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**CANADIAN BROADCAST STANDARDS COUNCIL  
ATLANTIC REGIONAL PANEL**

CJCH-AM re the *Laura Schlessinger Show*

(CBSC Decision 99/00-0652)

Decided February 14, 2001

Z. Rideout (Chair), R. Cohen (*ad hoc*), K. MacAulay, R. McKeen, H. Montbourquette

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**THE FACTS**

On June 15, 2000, the complainant sent a letter to the Program Manager of CJCH-AM (Halifax) in which he complained of the episode of the *Laura Schlessinger* radio program which had aired “on June 12”, described by him as “the very first broadcast day beyond the 30 day period” following the release of the Panel’s decision 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 15, 2000). The complainant, who followed such matters closely, had been one of the principal complainants in the previous matter. He complained, in the present case, that “Schlessinger had one of her normal tirades at approximately 4:15 in which she emphatically repeated her moral and scientific authority for claiming that gays are >biological errors’.” (The full text of his letter is annexed hereto as part of Appendix B.)

On July 19, the Program Manager replied. Since the principal part of his letter responds to the complainant’s points which are not pertinent to the matter under consideration here, its text is not quoted here but may be reviewed by interested parties in Appendix B. That part of the letter which is directly relevant, though, indicates that the station’s review of the June 12 episode revealed “nothing in this, or any other portion of the period monitored that makes any reference to gays or lesbians as >biological errors’.”

Clarifying the original letter in which he acknowledged that he had provided the wrong date, the complainant wrote back on July 21 to say that “the correct broadcast date was June 13.” He also enclosed a transcript for the relevant portion of that episode of the show which he had downloaded from the web site of GLAAD (the Gay and Lesbian Alliance against Defamation), and for which he vouched (“I can verify personally that the enclosed

transcript is an accurate one”). (The complainant’s full letter also forms a part of Appendix B.) By that date, the June 13 tapes had, in the normal course of events, been recycled; however, the Program Manager “confirmed that CJCH accept[ed] GLAAD’s transcript as an accurate statement of fact,” thus enabling the CBSC to consider that original complaint. Then, on August 16, the complainant sent a further letter relating to the shows of August 9, 11 and 15. Relevant summaries, observations or quoted portions of those programs follow. Fuller transcripts of relevant material can be found in Appendix A hereto.

June 13

In the GLAAD transcript of the June 13 program, Laura Schlessinger states:

I want to read you something that was published today. You can get it on your computer; you can get it at the -- let’s see -- newspaper stand. I knew what that was. *USA Today*, Tuesday 13th, Tuesday June 13. An article written by film critic Michael Medved. He’s a member of *USA Today’s* Board of Contributors, and he hosts a national radio talk show, and the little salutation at the bottom of his article -- that’s what I call those -- says he hosts a national radio talk show that directly competes against Laura Schlessinger’s show. Why they felt the need to do that, I don’t know, but interesting.

Want to read you his piece. The reason I want to read you his piece -- and there have been many, many pieces presenting the current issues of so-called controversy surrounding me, and this is basically the only one I’m choosing to read cover-to-cover, because it’s so honest, it’s so clear, and it’s so elucidating of the main issues, and it’s not just about me, which is the point I keep making.

It’s entitled “Gays Unfairly Target Dr. Laura”.

...

Now this is a quote from me, and it’s an accurate quote.

*“If you’re gay or a lesbian, it’s a biological error that inhibits you from relating normally to the opposite sex,” Dr. Laura said Dec. 8 on her Web site. >The fact that you are intelligent, creative and valuable...”*

As a gay,

*“>...is all true. The error is in your inability to relate sexually, intimately, in a loving way to a member of the opposite sex.”*

Let’s compare that to “I’ll stab you in the head whether you’re a fag or a lez.” I don’t know -- which one sounds like hate speech to you? Anyway, to continue:

*“If you accept the religious notion that the most profound, timeless purpose for all sexuality is procreation, then is it truly so bigoted and irrational to suggest that a sexual focus that can never result in children is, in evolutionary terms, if nothing else, an error? Is this line of argument so hateful and [sic] dangerous, that it can’t even be discussed? Even Dr. Laura’s critics acknowledge that she scrupulously avoids crude insults such as >fag’ or >queer’ when discussing homosexual behavior. In this Jerry*

*Springer era, it seems odd that her show should inspire such controversy.”*

August 9

There is nothing in this program which appears to relate to the point made in the complainant's letter. It may be that his recollection of the date of the show was mistaken.

