
**CANADIAN BROADCAST STANDARDS COUNCIL
PRAIRIE REGIONAL COUNCIL**

CJOB re the “Adler on Line” and “Afternoons with Larry Updike” Talk Shows

(CBSC Decision 99/00-0092)

Decided May 5, 2000

S. Hall (Chair), D. Braun (Vice-Chair), D. Dobbie, V. Dubois,
R. Gallagher and D. Ish

THE FACTS

During several days of CJOB (Winnipeg)’s broadcasts of the *Adler on Line* talk show, hosted by Charles Adler, and *Afternoons with Larry Updike*, hosted by Larry Updike, on April 6, 7 and 8, 1999, comments were made by the hosts and callers relating to the role of First Nations representatives in a demonstration at the Manitoba Legislature as well as to more general issues relating to the First Nations. While some of these comments are reproduced later in this decision, more detailed transcripts of all of the episodes in question may be found in Appendix A attached hereto.

On September 30, the Grand Chief of the Assembly of Manitoba Chiefs filed a complaint with the CRTC, which forwarded it to the CBSC in due course, relating to the three episodes of the shows mentioned above. While the complaint was filed well after the period of time during which broadcasters are required to retain logger tapes, fortunately, a totally separate complaint of April 13 (from another individual) with respect to the April 6 and 7 shows had been filed and, although that complaint never moved forward in the CBSC’s adjudication process due to the fact that the complainant in that file never returned the “Ruling Request” form, the CBSC had requested the retention of those logger tapes, which remained available to the Council as a part of the adjudication in *this* case. In addition, although there is only a small part of the April 8 episode which is contentious, the complainant himself provided a transcript of the show (prepared by a third party transcript service) on which all the parties have been prepared to rely.

In his letter of complaint, which is reproduced in full in Appendix B hereto, the Grand Chief referred to Section 3(b) of the *Radio Regulations, 1986*, which reads:

A licensee shall not broadcast

...

(b) any abusive comment that, when taken in context, tends to or is likely to expose an individual or a group or class of individuals to hatred or contempt on the basis of race, national or ethnic origin, colour, sex, sexual orientation, age or mental or physical disability.

He added that freedom of expression "is not absolute" and proceeded to detail examples in which he alleged that statements promoting hatred had been made on the three shows in violation of that *Regulation*.

CJOB's News and Program Director responded to the Grand Chief on November 15. While the full text of his letter is also provided in Appendix B hereto, and individual responses to specific points raised by the complainant are also referred to later in this decision, a few of his general points are appropriate to note here.

Let me assure you at the outset that CJOB in no way fosters hatred, prejudice, ill will or contempt. Nor does CJOB attempt to deliberately turn a listening audience against First Nations people, specifically the Chiefs of Manitoba. CJOB allows for fair public comments, learned opinions, and the reporting of the facts. You may or may not agree on the seriousness of the event which occurred on April 6 with a large group of people breaching security measures at Manitoba's Legislative Buildings.

...

Sir, I strongly suggest that the demonstration itself goes much further in promoting the ill will, the prejudice, the contempt, that you so easily blame upon CJOB. We, here at CJOB, take great pains to assure that our news is delivered in an ethical, responsible manner with the facts verified. Our open line talk show hosts are CJOB's editorial columnists, where they have the right to voice opinion and offer learned comment. CJOB allows the listening public their right for freedom of speech and to also offer comment and opinion on the daily occurrences that affect their lives and their communities.

Mr. ..., I hope this letter addresses most of your concerns. As you know, CJOB has offered on numerous occasions the opportunity for you to address Aboriginal issues. Sometimes you respond to our requests but most of the time, such calls are rarely returned from the Assembly of Manitoba Chiefs.

Any time that you, or any of the Chiefs of The Assembly, feel they have been misrepresented or false information is being disseminated, then the opportunity is always offered for the Chiefs to air clarification or verification of the facts being reported.

The complainant was unsatisfied with this response and requested, on November 19, that the CBSC refer the matter to the appropriate Regional Council for adjudication.

THE DECISION

The CBSC's Prairie Regional Council considered the complaint under Clauses 2 and 6, paragraph 3, of the *Code of Ethics* of the Canadian Association of Broadcasters (CAB), which read in pertinent part as follows:

CAB Code of Ethics, Clause 2

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, [sexual orientation], marital status or physical or mental handicap.

CAB Code of Ethics, Clause 6(3)

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 of April 6 and 7 and reviewed the transcript of the program of April 8 as well as all of the correspondence. The Council is of the view that the program is not in breach of either of the Code provisions noted above.

The Essence of the Complaint

It is of the essence of the Grand Chief's complaint that the accumulated effect of the statements made on the shows in question, if not the individual statements, amounts to abusively discriminatory comment on the basis of race, national or ethnic origin, the *CAB Code of Ethics*' equivalent to "incitement to hatred or contempt" under the *Radio Regulations*.

The CBSC, through its jurisprudence, has developed three different ways of assessing abusively discriminatory comment. The first of these is reflected in the decision in *CKTB-AM re the John Michael Show* (CBSC Decision 92/93-0170, February 15, 1994), which dealt with a collection of misstatements relating to French-Canadians and the Government of Canada made on a St. Catharines radio station talk show. In that case, on the general principle, the Ontario Regional Council said:

The CBSC is conscious of the importance of free debate and the entitlement of a host to express politically contentious points of view on air. That liberty does not, however, extend to the expression of gross and multiple misstatements of fact which are calculated to distort the perspective of the listener.

The Council then dealt directly with the misstatements themselves and concluded that they were in breach of both provisions of the *CAB Code of Ethics* which are at play in the present decision.

The CBSC does, however, not believe that the public debate in Canada is furthered in any way by the broadcast of such accumulated misinformation as was emitted by Mr. Michael on June 1. To provide an inexhaustive list of such misinformation, it is not true, as Mr. Michael alleged, that: Canada alternates Prime Ministers from English-speaking Canada to French-speaking Canada; all of Canada's government buildings are in Quebec; Canada's civil service is all in Quebec; this country's headquarters is not *in reality* in Ottawa; English is not spoken in Cabinet meetings (much less that it is not spoken "in the inner circles of the [other] governments of this country"); ninety per cent of Cabinet Ministers are French-Canadians; ambassadors of Canada going abroad do not speak English; ambassadors to "important" countries are always French-Canadian; and so on.

