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**CANADIAN BROADCAST STANDARDS COUNCIL  
ONTARIO REGIONAL COUNCIL**

CILQ-FM re *The Howard Stern Show* ("Poland")

(CBSC Decision 97/98-1186)

Decided February 3, 1999

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

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## **THE FACTS**

On May 12, 1998, CILQ-FM's (Toronto) daily broadcast of the *Howard Stern Show* included a segment in which the host was discussing being beaten up by the only three other white boys at the school which he attended, which was primarily populated by black students. He explained that he was beaten up by Polish students on the ground that he was Jewish. In the midst of that story, he alleged hatred between Poles and Jews in the following brief dialogue with his side-kick Robin Quivers:

Howard Stern: Polacks hate Jews. It's their natural enemy just like dogs hate cats. Oh, please. The Poles during World War II ...

Quivers: You're born hating Jews?

Howard Stern: Yeah! Poles hate Jews. There used to be a lot of Jews in Poland but they took care of that. I don't think there's even three living in all of Poland.

He then finished the story of the beating and told other stories from his high school years.

## **The Letter of Complaint**

On May 29, 1998, a listener wrote to the Secretary General of the CRTC stating that:

On May 12, 1998, at 10 a.m., in the Howard Stern show broadcast on radio station Q-107 in Toronto, Howard Stern made disparaging remarks about Poles which can lead to racial animosity toward the Polish community in Canada.

In particular, Howard Stern accused Poles of murdering off the Jews of Poland. If it is considered a hate crime to deny the Holocaust, then it is equally reprehensible to falsely accuse a nation of having perpetrated a Holocaust.

We are, consequently, laying of formal complaint in this matter.

## **The Broadcaster's Response**

The president of Q-107 replied to the complainant on June 10, 1998 with the following:

Your letter addressed to the Secretary General CRTC, forwarded to the Canadian Broadcast Standards Council (CBSC), has been directed to us for response. We thank you for taking the time to write to us with your views.

I have had the opportunity to review the program you reference and the particular segment which prompted your letter.

This segment started several minutes before 10 a.m. on May 12<sup>th</sup>, when the subject of males fighting became the topic of discussion. Howard relayed some school year incidents, as did other cast members. His actual life experiences centred around growing up in a predominantly black neighbourhood and being white and Jewish tended to make him a target for physical attacks. A number of actual experiences were discussed, with the point being made that mass high school "rumbles" didn't encourage him to learn to fight, but rather to do just the opposite and get away from it. He made a point of relaying the story about going with a group of other Jewish boys to play basketball and outdoor court, only to be attacked by another group of boys simply because they were Jewish.

The issue about discussing the Jews of Poland happened following the phone call from a listener, who said he was Polish and that the Polish "don't hate the Jews anymore" (the caller's words). That prompted a question from a cast member (Gary) about what is it that makes one race hate another. Stern then commented about the culture in Poland during the Second World War and the perception that Jews had money and wealth. After the invasion of Poland by Hitler, in Stern's view, part of the rationale for killing the Jews in Poland was to recapture the wealth and culture that it was believed the Jews had secured.

In my review of the tape, there were no false accusations made by Howard Stern during this segment. It was a segment that was handled with no malice or acrimony and dealt with fact and personal experiences.

I would be more than pleased to review the exact content with you, should you so desire at any time.

The complainant was unsatisfied with the broadcaster's response and requested, on July 3, 1998, that the CBSC refer the matter to the appropriate Regional Council for adjudication.

## **THE DECISION**

The CBSC's Ontario Regional Council considered the complaint under Clauses 2 and 6 of the *CAB Code of Ethics* as well as Articles 1, 3 and 4 of the *Code of (Journalistic) Ethics* of the Radio Television News Directors Association (RTNDA). The relevant clauses of that 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 analyzing and elucidating news so long as such analysis or comment is clearly labelled as such and kept distinct from regular news presentations. Member stations will, insofar as practical, endeavour to provide editorial opinion which shall be clearly labelled as such and kept entirely distinct from regular 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 a tape of the program in question and reviewed all of the correspondence. The Council considers that the program in question is in breach of Clause 2 of the *Code of Ethics*.

### **The Content of the Program**

The Regional Council has, on two previous occasions and in another matter today, dealt with discriminatory comments made by Howard Stern. See *CHOM-FM and CILQ-FM re the Howard Stern Show* (CBSC Decisions 97/98-0001+ and 0015+, October 17 and 18, 1997) and *CILQ-FM re the Howard Stern Show* (CBSC Decision 97/98-0487, 488, 504 and 535, February 20, 1998). and *CILQ-FM re the Howard Stern Show ("Staff Insults")* (CBSC Decision 97/98-1223, February 3, 1999). In the latter decision, this Council concluded "that the program in question, while on the edge of acceptability, discloses no breach of the Code."

In this matter, as opposed to that, the comments were directly aimed at the group in question. Stern first used the unattractive term "Polacks" to describe Polish nationals which in itself is not abusively discriminatory. He then proceeded to accuse Poles, as a nation, of hating the Jews. Without taking into account the historical accuracy of what he stated had occurred during the Second World War, he put the matter into a *current* perspective by stating that, to the Poles, the Jews are "their natural enemy just like dogs hate cats." In the course of relatively few seconds, he twice stated that "Poles hate Jews" and, to the question put by his side-kick, Robin Quivers, about whether the Poles "are born hating Jews?", Stern's reply was affirmative. In the view of the Council, this accusation of an entire people that *they* hate any other national group, contrary to generally accepted principles, is likely to bring opprobrium on the "haters" rather than the "hated". It is in this sense abusively discriminatory vis-à-vis persons of Polish nationality and in breach of Article 2 of the *CAB 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 was not entirely accurate in its description of the broadcast in question, noting that the discussion regarding Poland and Polish nationals did *not* occur "following a phone call from a listener", as alleged by the broadcaster. Nevertheless, the Council is satisfied that the broadcaster addressed fully and fairly all the issues raised by the complainant. Nothing more is required. Consequently, the broadcaster has not breached the Council's standard of responsiveness.

## **ANNOUNCEMENT OF THE DECISION**

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 CILQ-FM breached provisions of the Canadian Association of Broadcasters *Code of Ethics* in its May 12, 1998, broadcast of the *Howard Stern Show*. In broadcasting Stern's allegation that the Polish people, as a nation, are born hating another nationally identifiable group, and affirming that such hatred continues as a part of that nation's character, CILQ-FM has aired abusively discriminatory comments about the Polish people contrary to the human rights provision of the *CAB Code of Ethics*.

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