August 11

This show dealt primarily with the issue of Schlessinger's differences with the American Psychological Association and really had nothing to do with the debate at hand, namely, the making of abusively discriminatory statements about gays and lesbians. The host spoke of her arguments with the APA as a body. The Panel does not consider that her remarks were directed at the gay and lesbian community, even by indirection.

August 15

The host reported that she had received a fax from a listener, the mother of a homosexual, who had said to his mother that he had been told by a "hate Dr. Laura" web site that statements of the radio host said that her son was a biological error and that he was, personally, a biological error and a deviant. This led Schlessinger to explain the evolution of her position on gays and lesbians. She said, in part (the full transcription of her remarks is included in Appendix A):

Where I moved over to the other side is by the gay activist groups... being described as hate. And I'm real tired of that because it's a lie. It's a damn lie, and they know it. But they have managed to convince the non-activist gay civilians that I come from a position of hate. ... How can I be so hypocritical as to say "I know God says, of the many forms of sexual behaviour that are unacceptable, this is one"? Because there are many forms of sexual behaviour that are unacceptable, like parents with their kids. That's also unacceptable. So, there's a list of what you're not supposed to do, and homosexuality is but one of them. The rest are for the heterosexuals, I guess you could say, but whatever... But, if I said hypocritically that I believe in God and God's words, and I believe in God's moral direction on how we were supposed to lead our lives, whether or not it's what we want, or what we feel compelled to do. What we feel compelled to do doesn't make it right. God says what's right and what's wrong. ... So, when you hear about me that I made this transition from supporting same-sex relationships to not because of hate, it's a lie. I'm on record. I'm on tape. I did it out of compassion and religious love. Now, if some people don't believe in God or decide that God's word is not relevant, well that's theirs to deal with. It's not my venue. It's not my venue. But if you call me for a moral framework, I can only give you the ultimate moral framework, as best I understand it. ... Here's what I said: human beings, all creatures on the face of the earth, reproduce in some way. Some just have cell division. That's it. One microbe divides into two, and now you have two individuals. That's not how human beings do it. Human beings do it heterosexually. That's how we're geared. Eggs, sperm, penis, vagina. That's just how the biology of it goes. What I did say is that when an individual is not so drawn to a member of the opposite sex, in biology, that is some kind of error because it doesn't result in reproduction. ... So, when I said "biological error", I did not say a human being was a biological error. I never would call a human being a biological error. I never would. That is

despicable. But I need you folks to know that the activists are lying to you. I never said that. Now, lets get to the other one. I've called people "deviants". Well there are. Anybody who goes after a kid to me is a serious deviant, is evil, and they should be strung up by his you-know-what. But that's not what I said. I didn't call homosexuals "deviant". I said that the direction of the sexual impulse deviated from heterosexuality. Therefore, it was deviant from heterosexuality. I never called a person "deviant". Those "deviant behaviour" and "biological error", those four words, out of all the monologues and all the work I've done out of twenty-five years, get repeated. Don't you folks understand that when you see four words and you don't see the context, that you may be being used. Because there is a political agenda here. ... I'm sure I'm not always correct, because I'm not divine. But I try, and I work hard at it. But I have never called any one of you homosexuals or lesbians a "biological error" or a "deviant".

The broadcaster did not provide a further reply to the complainant's correspondence beyond his original reply of July 19. On August 16, the complainant wrote to the CBSC directly saying that he "look[ed] forward to the Council's decision," which the Secretariat considered to be the equivalent of a Ruling Request.

## THE DECISION

The Atlantic Regional Panel considered the complaint under the human rights provision of the *CAB Code of Ethics*.