It is the view of the Council that accumulated misinformation, and collective unresearched and inaccurate statements constitute a breach of high standard under the *Broadcasting Act* and a breach of the responsibility of the broadcaster to ensure the "full, fair and proper presentation of news, opinion, comment and editorial" as required by Clause 6(3) of the *CAB Code of Ethics*. The Council further considers that the goal of the host was to use this misinformation to conduct an attack on a group, which constitutes a further breach of Clause 2 of the *CAB Code of Ethics*.

A second approach to a series of statements was taken by the Ontario and Atlantic Regional Councils in *CFYI-AM and CJCH-AM re the Dr. Laura Schlessinger Show* (CBSC Decisions 99/00-0005 and 98/99-0808, 1003 and 1137, February 9 and, 2000). In that case, the Council found reason to accept that only *one or some* of the genres of statements made by the hosts were unjustifiable pursuant to broadcast standards.

Finally, *CFUN-AM re The Pia Shandel Show (Native Land Claims)* (CBSC Decision 98/99-0147, October 14, 1999) exemplifies a third way in which the CBSC has considered a complaint of abusively discriminatory comment. In that decision, the B.C. Regional Council concluded that none of the statements, even when considered individually, constituted a breach.

In this case, the Council considers it appropriate to adopt, organizationally at least, the approach of the Ontario and Atlantic Regional Councils in dealing with complaints concerning the *Dr. Laura Schlessinger Show*. Accordingly, the Council has grouped the principal statements complained of by genre of issue, rather than by date, since some of the issues repeat themselves over the three days at issue. On this basis, the Council would categorize the issues as follows: allegations regarding the violent nature of the Chiefs, allegations relating to the instigation of the actions at the Legislature, allegations relating to the use of pepper spray by the police, allegations relating to the inappropriate dealing with money by the Chiefs and other Band members, allegations relating to the governing of the Chiefs and, in general, to government on the reserves. The Council will deal with each of these issues under a separate heading.

The Allegations of Violence

Regarding the first of the issues, namely, the allegations of violence on the part of the Chiefs, the Grand Chief has alleged that one of the hosts stated that “you *will* ‘get a bullet’ if you engage in any form of investigation [emphasis added].” He states that “[i]n essence, Mr. Adler is stating that First Nation Chiefs will engage in lawless activity and depicts Chiefs as being criminals, murderers, and killers.”

In fact, the transcript of the April 8 show provided by the Grand Chief indicates that the wording was

And my ... feeling on this is that, a lot of media people want to stay away from the subject. I mean, look, if you investigate the chances of Tories and Reformers getting together, regardless of what you write, nobody’s going to accuse you of being a bigot. Nobody’s going to accuse [you?] of being a racist. And nobody frankly is going to threaten your life. But, if you want to get down deep into the bowels of the politics of reserves, who’s running the show, where’s the money going, what about responsibility, accountability, are people being intimidated... That’s the kind of stuff that might get you an award in journalism, on the other hand, it *might* get you a bullet... [Emphasis added.]

While it cannot be denied that the host’s language was provocative, it differed meaningfully from what the Grand Chief had alleged, namely, that “you *will* get a bullet” and one can reasonably conclude, as does the Council, that the statement is exaggerated and is hardly to be taken literally. At least, there is *nothing* else in the programs reviewed which suggests that the hosts are alleging such a violent approach on the part of either the Chiefs or the Bands.

As to the allegation concerning the *Larry Updike Show*, namely that “Larry Updike allowed a caller named ‘John’ to state that we ‘have to use deadly force’ against the First Nations demonstrators.” The host appears to ignore it as a serious suggestion in *this* case. He clearly does not deal with the issue of violence in a way even remotely related to the suggestion of the Grand Chief. In fact, the exchange was as follows:

John: ... You want to put a point across, do it legally and without violence. I mean, they start doing that, you got to use deadly force. That’s the only way you can stop this group. If you’ve ever been involved in a riot, and I have, and I know what it’s like, it can be deadly.

Larry: I was caught unwittingly in the middle of the Vancouver riot, and watched a man fall to his death.

John: Yes, yes.

There is no reason to attribute to the broadcaster the assumption that this was a call to *actually* employ such methods against the Indians. In fact, Rick, the immediately preceding caller, suggested that the action be taken in a judicial forum, when he said “I hope the Court just lay the lumber at these clowns.” All in all, the Council finds the issue of violence both by and against the Chiefs to be exaggerated, isolated and overstated in the complaint.

The Question of Instigation or Incitement

Regarding the second issue, the complainant alleges that “Caroline Siefert states that one Chief, Chief Stevenson, ‘instigated a riot’. It is totally irresponsible for a reporter to make statements like that. Adler states that the Chiefs have a conspiracy.” It appears to the Council that the Chief is not denying the reporter’s statement so much as he is referring to the fact that it is “irresponsible” for a reporter to make such statements. Here again it does not appear that the words used by the reporter included “instigate”, although she did say that “Chief Louis Stevenson was talking to this 500, about 500 native members [and he then said] ‘We have a right to be in there; let’s go.’” In fact, parenthetically, the Council has found a couple of occasions on which Carolyn Siefert, the reporter, appears to have been expressing her own opinion (without so identifying it), rather than strictly reporting the news (as when, on April 6, she said that “it was just absolutely *ludicrous* the way they ran to the Legislature demanding to get in” and “I mean, the public was not invited; why should they have the right to go in?”). The News and Program Director’s response does, however, reiterate the reporter’s position that she

saw and heard Chief Louis Stevenson when he stood in front of the legislature demanding that they had every right to enter the building and he ordered the people to go inside.

While it is a fine line as to whether or not the reporter was *in effect* saying that Chief Louis Stevenson had instigated the action, much of the discussion during the programs in question related to who had the right to access the Legislature for the reading of the Throne Speech and in what circumstances. It is absolutely clear that native representatives were agitating to enter the Legislature and that some did so. Nor does the issue relate to whether they did or did not genuinely believe that they had the *right* to be there. There may be more than one side to *that* discussion. The question for the Council is to determine whether the use of such terminology was inappropriate. On this point, the Council does not agree with the complainant. Apart from the small lapses noted above between news reporting and the expression of opinion (which do not go to the allegations of human rights violations), the reporter’s statements relating to the motivation and instigation of the disturbance do not appear to be improper.

