer cette haine qu'ils partagent avec l'animateur ? De l'autre côté de la clôture, certains extrémistes du camp souverainiste s'alimentent de ces propos outrés et de la réputation négative dont jouit M. Galganov. Jusqu'où tout cela mènera-t-il ? Qu'est-ce que ça prend comme propos ou comme geste pour dépasser la limite permise ? Quant brisera-t-on ce cercle vicieux qui réduit le débat politique à de vulgaires insultes et menaces ?

Les personnalités oeuvrant dans des domaines publics, tels les médias, n'ont-elles pas une certaine responsabilité sociale pour les propos qu'elles émettent ? Alors pourquoi notre société se prévoit-elle de lois anti-diffamatoires ? Ces lois servent-elles uniquement à protéger les politiciens, les dirigeants de corporations et autres personnalités publiques ? Et que fait-on des lois anti-haine canadiennes ? Protègent-elles uniquement les groupes ethniques. Je voudrais, en aucun cas, minimiser l'impact de ces lois car elles sont essentielles à toute société civilisée. Mais, pourquoi limiter leur étendue ? Pourquoi ne s'appliqueraient-elles pas aux groupes politiques ?

Ne doit-on pas admettre, avec franchise, que ce n'est pas nécessairement mal vu que d'avilir et de ridiculiser les souverainistes sur les ondes radiophoniques ? Howard Galganov serait-il encore à la radio s'il ciblait, avec ses mêmes propos, une partie de la population en raison de l'âge, de sexe, de la religion, du groupe ethnique ou de l'orientation sexuelle des individus qui la composent ? Alors pourquoi devrait-on juger acceptables les insultes dirigées vers un groupe de notre société qui adhère à une idéologie politique différente de la nôtre. Et si on remplaçait les mots séparatistes ou souverainistes par libéraux, conservateurs, réformistes, néo-démocrates ou même fédéralistes. Serions-nous encore aussi conciliants envers la liberté d'expression d'un animateur de radio ?

Je n'ai pas signé cette lettre car je désire conserver l'anonymat. En ce qui a trait à Howard Galganov ; qui demanderait à faire face à son accusateur, il n'a qu'à se regarder dans le miroir, ses propos parlent d'eux-même.

Je vous remercie, à l'avance, de l'attention que vous avez porté à mon exposé. Je m'excuse de la longueur mais je me devais de m'exprimer totalement à ce sujet auquel j'ai consacré deux semaines.

CITATIONS

lundi 17/11

"... racist separatist Parti Québécois government ..." (8h20)

"...kiss-ass leaders..." (8h20)

“...Québécois nationalist scum...” (8h20)
“...anglo kiss-ass elitists included...” (8h22)
“If anyone is going to get screwed, it’s the francophones who are going to read this crap.” (9h29)
“You’re congratulating this piece of puke in St.Lazare.” (9h51)
“...you son-of-a-bitch...” (9h51)
“...you and the rest of Alliance Quebec, absolute kiss-asses.” (9h54)
“Gérard, screw off, don’t call here anymore, you’re a racist pig.” (9h55)

jeudi 20/11

“Sovereignists are garbage.” (9h35)
“De Gaule screwed off.” (9h35)
“La Résistance is a lot of bullshit.” (9h35)
“...separatist bastards...” (9h36)
“I saw that cow Josée Legault.” (9h38)
“We have to beat the crap out of these ... crap heads.” (9h46)
“... ethnocentric separatists asses...” (9h46)

ven. 21/11

“Screw him and the separatists and the rest of the nationalists in Quebec.” (9h47)
“... these pathetic under-achieving jerk-offs...” (9h52)
“Screw them too.” (9h53)

lun. 24/11

“... until the cows come home. And there’s no shortage of separatist cows that have to come home.” (9h26)

mar. 25/11

“The kiss-asses in our own community...” (9h25)
“Kissing ass never pays off, it just gives you a bigger ass to kiss in the end.” (9h25)
“...the son-of-a-bitch who was here...” (9h57)

mercredi 26/11

“I’m not afraid to call the P.Q. a bunch of ethnocentric racists.” (7h23)
“We’ve got to be the biggest group of idiots in the world to be putting up with this crap.” (7h25)
“... Parizeau who’s reaffirming he’s a racist pig.” (7h39)
“It wouldn’t be hard to raise money if they weren’t kissing separatist asses again and again.” (7h42)
“... these fascists at the O.L.F. . .” (7h46)
“Unless our kiss-ass elitists ...” (8h23)
“We have a government that’s screwing us over ...” (9h10)
“These guys are Nazis, period.” (9h10)
“Unless these ethnocentric jack-asses in Quebec City...” (9h12)
“...these jack-ass politicians in the rest of Canada...” (9h13)
“... they’re absolute jack-asses.” (9h18)
“We never take on these guys who screw us over...” (9h19)