### *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, marital status or physical or mental handicap.

The Regional Panel Adjudicators listened to the tape of the relevant portions of the August episodes, read the GLAAD transcript of the June episode and reviewed all of the correspondence. Without modifying in any way their decision 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 15, 2000), it is the Panel's view that the broadcaster has not aired comparable material during any of the episodes challenged by the complainant here and, consequently, that the broadcaster has not breached the provision of the *Code of Ethics* cited above.

## A Review of the First Decision

The Atlantic and Ontario Regional Panels, which issued a joint decision in February 2000, reviewed the jurisprudence which established the principle that the protections in Clause 2 of the *CAB Code of Ethics* extend to persons on the basis of their sexual orientation. Of the numerous challenged areas raised by the complainants, the Panels dealt with six;

namely, “the host’s comments on the gay agenda, the gay culture, fatherless homes, paedophilia, the murder of Matthew Shepard and her generalized allegations of sexual deviancy, aberration and dysfunction.”

Since most of the foregoing issues are not raised in the present matter, it is unnecessary to review them all. That which is at issue here is the characterization of gays and lesbians as abnormal, aberrant, deviant, dysfunctional, biological errors and so on. On that issue, the Atlantic and Ontario Regional Panels were unequivocal. Of the host’s comments, they said:

The host’s perspective is clear and unambiguous. Whether the terms she uses are “abnormal”, “aberrant”, “dysfunctional”, “disordered”, “deviant”, “an error” or the like, her terminology is *clearly* pejorative. She is unhesitatingly critical, negative and unambiguous and her words are as critical and unrelenting as she can make them. In the end, she is utterly rigid about a *fundamental* issue which goes to the *nature*, the *essence* of gays and lesbians. It is the view of the Councils that the host’s argument that she can “surgically” separate the individual persons from their *inherent* characteristics so as to entitle her to make comments about the *sexuality* which have no effect on the *person* is fatuous and unsustainable. As the Supreme Court has said, where an identifiable group of persons is “defined by an innate or unchangeable characteristic”, it *will* be protected by the human rights provision of the broadcasters’ *Code of Ethics* in Canada just as all Canadians are protected by the *Canadian Charter of Rights and Freedoms*. The sexual practices of gays and lesbians are as much a part of their being as the colour of one’s skin or the gender, religion, age or ethnicity of an individual. To use such brutal language as she does about such an essential characteristic flies in the face of Canadian provisions relating to human rights.

While the conclusion of the same Panel differs here from that in the earlier case, it is not on any question of altered principle; it is on the basis of what the host said and what the broadcaster aired. In this case, while *some* of the words used are similar to those spoken on the previous occasion, the *way in which they are used* is totally different here. The CBSC Panels always consider the *context* in which words and images are broadcast. While context is not everything, it provides the shape to the broadcast and the basis for the understanding of that broadcast by its audience.

### **The Present Broadcasts**

The Panel has no doubt but that both the tone and tune of the host have changed. Perhaps as the result of the previous CBSC decision, perhaps as the result of other public commentary, perhaps on the basis of matured reflection alone, in the examples raised here, she is not as aggressive in dealing with the issues of deviancy as she had been. She is cautious, perhaps even defensive, but certainly quite limited and careful in dealing with that theme, an approach which the Atlantic Regional Panel applauds. The Panel also assumes that the Canadian broadcaster and/or the syndicating service for the program have played a role in assuring that the airing of the show in Canada would be tailored to respect Canada’s private broadcaster standards and the CBSC applauds those industry members as well.

What, then, is different?