The Use of Pepper Spray

The whole question of the use of pepper spray may involve such factual elements that the Council could not possibly be expected to know for a certainty what transpired; however, there is not necessarily any discrepancy between the reporter’s allegation and the Grand Chief’s complaint. The Grand Chief states that

In listening to this tape, it is clear that Carolyn Siefert, a reporter for CJOB has misled the public by stating facts that are indeed not factual and erroneous. She went on to say that pepper spray was not used directly at the demonstrators which is a complete falsehood. Demonstrators were hospitalized for being pepper sprayed in the eyes.

The News and Program Director's letter states, in giving the reporter's explanation in writing,

I witnessed the police shooting the pepper spray at the ceiling above the demonstrators and the resulting mist falling down upon the protesters resulting in the eye irritations.

And during the show of April 6, Larry Updike's dialogue with one of the reporters on the scene went as follows:

Larry: Now, the reports of the use of pepper spray may be misconstrued out there because people can hear something or be in on the way and hear pepper spray and then go "Oh, my God" [sic], but the truth of the matter is while pepper spray was utilized, it was not sprayed on anybody directly. Can you confirm?

Chuck: Yeah, that's one of the things that has confirmed as well. I noticed the pepper spray when they were coming up the stairs because what happened is that the Premier was supposed to give a press conference at 12:30. That was delayed. All the media was [sic] downstairs waiting. Then, all of a sudden, we could hear something was going on upstairs. Everyone rushed upstairs. The Premier didn't talk, in fact. But what the pepper spray, what happened is, the crowd was getting so unruly, they were crawling over top of the security guards, they were crawling over the guys in riot gear and getting on to the floor. It was a tug-of-war between the two sides, pushing through. You've got to imagine these doors. It's just two doors, the normal size you might have in your house. Maybe three, three-and-a-half feet wide. So there's not a lot of room for people to get through. (...) So, what happened was, they pepper-sprayed up into the air, just so it would get into the air and be more of a deterrent. It ended up being a lot of a deterrent to the media who were behind the police. We got a good brunt of it because it would come back in from the wind blowing in. So I don't know how much actually got outside, but a lot did get inside.

Larry: So it did its job essentially.

Chuck: Exactly. The pepper spray wasn't intended to ... [I]t wasn't sprayed directly into the eyes of the protestors.

The point is, in any event, a small one. After all, pepper spray is acknowledged to have been used. Whether initially on a horizontal or a vertical plane can hardly be said to be a determinative issue in the greater scheme of abusively discriminatory or improper comment.

The Use of Money by Chiefs and on Reserves

The Grand Chief's allegations regarding the use of money by Chiefs and on Reserves included the following:

Larry Updike allowed a caller by the name of "Norm" to state that millions of dollars are being squandered by the Chiefs".

[A] caller named John states that Chiefs are embezzling money.

Adler allows one caller by the name of "Craig" to state that First Nation people don't want to work and only want money.

From the Council's perspective, any discussion of this issue constituted a strict question of political opinion. In the following commentary of one of the callers, for example, the question of the large sums which had been provided to the native population was raised in the following way.

John: This topic really makes my blood boil, Larry, because your second to last caller said he wanted respect for his people, but I remember reading an article in the paper a little while ago where his own chief (...) taking money, embezzling money from his own people and walking off with it. And now they want respect from us. Take a look at themselves. How much money have we as a nation given to the native people? (...) It's time to say "Hey, stand up on your own feet and support yourself; we're not going to give you any more money." What do they think about that? He wants respect. Well, how about we cut off all the money we've been giving them? We're giving millions and millions of dollars every year to them, and then they want more and want respect and break our laws and think it's not good enough. It just makes my blood boil.

Another exchange provided a different perspective on this very issue.

Jeff: If you were an aboriginal and your people in this country were treated unfairly, let's just say unfairly, I don't want to delve into all the specific issues, but let's just say unfairly for hundreds of years, and you found out that the Canadian government was ready to bring over 5,000 refugees from a country thousands of miles away and were prepared to spend in excess of \$100 million to bring these people here for 6 months, short-term stay, six months, what would you think about that, if they had \$100 million to drop at the drop of a hat, but they weren't ready to help you with housing and jobs and the other problems you have.

Larry: I'll try to answer it on a couple of fronts. Number one, it's a hypothetical question that I can't answer, so I'll speculate with you. My recollection is that in the last year the federal government made a formal apology for their treatment the aboriginal people to the tune of \$750 million, that on top of the millions and millions that go unaccounted for. That is one of the problems - accountability among some of the aboriginal leadership itself and I'm hearing that from aboriginal people.

The point is that the use and accountability regarding money is as subject to the expression of opinion in the case of the native population as it is, for example, in the case of criticism of Government misspending, so recently the subject of considerable publicity with respect to HRDC granting procedures.

Comments re Governing of and on the Reserves

The Grand Chief further alleged the following:

Adler begins his open season on First Nations by describing them as "intellectually moribund". This is augmented with a host of negative descriptive terms used to denounce First Nation peoples, (i.e. Architects of Anarchy, etc.).

Adler makes reference to Chiefs as being dictators even though the Chiefs are elected through a democratic process. He states that the Chiefs are boneheads and are oppressing their people. ... Adler again states that reserves are run like most other dictatorships.

Adler ... states that law and order does not exist on reserves and that responsible government does not exist at reserves.

It is hardly necessary to observe that those who choose to govern the reserves are not, on account of their racial or national origin, thereby removed from the critical optics of the media. As the Ontario Regional Council said in *CJXY-FM re the Scott and Lori Show* (CBSC Decision 96/97-0239, February 20, 1998), in analogous circumstances, when dealing with a mild epithet hurled at a group of Southern Baptists based on the stance that group had taken against the Disney Studios for their support of the television series *Ellen*, in which the star had come out of the closet:

That stance by the Baptists was, in the Regional Council's view, purely political. There is, of course, no doubt whatsoever regarding the entitlement of the Southern Baptists to hold and to express political views. The point is only that, if they choose to do so, they render themselves fair game on the public playing field of political controversy. They cannot expect that they have the right to *publicly* express controversial political opinions and to be sheltered from the resulting fallout from the ideological seeds which they have sown by reason of the fact that they are a *religious* group.

The present case is no different. Those who occupy positions of power on the reserves may legitimately be described, on account of the decisions which they make, as "boneheads" or "intellectually moribund" by opinion-holders in the media. As Charles Adler was quoted as saying in the News and Program Director's letter, "I have never said the ordinary native is intellectually moribund." Had he taken *that* position, the attitude of this Council would likely have been different. In the circumstances of these criticisms, the Council can only consider them fair political commentary, which is unrelated to anyone by reason of his membership in any of the identifiable minorities entitled to protection under Clause 2 of the *CAB Code of Ethics*.