"We have this jack-ass Prime Minister in Ottawa..." (9h22)
"...this phony crap by Bouchard..." (9h25)
"I'm pissed off..." (9h54)

jeudi 27/11

"...the scum who sit as our government in Quebec City." (8h20)
"... ethnocentric racists." (8h21)
"... we're going to be kiss-asses..." (8h45)
"... I think he's a puke" (8h53)
"...the same crap ..." (8h58)
"They have money for all kinds of crap." (9h11)
"Hang up on this asshole." (9h19)
"This guy is an asshole." (9h19)
"...this jerk-off mayor Bourque..." (9h20)
"... this jerk-off Alexander Norris..." (9h26)
"... let this asshole go work for the Journal de Montréal." (9h26)
"... ethnocentric crap..." (9h32)
"... separatist asshole." (9h32)
"... screw them." (9h38)
"... this jerk-off Alexander Norris..." (9h53)

vendredi 28/11

"... there's not a lot of separatists who can read them anyway, so screw them." (8h54)
"Some radio stations like to put on people like Louis and Gérard, and the separatist cow Josée Legault ... we're not interested in this crap." (9h19)
"... show respect for the majority, so screw the minority?" (9h38)
"We're not a bunch of kiss-asses..." (9h53)

La lettre de la plaignante en date du 30 janvier 1998 se lisait comme suit :

La présente fait suite à la réponse donnée par Pierre Béland, propriétaire de CIQC-AM, à ma plainte auprès de votre organisme. Je vais reprendre les quelques points contenus dans cette brève lettre pour vous démontrer le manque de franchise émanant de la station de radio dans cette cause.

Premièrement, il est ridicule d'attribuer le retard apporté à la réponse de la plainte à la période de Noël et à la tempête de verglas du mois de janvier. Le 9 décembre, M. Galganov a confirmé, sur les ondes, qu'il avait reçu l'avis officiel du CCNR, le jour précédent. M. Béland avait, alors, jusqu'au 23 décembre pour me répondre, puisqu'il bénéficiait d'une période de 15 jours. Comment peut-il invoquer les Fêtes et la tempête de verglas pour son retard quand il devait donner sa réponse avant que ces événements ne surviennent ? En m'expédiant sa lettre le 19 janvier, il a bénéficié d'une période de six semaines au lieu de deux, reportant ainsi d'un mois une décision éventuelle du Conseil régional dans cette cause. Serait-ce pour étirer la durée de vie potentielle de M. Galganov sur les ondes de CIQC-AM?

Deuxièmement, M. Béland prétend avoir rencontré M. Galganov afin de limiter sa participation à la programmation de CIQC-AM, après avoir pris connaissance de ma lettre. Et bien, je lui avait remis cette lettre dès le 1er décembre. Et pourtant, M. Galganov a

profité d'une pleine participation à la station pendant les trois semaines qui ont suivi la réception de cette lettre. Dès son retour des vacances de Noël le 19 janvier, M. Galganov a clairement affirmé, à plusieurs reprises lors de son émission de 9:00 à 10:00 AM, qu'il avait tenté de démissionner pour consacrer tout son temps à son agence de marketing mais que ses patrons à CIQC l'avaient convaincu de rester. Selon M. Galganov, l'administration de CIQC avait invoqué le fait que son émission était un tremplin utile pour véhiculer ses convictions. Vérifiez par vous-même l'émission du 19 janvier de 9:00 à 10:00, M. Galganov parle comme si on lui avait presque tordu le bras pour qu'il demeure à CIQC !! Il est évident que quelqu'un ment dans cette affaire.

Troisièmement, Jim Duff s'est associé à CIQC suite à sa démission à CJAD durant la tempête de verglas. Si ce ne serait de cet évènement, M. Galganov profiterait-il encore de ses trois heures d'émission chaque matin ? Est-il trop égocentrique pour admettre que son émission a été rétrécie pour accommoder ce nouveau venu à CIQC ? Est-ce pour cela qu'il a invoqué, sur les ondes, son manque de temps consacré à son agence de marketing ? M. Béland prétend, dans sa lettre, que "Depuis le 19 janvier, M. Galganov n'anime plus l'émission du matin et a été remplacé par Jim Duff...". A en croire cet homme, on penserait que M. Galganov n'est plus à CIQC. Quelle insinuation ! M. Galganov a conservé sa portion ligne ouverte de 9:00 à 10:00 suite au rétrécissement de son émission. Cela ne limite en rien sa croisade haineuse contre les souverainistes et toute personne voulant s'associer, négocier ou entretenir des pourparlers avec ceux-ci. Si vous consultez la liste des citations odieuses incluses dans ma lettre du 1er décembre, vous remarquerez que 42 des 58 propos honteux ont été émis par l'animateur dans sa portion ligne ouverte d'émission de 9:00 à 10:00! Avec ce récent remaniement à la station CIQC, M. Galganov conserve sa portion préférée d'émission celle qui véhicule le plus grand nombre de propos haineux. Je dois également vous faire remarquer que M. Galganov n'a, en aucun cas, atténué son langage véhément depuis son retour des vacances des Fêtes. M. Béland croit naïvement que les changements apportés à CIQC me permettront d'annuler ma plainte. Il me sous-estime aveuglément ! S'il pense qu'une heure de propos haineux chaque matin est plus acceptable que les trois heures originales de l'émission, je me demande où il a bien pu piger ce sens particulier du respect d'autrui !!