On June 13, the host's monologue was entirely dedicated to the reading of Michael Medved's article in *USA Today*. She was not making accusations. Nor was he. To the Panel, she seemed relieved that she had found such a well-known person writing a piece in what appeared to be her defence. In fact, what he wrote was a comparison between the "wildly popular hip-hop artist" Eminem whose albums appear to contain graphically homophobic lyrics and the far different commentary of Laura Schlessinger. Based on the Eminem lyrics cited by Medved, it is difficult to consider that Schlessinger's comments fare other than well, when lit by the same light as the rock star's lyrics. That, of course, is not a definitive defence for Schlessinger and is not the CBSC's issue or concern. The fact that someone may be more abusively discriminatory does not relieve the less abusively discriminatory person from that unacceptable characterization. And, parenthetically, the fact that Medved has either not read or understood the previous CBSC Schlessinger decision or has been selective in his reference to it does not make that side of the discussion more credible. In the end, though, Schlessinger is merely reviewing someone else's commentary and comparison on a controversial issue. Moreover, her comments are quite narrow and restricted. They relate solely to the biological issue of "relating normally to the opposite sex" and the discussion of the "religious notion that the most profound, timeless purpose for all sexuality is procreation." Citing Medved, she asks, "Is this line of argument so hateful and dangerous, that it can't even be discussed?"

Now, limited to this issue, the Panel finds nothing inappropriate in the broadcast of June 13. It is undeniable that she has said that "it's a biological error that inhibits you from relating normally to the opposite sex" and that "The error is in your inability to relate sexually, intimately, in a loving way to a member of the opposite sex." That point is immediately qualified by the next passage which she cites from the Medved article will relates that issue *solely* to procreation. The error, as established in the context of *that* broadcast, is *religious* and is limited to the inability to procreate by such sexual relations. In that limited sense, it may be seen to be assimilated to the Catholic view that contraception is immoral, wrong and against the precepts of the Church. It approaches the areas of concern previously underscored by the CBSC but walks the line without so falling over it that the Atlantic Regional Panel is unwilling to conclude that it constitutes abusively discriminatory comment. If anything, it appears to the Panel that the host has gone out of her way to accommodate the concerns of the Atlantic and Ontario Regional Panels expressed in their previous decision.

On August 15, her discussion was again limited to the question of the "many forms of sexual behaviour that are unacceptable." She gave examples of parents having sex with their kids or having sex "with your dad's new wife." She put homosexuality in the same category. Now, the question again is limited to that specific area of sexual activity which could be evaluated as a religious or moral matter, something which the CBSC has previously acknowledged as discussable within the bounds of the codified standards. In *CHCH-TV re Life Today with James Robison* (CBSC Decision 95/96-0128, April 30, 1996), the Ontario Regional Panel explained the line which can be drawn between acceptable and

unacceptable comments regarding homosexual *activity*.

The host's message was that monogamous heterosexuality was the "right" lifestyle. He expressed the view that a proper interpretation of the Bible leads to the conclusion that homosexuality is an unacceptable lifestyle (as is also the case with adulterous heterosexuality, according to his interpretation). It is not the Council's mandate to determine the correctness of the views presented, but only whether the views were presented in a non-abusive, legitimate manner. In a contrary circumstance, they would be in breach of the Code; however, in this case, the Council finds that the host's statements were expressed as his moral position, presented in a legitimate manner and not at all as hateful commentary.

Then, in *CKRD-AM re Focus on the Family* (CBSC Decision 96/97-0155, December 16, 1997), the Prairie Panel determined that the broadcast comments in that case had gone further. They said:

While *Focus in the Family* is free to describe the homosexual lifestyle as sinful, as did *Life Today with James Robison*, the program under consideration here has gone much further. It has treated support for the movement as "flimsy" and has disparaged that support (see, for example, the dismissal of a study authored by a gay activist with the general statement that "like all gay science, it really has very flimsy foundations"). Moreover, it has attributed to the gay movement a malevolent, insidious and conspiratorial purpose, a so-called "agenda", which, in the view of the Council, constitutes abusively discriminatory comment on the basis of sexual orientation, contrary to the provisions of Clause 2 of the *CAB Code of Ethics*.

In the case at hand, it is the view of the Panel that the host has not gone too far, indeed, that she has not gone *nearly* as far as she had in the earlier CJCH decision referred to above. As she said at one point in her monologue here, "if you call me for a moral framework, I can only give you the ultimate moral framework, as best I understand it." She elaborated, but carefully, and in a fashion limited to reproductive issues.

Human beings do it heterosexually. That's how we're geared. Eggs, sperm, penis, vagina. That's just how the biology of it goes. What I did say is that when an individual is not so drawn to a member of the opposite sex, in biology, that is some kind of error because it doesn't result in reproduction.