The Broadcaster's Response

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 exemplary, reminiscent of the offer of CFOX-FM in *CFOX-FM re the Larry and Willie Show* (CBSC Decision 92/93-0141, August 30, 1993). In that case, representatives of the Irish community were offered the opportunity to appear on air to explain their perspective on a week of Irish jokes broadcast in conjunction with St. Patrick's Day. The B.C. Regional Council concluded, in this respect:

In the present case, the Regional Council considers the steps taken by the General Manager of CFOX-FM to be of a thoughtful and collaborative nature and, indeed, exemplary in the fulfilment of broadcaster responsiveness to a complainant, despite the fact that the station itself did not consider that it had acted in a racist or offensive manner.

In this case, as is noted in the excerpt from letter of the News and Program Director quoted above, the station had “offered on numerous occasions the opportunity for you to address Aboriginal issues” and he again extended the offer for the future, at “[a]ny time that you, or any of the Chiefs of The Assembly, feel they have been misrepresented or false information is being disseminated.” Moreover, the letter was a thoughtful and full response to the complainant, apart from the additional offer regarding air time. Nothing more could possibly have been expected in terms of the collaborative nature of the broadcaster’s reply. Consequently, the broadcaster has not breached the Council’s standard of responsiveness.

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
CBSC Decision 99/00-0092
CJOB re the Charles Adler and Larry Updike Shows

Partial Transcript of the April 6, 1999 Broadcast of “Afternoons with Larry Updike”

Caroline Siefert (Reporter): “...Chief Louis Stevenson and a bunch of the elders are speaking, just to basically say “We are being unfairly treated and we want jobs.” And what Chuck just mentioned about pepper spray [sic], they didn’t spray the pepper spray directly into the faces of the demonstrators here. The police shot it upwards into the ceiling area of the foyer (...) so no-one was shot directly with the pepper spray”.

...

Caroline: Well, it started off, Larry, with Chief Louis Stevenson calmly talking to this five hundred, about five hundred native members, and I was standing there, as another, you know, protestor / demonstrator, but then Chief Louis Stevenson said “We have a right to be in there, let’s go”, but then all of a sudden, out of nowhere, I got trampled and it was just absolutely ludicrous the way they ran up into the Legislature demanding to get in. First of all, a throne speaking to invitation only, the public is not allowed [sic]. Second of all, there were about a dozen native leaders, including Chief Louis Stevenson and Assembly of Manitoba Chief Rod Bushie who were allowed in. They got in, and were able to go up the stairs, I guess, and then they came out moments later, but, I mean, it was sad to see these people demand to go into a building where no-one else was going in, I mean the public was not invited. Why should they have the right to go in?

Larry: So, then, you’re speaking as a person here. I mean, what you were witness to, it sounds like to me, and I’m an opinionated guy, is opportunistic hooliganism.

Caroline: Yeah, and not only that, but they pushed and shoved so hard that one of their elderly native women was crushed (...) At that point, they went down to see how she was doing, because, you know I was crushed too; the Natives pushed me away, said “Get away from here, you’re just trying to make money off of this”. I was absolutely in shock.

Larry: (...) Who is using who [sic]? Who is using who [sic]?

...

Larry: But, as far as you’re concerned, Caroline, given the context you’ve provided for us, calm peaceful, then someone said “Let’s go in”. It sounds almost staged.

Caroline: You know what, it does, and I feel really badly because, I don’t want to discriminate at all Larry, but I think this was totally uncalled for. This is my personal opinion. I didn’t see any

need for the pushing and shoving, the throwing of the garbage. I didn't see the need for the verbal abuse that the sheriff's officers and the police officers had to take, there was no need for that today.

...

Larry: Now, the reports of the use of pepper spray may be misconstrued out there because people can hear something or be in on the way and hear pepper spray and then go "Oh, my God" [sic], but the truth of the matter is while pepper spray was utilized, it was not sprayed on anybody directly. Can you confirm?

Chuck: Yeah, that's one of the things that has confirmed as well. I noticed the pepper spray when they were coming up the stairs because what happened is that the Premier was supposed to give a press conference at 12:30. That was delayed. All the media was [sic] downstairs waiting. Then, all of a sudden, we could hear something was going on upstairs. Everyone rushed upstairs. The Premier didn't talk, in fact [sic]. But what the pepper spray [sic], what happened is, the crowd was getting so unruly, they were crawling over top of the security guards, they were crawling over the guys in riot gear and getting on to the floor. It was a tug-of-war between the two sides, pushing through. You've got to imagine these doors. It's just two doors, the normal size you might have in your house. Maybe three, three-and-a-half feet wide. So there's not a lot of room for people to get through. (...) So, what happened was, they pepper-sprayed up into the air, just so it would get into the air and be more of a deterrent. It ended up being a lot of a deterrent to the media who were behind the police. We got a good brunt of it because it would come back in from the wind blowing in. So I don't know how much actually got outside, but a lot did get inside.

Larry: So it did it's job essentially.

Chuck: Exactly. The pepper spray wasn't intended to...it wasn't sprayed directly into the eyes of the protestors.

...

Larry: (...) Given the time that elapsed since the event and the context that's now been provided, do you think this was called for at all? Have your say right now.

...

Caroline: (...) Some of the natives blocked some of the invited guests. (...)

Larry: (...) Were they roughed up?

Caroline: There was one gentleman, a middle-aged man, who was trying to push his way through. It had calmed down for a bit, so he thought he could get up there. All of a sudden, he got trapped when everyone started to push from behind. I don't think it was intentional that because he was there they started to push, but he did get roughed up a bit (...).

...

Rick #2: You know, I'm thoroughly disgusted by the whole thing, Larry, and if they're trying to get a message or if they're looking for support or empathy, well they just lost it with me. There's no doubt that there's been a lot of concerns, injustices, but how the heck can anyone rally around this kind of activity? I hope the cameras were rolling when the police cars were surrounded and the people escaped and the people that opened the doors and let them get out, I hope they're arrested. I hope the court just lay the lumber at these clowns, because this is absolutely ridiculous. You want to demonstrate, right, it's a free country, we're allowed to demonstrate, but when you start turning it into a violent confrontation, and forcing the police's hand, they've got anything and everything coming to them, and they deserve it all. I hope the law takes heed and does the job.

...

John: I agree with Rick, these people are downright stupid. You want to put a point across, do it legally and without violence. I mean, they start doing that, you got to use deadly force. That's the only way you can stop this group. If you've ever been involved in a riot, and I have, and I know what it's like, it can be deadly.

Larry: I was caught unwittingly in the middle of the Vancouver riot, and watched a man fall to his death.

John: Yes, yes.

...

Tony: "I would like to comment on the negative press that all the natives are getting (...)"

Larry: "Can I ask you if you're an aboriginal individual yourself?"

Tony: "Yes, I am".

...

Jack: I have it on good authority from someone from the reserve, who still has relatives on the reserve, that these Natives were each payed \$75 for this protest.

Caroline: Well, I can't confirm that one.

Larry: I can't confirm that either.

...

Larry: (...) People trying to get over, bodysurfing is the term, some made it into the building, the throwing of objects, like full pop cans, the police in riot gear, full paraphernalia, protecting four entrances, the use of pepper spray, not sprayed directly on people, but sprayed up so it would come down to drive people away. It was mental.

Caroline: It was. That's a good word. (...) That peaceful demonstration was no longer even a demonstration.

Larry: (...) Let's be clear on this point. That statement that generated all of the violence was not true in this respect. The throne speech is for invited guests, and among the invited guests was [sic] aboriginal people themselves. (...) As a trivialization of whatever legitimate issue they do have, and an opportunistic form of exploitation. What do you think?

Gord: (...) Don't you kinda [sic] think that the Chief that said "We have the right to go in. Let's go", shouldn't he be charged with inciting a riot?

Larry: I don't know what options are available.

Caroline: That's interesting. I've never thought about that.

Bob: But you know what will happen. Nothing will happen. We never do anything here. I'm still horrified that our flag being defaced by Serbians and nothing's ever done to these people [sic]. Maybe it's a sign of things to come because we just let these things go. We let them slide.

...

Caroline: You know what, we'd be sitting here, Larry, regardless if it were aboriginals, nurses, construction workers...

Larry: That's right. It's not about a specific group of people.

Caroline: That's exactly it. I would be sitting here today saying the same thing that I am saying if it were 1,000 nurses storming that building.

Larry: You said earlier that the nurses protest, which involves some creativity, the wearing of boots and carrying of umbrellas, and the peaceful kind of demonstration, which makes the same kind of attempt to make their point, has far more credibility than somebody from the nurses union on the steps saying "We have the right to go in there to an invite-only event. Let's go".

...

Larry: And so it doesn't matter what form that takes even if the forms are illegitimate, are the product of civil disobedience, the illegal civil disobedience, that doesn't matter, and the people here who frankly, sir, while we recognize that historically a role in the displacement of your people, most of us, most of the people listening to me and myself, when I go to my home at night, I don't sit and say, "I did something to them." I didn't do anything to you. I didn't do anything to you, Patrick. Most of the citizens didn't. It's a bum rap [sic] on people who are just trying to make a go of life the way they live it. We can't help that we're not aboriginal and we certainly didn't take part in your displacement. Our ancestors did. But then that opens up the question to what extent do we have responsibility? Maybe we make mistakes in that respect, but Caroline is not

going to go home and say I trundled on some aboriginals today, because she doesn't do that.

...

Larry: So what kind of world do you want Patrick? (...) Let me finish (...)

...

Larry: Are you going to get respect by encouraging and inciting a young little aboriginal girl who doesn't know what she is doing to throw a full can of pop at a police officer?

...

Larry: It comes down to credibility (...) It frustrates the hell out of me because it doesn't matter how accommodating you try to make yourself sound to somebody from a different culture, or how much sympathy you may have for that. He doesn't know that my own father published five books on native art when the aboriginals weren't doing it. (...) I know a lot about aboriginal culture and I'm not racist and I'm not wrong on this one either.

...

John: This topic really makes my blood boil, Larry, because your second to last caller said he wanted respect for his people, but I remember reading an article in the paper a little while ago where his own chief (...) taking money, embezzling money from his own people and walking off with it. And now they want respect from us. Take a look at themselves. How much money have we as a nation given to the native people? (...) It's time to say "Hey, stand up on your own feet and support yourself; we're not going to give you any more money." What do they think about that? He wants respect. Well, how about we cut off all the money we've been giving them? We're giving millions and millions of dollars every year to them, and then they want more and want respect and break our laws and think it's not good enough. It just makes my blood boil.

...

Mark: The original people of this land are given the option of living their old lifestyle, pre-Conquest, or to live within Western standards, i.e. education, employment, services, etc., and all of this is subsidised by taxpayers, of whom very few of them are First Nations. Neither lifestyle seems acceptable to these people. On the whole, from an archeological standpoint, these people are no different today than they were 500 years ago. They had no respect for resources, they tended to both exhaust all of their resources, ruin an area of land, leave it, move on to another area of land, and not really care about settling down. And they never had very much respect for themselves. From a Conquest standpoint, the First Nations are fortunate to exist at all.

Larry: (...) I can't do a history lesson on the air with you. There's a lot I take issue with you, Mark (...)

Caroline: I just wanted to mention that people out there have the perception that this was another

APEC protest but, you know, riot police and riot gear with batons beating people, that wasn't the case. You didn't see one police officer until you got to the doors of the Legislature. There was [sic] two of them blocking the doors so, unless you looked over the crowds, you couldn't see anyone in riot gear.

Larry: And there was no evidence of aggression on the part of the police, unlike APEC where the police were very aggressive (...)

Partial Transcript of the April 7, 1999 Broadcast of "Adler on Line"

Charles Adler: (...) Aboriginal leaders claim to be angry about unemployment and there is an appropriate way that most of members of mainstream society and many members of aboriginal society have found to deal with anger about unemployment. There's a three word solution: get a job.

Those who do work hard, many who often do two or three different jobs to make ends meet these days, many of these aboriginals have very little time for people who want a free ride through life, often get a ride that's free, and then complain that the ride isn't rich enough. (...) Following the protest, do you now have more sympathy for aboriginal demands. Yes or No?

...

Charles: As a journalist, what was going through your mind when Stevenson said "We have a right to be in there."?

Caroline: Well, I was in shock. I didn't think it was going to go to the steps. I didn't think that this was going to instigate a riot. I didn't think it was going to go that far (...)

...

Charles: A question a lot of people are asking this morning because there were accusations that police used excessive force.