In that regard, the Panel considers that she is entitled to her opinion. She was quite careful to restrict her comments to that issue in a context which was not sweeping. It was more than the complainant wanted to hear, to be sure, but less, far less, than she had said before and not directed to the *group* of persons *on the basis of* their sexual orientation. There was no characterization of the group. There was no use of *any* of the offending adjectives: abnormal, aberrant, deviant, dysfunctional. Such limited opinion as was expressed here falls within the protected bounds established in the earlier decisions noted above. The broadcaster has done its job. There is no breach here.

### **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. While, in this case, the broadcaster did not respond to each of the complainant's letters, the Program Manager did reply to the initial complaint at some length and in sufficient personalized detail with respect to each of the issues raised. Nothing more is required.

*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.*

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**APPENDIX A**  
**TO CBSC DECISION 99/00-0652**  
*CJCH-AM re The Dr. Laura Schlessinger Show*

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The following are summaries or partial transcripts of the August 9 and 15 broadcasts of the *Dr. Laura Schlessinger Show*.

Broadcast of August 9, 2000

Dr. Laura has a conversation with a caller about his wife's adultery.

Broadcast of August 11, 2000 (9:05 - 9:15)

Dr. Laura discusses, based on an article that appeared in the Wall Street Journal, the political and ideological motivations of the APA.

Further, the article, as read by Dr. Laura, discusses the film "American Beauty" and its treatment of the issue of paedophilia. The article discusses the APA's position that Americans have an "inordinate fear of paedophilia". However, Dr. Laura does not discuss the relation between homosexuals and paedophilia, as alleged by the complainant.

Broadcast of August 15, 2000 (16:05 - 16:15)

Dr. Laura begins by saying that she has received a fax from the mother of a homosexual who was told by a "hate Dr. Laura" web site that Dr. Laura said that her son was a biological error and that he was, personally, a biological error and a deviant. This led Dr. Laura to explain the evolution of her position on gays and lesbians. She then recants what she said about homosexuality on air.

**Dr. Laura Schlessinger:** Where I moved over to the other side is by the gay activist groups... being described as hate. And I'm real tired of that because it's a lie. It's a damn lie, and they know it. But they have managed to convince the non-activist gay civilians that I come from a position of hate. Here are the facts: the fact is that I was on air, and I got a letter from a Minister, and then, I bet you already remember this, I read it on air and I talked about how it was the first thing that made sense and that my compassion was misplaced. I don't know if he said misplaced or misdirected... it was in error. He said for the following reasons: if you're moving into a direction of accepting that we are not the higher power, that there is God, then you have to be concerned with souls. Then you are morally obligated... I am paraphrasing because I couldn't find the letter last night... we are each morally obligated not to undermine each other's journey

towards God and towards growing our souls in a positive way. And when I said that, out of my compassion, I could not to say to somebody, homosexual or lesbian, that "they had to be alone", that I was hurting people. I read this on the air. This is on record. I went through this struggle, just like I am doing now, in a monologue on-air live. And I said "that's right". How can I be so hypocritical as to say "I know God says, of the many forms of sexual behaviour that are unacceptable, this is one"? Because there are many forms of sexual behaviour that are unacceptable, like parents with their kids. That's also unacceptable. So, there's a list of what you're not supposed to do. Like your dad's new wife. There's a long list of what you're not supposed to do, and homosexuality is but one of them. The rest are for the heterosexuals, I guess you could say, but whatever... But, if I said hypocritically that I believe in God and God's words, and I believe in God's moral direction on how we were supposed to lead our lives, whether or not its what we want, or what we feel compelled to do. What we feel compelled to do doesn't make it right. God says what's right and what's wrong. I was being hypocritical if I was on the one hand saying I'm becoming a religious person and I'm going to tell an individual that I know God said this is wrong and not good for your soul, but I'm going to tell you you can do it anyway because it makes me feel bad that you can't. (...) So I said, on the air, "I can't do that". I can't say that because I don't want to feel bad or I don't want somebody else to feel bad, that I'm going to support doing something that, according to God, is not right. Its like contributing to the delinquency of a minor, but on a spiritual sense and not a legal sense. So, when you hear about me that I made this transition from supporting same-sex relationships to not because of hate, it's a lie. I'm on record. I'm on tape. I did it out of compassion and religious love. Now, if some people don't believe in God or decide that God's word is not relevant, well that's theirs to deal with. It's not my venue. It's not my venue. But if you call me for a moral framework, I can only give you the ultimate moral framework, as best I understand it. (...) I understand there are T-Shirts now that say "I am not a biological error". Well, that means that people buying this believe that I have said that they, as human beings, are biological errors, and that's a lie. (...) Here's what I said: human beings, all creatures on the face of the earth, reproduce in some way. Some just have cell division. That's it. One microbe divides into two, and now you have two individuals. That's not how human beings do it. Human beings do it heterosexually. That's how were geared. Eggs, sperm, penis, vagina. That's just how the biology of it goes. What I did say is that when an individual is not so drawn to a member of the opposite sex, in biology, that is some kind of error because it doesn't result in reproduction. That is, so far... You have to understand that my original, all my original degrees are in biology and physiology. So for me to speak from a clinical or a family therapist or a biological point is normal for me because I was taught this stuff. We are