Caroline: Please, I was there. This wasn't like an APEC summit riot. There was [sic] three officers in riot gear standing in the doorway. This was a three-foot wide glass door. (...) This is no way pulling out the batons and beating them at all. The Native demonstrators ran up and starting pushing, they made waves of pushing to try to get their way in. They were the ones that started it. They were the ones that were roughing up the riot police. The police were just there standing guard.

...

Suzanne: I'm a Winnipeger by birth and I'm really tired of the aboriginals ruining what I stand for on a regular basis. I think we're a much larger group and we should start fighting back and ruining their stuff. I think that's going to be the only solution. We'll go onto their reserves, we'll charge their holy days, we'll make a mess of their lives. I think that's the only thing the Indians understand.

Charles: It is curious. If you're looking for respect and you disrespect the institutions that keep this country orderly, what on earth are you expecting?

...

Charles: You don't have to be a graduate of the Swiss finishing school to figure out that this is rude.

...

Charles: The fundamental issue is people exercising no responsibility. No responsibility yesterday on the grounds of the Legislature and no responsibility on their own reserves. That's the issue. It's called moral discipline. It's called civilisation. And if you want to behave in an uncivilized manner, you don't get any r-e-s-p-e-c-t.

...

Caroline: Chief Louis Stevenson obviously instigated this riot by saying "Let's get in there". Can he be charged?

...

Charles: (...) We've been trying to get in touch with some of the Chiefs. They have phones, they can call back if they choose to. We would love to hear from them.

...

Azine: (...) In psychology there's the law, the law of faulty generalisation. And often times what that means is that the action of the few are looked upon to the actions of the many. Some of your callers earlier had a sense of animosity towards the native people.

Charles: They have animosity towards people who violate the law and have no respect to the institutions that make Canada, Canada. It has nothing to do with animosity towards native people. Let's be clear.

Azine: In that case that's fine. But I just want to make a general comment because to look it as a situation that this was just a group of people...it was a large number of people, but it's a very small amount compared to the native population. Because these are the things that cause hatred from one group to another.

Charles: They were led by their so-called leaders.

Azine: Even leaders aren't representative of the people themselves. (...)

...

Craig: (...) If it would have been me and my friends, I don't think we would have been handled so well with velvet gloves as they were [sic]. I think the pepper spray should have come out a lot earlier from what I've seen on the tv. Also, this demonstration wasn't about jobs, it was about money. They don't want to work. They want money. (...)

Charles: We had a number of accusations on Updike's program yesterday afternoon from native folks calling in saying that the protestors were paid \$75 each. That is not a confirmed story. It's a story that's out there. CJOB is trying to nail that down, trying to confirm it. If it's true that the protestors were paid to do this, does that not corrode democracy. If it's true that Native protestors were paid to express their political opinion, isn't there not a moral equivalent between that and so-called vote-rigging [sic]. What's the difference between paying a bogus candidate and paying a bogus protestor. And if it's racist to try to corrupt native votes, is it not racist to try to corrupt native protestors? What is the difference? Is it not taking advantage of native people to pay them to do what was done yesterday? If it wasn't spontaneous, how democratic was it?

Jack: (...) comments on Caroline's inaccurate reporting. She said there were three police in riot gear, there was [sic] twelve of them. I was right there. (...) And another thing, too, about pepper spray, they weren't spraying for about 10-15 seconds and that didn't have any effect on the people...they were right there and kept on going trying to get to the Legislature.

Charles: So nobody got pepper spray in the eye?

Jack: No.

...

Caroline: That's wrong. First of all, what I said was there was [sic] three police officers in riot gear who got the brunt of the pushing and shoving (...) And what I said was there were 20-30 officers behind them also holding them in. So the three officers were getting the brunt of this demonstration.

...

Ness: (...) I was wondering if anyone has taken the time to total the millions and millions of dollars that have gone into the aboriginals right here in Manitoba? We have given them homes, we have given them community clubs, we have given them schools. We have given, given, given. Are you hearing the word I'm using? It's give.

Charles: What we haven't given them is truth. A lot of people murmur silently to themselves or to their friends but they refuse to go public with what they believe is what is just and what is not just because they're afraid of being called racist. And you know that.

...

Charles: (...) Do you think, honestly believe, that people in this community don't know that? Do

you think that the people of this community believe that the people running the reserves, the chiefs, are honest, have integrity?

Stephanie: I just think that when I see the articles in the newspapers about how they have to live in third world conditions...

Charles: That's because the Chiefs don't know how to distribute money, do they?

...

Charles: Anyone behind this microphone say that there were jobs on the reserve? I don't believe in reserves, I don't believe in living on reserves, I don't believe in ghettos, I don't believe in federal government policy. I believe in free enterprise, which does not exist on reserves. I believe in law and order, which does not exist. I believe in responsible government, that does not exist there. But if people want to get off and out of those ghettos and live in democratic society, there are jobs available. And that is why I say, "If you want work, get it. You're angry about not having a job, get one". That is what people do. If the chiefs who are running dictatorships on these reserves haven't figured out how to do free enterprise, what else is new? No silk sherlock. Nobody is expecting any. That's something I've never understood. Whether you're living on a reserve or not, you're living in a community which is run by people who haven't got a clue about how to create employment and opportunity. Who haven't got a clue and don't wish to. Why wouldn't you move from that community? How many people do we have in Manitoba, I don't care which town you go into, if you're not an immigrant, your father, your great-grandfather, whatever. They came from somewhere. Why did they come from somewhere? Because the boneheads running those societies, I don't care if they were Ukraine, or Hungary, or Cambodia, they didn't care about opportunity for their people. They were oppressing their people. It is oppressive to tell somebody to stay in their community when you can't find them work. So you go to where the work is so you can raise a family and pay the bills and have a decent job. Nobody behind this microphone is trying to say there's lots of jobs on the reserves. (...) I'm just not interested in supporting boneheads and boneheaded arguments and it is absolutely boneheaded to respond to a legitimate argument by saying "Well, you must be racist, otherwise you wouldn't say that". It is because I love you and respect you that I tell you the truth. It is a height of disrespect [sic] for me to go along with some company line (...) "If you don't have a job, it's because my people are oppressing your people". Get on with it.

Partial Transcript of April 7, 1999 Broadcast of "Afternoons with Larry Updike"

Larry: (...) Do you think the instigators of the protest should be charged? (...) Yes, I have received a lot of reaction to yesterday's show, some of which were [sic] highly critical of my conduct of it because it was said by some aboriginal people that I allowed the casting of negative aspersions on people who had nothing to do with what when on at the Legislature yesterday, and would not. So, I'll take that. That's fine. (...)