basically geared to reproduce heterosexually. So, when I said "biological error", I did not say a human being was a biological error. I never would call a human being a biological error. I never would. That is despicable. But I need you folks to know that the activists are lying to you. I never said that. Now, lets get to the other one. I've called people "deviants". Well there are. Anybody who goes after a kid to me is a serious deviant, is evil, and they should be strung up by his you-know-what. But that's not what I said. I didn't call homosexuals "deviant". I said that the direction of the sexual impulse deviated from heterosexuality. Therefore, it was deviant from heterosexuality. I never called a person "deviant". Those "deviant behaviour" and "biological error", those four words, out of all the monologues and all the work I've done out of twenty-five years, get repeated. Don't you folks understand that when you see four words and you don't see the context, that you may be being used. Because there is a political agenda here. I do not hate gays. My best friend of the male persuasion is gay. (...) I have no hate. I have hate for people who lie, and so have hurt you. So, if you are gay and you heard that I said that, and you've walked around thinking "I am an error", they did that to you. I never did. I am quite sincerely, on this program, to help people do the right thing. Not my right thing. But the right thing as I understand it by God's laws, as I understand it. And I'm sure I'm not always correct, because I'm not divine. But I try, and I work hard at it. But I have never called any one of you homosexuals or lesbians a "biological error" or a "deviant".

Dr. Laura continues with her views on the tactics used by activists in response to her statements.

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**APPENDIX B**  
**TO CBSC DECISION 99/00-0652**  
***CJCH-AM re The Dr. Laura Schlessinger Show***

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**I. The Complaint**

The complainant sent the following letter dated June 15, 2000 to the Director of Programming for CJCH-AM, and copied it to the Council.

Dear Sir,

The CBSC decision re my complaint regarding your show Dr. Laura was released May 10, 2000. To date I have not received any communication regarding your station's response to the decision. The thirty days period [sic] which you were given to comply with the ruling was over on Friday June 9. On June 12, the very first broadcast day beyond the 30 day period, Dr Schlessinger had one of her normal tirades at approximately 4:15 in which she emphatically repeated her moral and scientific authority for claiming that gays are "biological errors".

When I add in Dr Schlessinger's direct reply in the Globe and Mail May 15 in which she basically said she was going to continue to be abusively discriminatory and your station's persistent reporting to her side of the story without fairly presenting the other side, I can only come to the conclusion that your station has decided not to live up to the CBSC decision. This is extremely disappointing to me and leaves me no recourse to pursue this complaint further if I can. I have the following specific questions to which I would like to receive a reply as soon as possible:

- IV. Why have you not taken steps to implement the CBSC decision? In particular, I want to know how it is that specific words noted above "biological errors" included in the decision were allowed to be aired?
- V. Your station continues to run promos for Dr. Laura's show indicating she is aired live after 3 P.M. Just on Friday last, the same day I was assured by your staff that the computer feed comes up as a live feed, Dr. Laura in the 3:00 P.M. segment explained in closing that she would not be working tomorrow as it was a Jewish holiday. This was, of course, the third hour of her show from Thursday which you broadcast on Friday. Her show is aired live 4:00 to 7:00 ADT. Please explain how you can justify this inaccuracy.
- VI. How can you justify the continued running of promo ads for being a member of the CBSC when you have so flagrantly ignored their decision?

In closing, I wish to clarify one more time that it is not my objective to get Dr. Laura off the air. I do not think anyone is well-served by a protracted battle on this matter but I am not prepared to let the matter rest where it is. I urge you to find a way to provide some amount of counter-programming to Dr. Laura. Even if this were a token amount of programming, it would likely satisfy some of your critics.

## **II. The Broadcaster's Response**

The Program Manager of CJCH-AM responded to the complainant's letter on July 19, 2000 with the following letter.

I am writing in response to your most recent complaint to the Canadian Broadcast Standards Council regarding the Dr. Laura Schlessinger program broadcast on 920 CJCH. Specifically, you have indicated the material at approximately 4:15 pm on Monday June 12, 2000 is the essence of your concern.

We have isolated the station logger tapes for that day, and reviewed the show content between 4:06 pm and 4:30 pm. At approximately 4:15 pm, upon returning from a commercial break, Dr. Laura reads a letter from one of her listeners. There is nothing in this, or any other portion of the period monitored that makes any reference to gays or lesbians or as 'biological errors'.

We have contacted the producers of the Dr. Laura Schlessinger program to attempt to receive a copy of this letter. Due to the fact that we are ensconced in the summer holiday season, there may be some delay in receiving this document. Should it not arrive by the end of July, I will have a transcript of the actual broadcast prepared and forwarded to you.

I would like to reply to the other 3 points raised in your letter of June 15:

1) We have complied with the CBSC decision, which required an announcement to be broadcast, and as you have been informed by the CBSC, this was done on the morning of Monday May 18 at 8:15 am.

We were also advised in the decision to work towards ensuring repeat occurrences do not take place. To that end, our Canadian distributors of the show have been pro-active and contacted the Dr. Laura show producers to outline the areas of sensitivity and acceptability. I enclose a copy of a letter received which indicates their awareness.

2) The Dr. Laura show is broadcast live on most occasions. There are times when she is not available to do a live show, and at that time the syndicators make use of previously recorded programs. We are not privy to knowing which shows are live, and which ones are substitutions. Generally speaking the show is live between 3 and 6 pm (AST), and our promotional announcements deal with the majority of times the show is aired. As we carry a number of repeat broadcasts of the show, we felt it best to pinpoint when the show is usually live, to allow local individuals to be able to call and participate. Usually, substitute broadcasts in the 3 to 6 pm local time block are due to illness, vacation or religious holidays on Dr. Laura's behalf.

3) CJCH continues to participate with and be in support of the Canadian Broadcast Standards Council. As the public record attests, we respond as required, and follow through on decisions as requested. There is no evidence of 'flagrantly ignoring' any matter as it pertains to the Council.

I trust this answers the essence of your inquiries.

### **III. Additional Correspondence**

The complainant sent the following letter on July 21, 2000 in order to clarify the date of broadcast as well as the issues raised in his initial complaint:

I am writing in reply to your letter of July 19, 2000.

I want to firstly apologize for any inconvenience caused by my reference to the wrong date. As I stated in my voice mail, the correct broadcast date was June 13. I trust you will review the actual comments and reply in due course. I can verify personally that the enclosed transcript is an accurate one. In my defense I will note that in the June 12 show Schlessinger stated that her critics obviously "do not listen to her show" and read a supportive letter alleged to be from a regular listener in Florida who is gay. Needless to say, while these comments are not the subject of my complaint, I was infuriated by them given the amount of time I have listened to her show.

In the meantime, I would like to receive clarification on several of the other comments made in reply to my letter of June 15, 2000.