Chris: (...) For starters, most of those chiefs should be going to jail for fraud. The fact that, from what I've heard from CJOB in the last weeks, if they're taking most of the money and squandering it amongst themselves and not even giving it to the people that really do need it. And secondly,

the chiefs did in fact start that protest. I was driving right by and I was listening to you guys and I hear the tape where he says “Let’s get in there”. I mean that’s frankly unheard of. They’re not cordially invited, then they shouldn’t even be in there. I agree with the protest totally, but I disagree with the way they performed themselves, unprofessionally in the greatest manner.

...

Tom: First of all, as an aboriginal person, I don’t think you’re racist. (...)

...

Jeff: If you were an aboriginal and your people in this country were treated unfairly, let’s just say unfairly, I don’t want to delve into all specific issues [sic], but let’s just say unfairly for hundreds of years, and you found out that the Canadian government was ready to bring over 5,000 refugees from a country thousands of miles away and were prepared to spend in excess of \$100 million to bring these people here for 6 months, short-term stay, six months, what would you think about that, if they had \$100 million to drop at the drop of a hat, but they weren’t ready to help you with housing and jobs and the other problems you have.

Larry: I’ll try to answer it on a couple of fronts. Number one, it’s a hypothetical question that I can’t answer, so I’ll speculate with you. My recollection is that in the last year the federal government made a formal apology for their treatment the aboriginal people to the tune of \$750 million, that on top of the millions and millions that go unaccounted for. That is one of the problems – accountability among some of the aboriginal leadership itself and I’m hearing that from aboriginal people. Now let’s go to the Kosovo matter (...)

...

Rick: I really can’t help but wonder that the incident yesterday has divided more so than anything Winnipeg and Manitoba. I’ll tell you one thing, Larry. I’m a white male and I’m by no stretch of the imagination a racist. I could care less what your colour is, what your ethnic background is or whatever. But, Larry, I’m sick and tired of a lot of the stuff that is occurring with the aboriginal people, but that affects you and I [sic]. Like I said, I really believe that this is going to start dividing us more than bring us together.

Larry: I agree with you. Let’s look at things from two sides. I do believe, and we’ve heard on recent programs here, that there’s a lack of accountability as far as the receipt and expenditure of moneys is concerned, vis-à-vis certain native leaders. At the same time, those who are giving the money are also part of the system that kind of skims stuff off for themselves. The institutions that are set-up, the government ones, to help the aboriginals, become institutionalized themselves and it’s not even in their interest for the province to go away because they don’t get the money either. The whole thing is, there’s a lot of corruption that covers the waterfront, I think.

...

Larry: (...) I’m being honest, but take it for what it’s worth...this is the way I believe. It looks as

though, it's a demographic fact, in not too many years, we're going to have a very high aboriginal population in this city. And you know what, I'm not afraid of that. If they can thrive. I don't care about being a minority...I'm a tough guy, I don't care about that crap. But we won't get there, and they won't get there, if we don't solve some of this.

...

Dale: (...) I'm really fed-up with all this Indian stuff...their steady whining [sic]. But they don't seem to want to do anything when you give them the opportunity. I used to work with sewer and water. We worked all over northern Manitoba, every reserve up there. It was the same thing. You'd get 15...you might get one that would work. I don't know. You'd really have to go to the drawing board to solve this because all they want to do is whine. They don't want to work.

Appendix B
TO CBSC DECISION 99/00-0092
CJOB re the Charles Adler and Larry Updike Shows

I. The Complaint

On September 30, the complainant sent the following complaint to the CRTC, which forwarded it to the CBSC in due course. Although, in that letter to the Commission, he referred to a “memorandum on the above-noted topic dated April 9, 1999,” the earlier memorandum appears not to have been treated by the Commission as the equivalent of a complaint. Nor was that letter ever forwarded to the CBSC. Consequently, none of the logger tapes were retained by the broadcaster pursuant to a request made in *this* file.:

Further to my previous memorandum on the above noted topic dated April 9, 1999, please accept this letter as an official complaint under your CRTC regulations against the CJOB radio station in Winnipeg and its two employees, Charles Adler and Larry Updike.

Under Part 1, Broadcasting content in section 3(b) your CRTC regulations states:

“A licensee shall not broadcast, (b) any abusive comment that, when taken in context, tends to or is likely to expose an individual or a group or class of individuals to hatred or contempt on the basis of race, national or ethnic origin, colour, sex, sexual orientation, age or mental or physical disability.”

Despite the fact that the Charter of Rights and Freedoms allows for “freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication”, it should be noted that any defamatory or promotional of hatred statements are not within the ambit of this constitutionally protected freedom and right. This right is not absolute. This right is qualified by defamatory statutes, obscenity laws and certainly section 3(b) of the CRTC regulations.

It is our position that section 3(b) of the CRTC regulations was breached by Charles Adler and Larry Updike during their broadcasts on CJOB in Winnipeg, Manitoba on April 6, 7 and 8, 1999.

For your reference, we are enclosing a true copy of a transcript for April 8, 1999 entitled “Adler on Line”. In addition, we are enclosing two audio tapes for April 6, 1999 and April 7, 1999.

A Written Transcript – CJOB Radio 11:10am, April 8, 1999 “Adler on Line”

At page 30 of the above transcript, Mr. Adler makes reference to First Nation Chiefs by stating you will “get a bullet” if you engage in any form of investigation. In essence, Mr. Adler is stating that First Nation Chiefs will engage in lawless activity and depicts Chiefs as being criminals, murderers, and killers.

Audio Tapes – Tape 1 Side 1 – April 6, 1999

In listening to this tape, it is clear that Caroline Siefert, a reporter for CJOB has misled the public by stating facts that are indeed not factual and erroneous. She went on to say that pepper spray was not used directly at the demonstrators which is a complete falsehood. Demonstrators were hospitalized for being pepper sprayed in the eyes. Larry Updike allowed a caller named “John” to state that we “have to use deadly force” against the First Nation demonstrators. (Counter #350). Deadly force in the minds of your average citizen would mean you have to kill someone. Certainly

this is a form of incitement to hatred, ridicule and contempt. In fact, this is a form of counselling under the Criminal Code of Canada.

At counter #490, Larry Updike states that the First Nations Chiefs utilized “incitement to violence” when in fact no such thing was done. At counter 3535, Larry Updike allowed a caller by the name of “Norm” to state that millions of dollars are being squandered by the Chiefs”. That statement alone would certainly expose a class of individuals to hatred or contempt.

Tape 1 – Side 2

The broadcast is rife with false information in that Larry Updike at counter 172 states that the leadership encouraged a young aboriginal girl to throw a can of pop at a police officer. There is no proof that the can of pop was thrown, but certainly not encouraged by the leadership. At counter 232, a caller named John states that Chiefs are embezzling money. There is no basis in fact for that statement and again brings the chiefs into ridicule, contempt and hatred. At counter 285, Caroline Siefert stated that First Nation members grabbed their own buddies out of the police paddy wagon. Caroline Siefert was not present when that incident happened and certainly did not happen the way she described the incident. Again, a gross distortion of the facts by Caroline Siefert.

Larry Updike tried to downplay the use of excessive force by the Winnipeg Police by stating this is not comparable to the APEC protest and that there was no evidence of aggressiveness of police. That is a total falsehood, as many First Nation people were injured by the use of excessive force deployed by the Police.

Tape 2 – Side 1 – Adler on Line, April 7, 1999

At counter 140, Adler begins his open season on First Nations by describing them as “intellectually moribund”. This is augmented with a host of negative descriptive terms used to denounce First Nation peoples, (i.e. Architects of Anarchy, etc.).

At counter 345, Caroline Siefert states that one Chief, Chief Stevenson, “instigated a riot”. It is totally irresponsible for a reporter to make statements like that. Adler states that the Chiefs have a conspiracy. This type of second-guessing by Adler and Siefert only promotes contempt and hatred toward First Nation peoples.

At counter 446, Adler allows one caller by the name of “Craig” to state that First Nation people don’t want to work and only want money. This is a blatant attempt to stereotype First Nation people into a negative mould. Adler, at counter 579, states that law and order does not exist on reserves and that responsible government does not exist at reserves.

Tape 2 – Side 2 – Adler on Line

Adler makes reference to Chiefs as being dictators even though the Chiefs are elected through a democratic process. He states that the Chiefs are boneheads and are oppressing their people. At counter 192, Adler again states that reserves are run like most other dictatorships.

Larry Updike in this afternoon at counter 327, allowed a caller by the name of “Chris” to state that most Chiefs should go to jail for fraud because they take money and squander it. At counter 395, the listening public against First Nation people especially the Chiefs of Manitoba.

Based on the foregoing, we request that all appropriate action be taken against the CJOB radio station and the two employees, Charles Adler and Larry Updike.

II. The Broadcaster's Response

CJOB's News and Program Director responded to the complainant on November 15, 1999 as follows:

Let me assure you at the outset that CJOB in no way fosters hatred, prejudice, ill will or contempt. Nor does CJOB attempt to deliberately turn a listening audience against First Nations people, specifically the Chiefs of Manitoba. CJOB allows for fair public comments, learned opinions, and the reporting of the facts. You may or may not agree on the seriousness of the event which occurred on April 6 with a large group of people breaching security measures at Manitoba's Legislative Buildings.

In dealing with some of the specific points contained in your letter of concerns, I had the journalists most commonly referred to, Charles Adler, Larry Updike, and Caroline Seifert, offer their comments.

Charles Adler comments:

I did describe the political position of the chiefs leading the demonstration as intellectually moribund. This is fair political comment. I have never said the ordinary native is intellectually moribund.

On conspiracy, I pointed out that if the chiefs got together with the intent of violating the law, that this could be seen by the courts as conspiracy.

On the business of allowing caller Craig to have his say, I was allowing a man to speak his mind. It was not a blatant attempt to stereotype anybody. It was an attempt at exercising individual freedom and the references to the chiefs being dictators is hardly new, and we have had information both on and off the air from aboriginal people who complain of the heavy-handed tactics of chiefs on the reserves.

Caroline Seifert comments in response to your accusations that she misled the public by stating facts that indeed were not factual and erroneous:

I witnessed the police shooting the pepper spray at the ceiling above the demonstrators and the resulting mist falling down upon the protesters resulting in the eye irritations.

I was standing right beside a young girl when she threw the pop can, and I asked her why she would be doing that and she replied "f— you". This was a girl just eight or nine years old.

I saw and heard Chief Louis Stevenson when he stood in front of the legislature demanding that they had every right to enter the building and he ordered the people to go inside.

Larry Updike comments:

Yes, I said that the chiefs utilized incitement to violence because that's exactly

what was done. I did not use the phrase "have to use deadly force" and was not in any way counselling hatred, ridicule, or contempt. I have been told (with printed evidence which I still possess) that there are millions of dollars unaccounted for.

As you may gather, the journalists feel they reported the facts, they offered and allowed fair comment, and they offered editorial opinion. What occurred became a headline news story because there was a breach of the security of Manitoba's house of government. The actions of the demonstrators were not the actions normally accepted by society. And an eight or nine year old girl throwing a can of pop at a police officer and then swearing at a journalist when queried as to her actions, is not what I would consider normal reaction from a child outside the Legislative Buildings.

CJOB has and always will report the facts of the matter pertaining to any story and I do not for a second believe that reporter Caroline Seifert would deviate from the facts she reported as an eyewitness in the middle of the demonstration.

Sir, I strongly suggest that the demonstration itself goes much further in promoting the ill will, the prejudice, the contempt, that you so easily blame upon CJOB. We, here at CJOB, take great pains to assure that our news is delivered in an ethical, responsible manner with the facts verified. Our open line talk show hosts are CJOB's editorial columnists, where they have the right to voice opinion and offer learned comment. CJOB allows the listening public their right for freedom of speech and to also offer comment and opinion on the daily occurrences that affect their lives and their communities.

I hope this letter addresses most of your concerns. As you know, CJOB has offered on numerous occasions the opportunity for you to address Aboriginal issues. Sometimes you respond to our requests but most of the time, such calls are rarely returned from the Assembly of Manitoba Chiefs.

Any time that you, or any of the Chiefs of The Assembly, feel they have been misrepresented or false information is being disseminated, then the opportunity is always offered for the Chiefs to air clarification or verification of the facts being reported.

If you prefer not to air your concerns publicly, you can always call me to discuss your concerns at xxx-xxxx.

III. Additional Correspondence

The complainant was unsatisfied with the broadcaster's reply and requested, on November 19, that the matter be forwarded to a CBSC Regional Council.