1. The CBSC decision stated "It is clear, in the case at hand, the broadcasters must equally find a way of ensuring, as broadcasters have successfully done in the past, that this show not continue to make abusively discriminatory comments on the basis of sexual orientation".

You have indicated that the Canadian distributors of the show were pro-active and contacted the show to outline the areas of sensitivity and acceptability and enclosed a copy of their letter to Chum which indicates their awareness. I am confident they were already aware of the problem. I do not see that there is any undertaking whatsoever to ensure compliance. Without this undertaking I do not see how this can be seen to be compliance in any way. Having said that, I am encouraged by your disclosure that this step was taken. A copy of the letter from the distributor to the show would be helpful to me in assessing whether my complaints have validity.

2. The ruling specifically required that the announcement be broadcast during listening hours and provide confirmation of the airing to the CBSC and the complainants.

While the airing of the announcement was the more important issue, I took it as a sign of non-compliance that you did not bother to inform me directly, as required by the decision. As to the actual time of airing, I would like confirmation that the Rick Howe morning show has higher local ratings than the Dr. Laura show. It is still irritating to me that the once only airing of the statement was not made during the Schlessinger show.

3. My complaint with respect to your promos do not appear to be well understood. It is a fact that the show is broadcast live from LA noon to 3 P.M. Pacific time. This is 4 to 7

P.M. Atlantic time. It is a fact that you cannot ever broadcast a live show from 3 to 4. As you know, I continue to listen to the show on a regular basis and I have confirmed many times that your broadcast at 3 P.M. is always a broadcast of the previous day's show. While it is the first time aired on your station it is quite simply never a live broadcast and I remain convinced that your promos are false in that they state the show is aired live from 3 to 6. Please clarify your comments on this matter.

4. As I have already indicated to the CBSC in correspondence with them, I made the sarcastic comments on your continued participation in the CBSC as a result of my view that you have not responded to the decision. My opinion has not yet been swayed on this point but I am taking a small amount of encouragement from your last letter and no further comment is needed on that matter.

5. Lastly, I would like to make some observations as a listener who I now estimate has spent something like 1200 hours carefully listening to this show. To demonstrate that I like to quote accurately, I once spent three hours listening to an archived show from Dr. Laura's own web site to verify a comment that I had only partially heard.

Subsequent to the June 13 show I have not heard one direct comment on the gay issue on this show. While there are a few vague comments about activists and the like, there is not much doubt that her spin-doctor advisors have laid down the law with respect to this issue in the hopes of salvaging her career. If the show continues with this initiative, I will be satisfied entirely with the results of the CBSC decision (along with the tremendous pressure being brought to bear on the American side). However, Schlessinger has demonstrated time and time again that her views on this matter only too easily come to the surface and given her outrageous public denials of what she has said, neither she nor her producers can be trusted on this matter.

I believe I have made a prima facie case that your response has not been satisfactory given the seriousness of the issue. Do you really believe that the statement from Premiere Radio Networks that you copied me - "However, we understand that our Canadian partners who air "The Dr. Laura Program" have been presented with some tenuous situations recently due to subject matter aired on the Program in previous months. " Is there any sort of assurance that these comments would be stopped? Is it really so much to ask for a public statement that the show will no longer make such abusive comments?

I would really like to stop listening to the show but until I have received real evidence that you have taken steps to ensure compliance, I will continue to listen. In closing let me beg you to, as Dr. Laura would say, go do the right thing.

Among the numerous letters that the CBSC received from the complainant following the broadcaster's initial response, the letter below, dated August 16, 2000, expands upon the complainant's concerns:

Thank you for the information regarding my complaint. I gather that the station will not be replying to my letter of July 19.

I am pleased the station is prepared to accept the transcript. However, as you know a written transcript cannot convey the exact nastiness of the spoken word.

I have three further specific examples of contraventions of the May 10 decision which I would like the Council to consider. I expect these to be the last I will provide.

1. In the show re-broadcast on Tuesday August 9, Schlessinger's opening monologue dealt with a survey done by the Santa Clara YMCA. She read a letter from a listener and added her negative comments objecting to this YMCA asking a person's sexual orientation. During the course of this monologue, she found it necessary to link this to pedophilia. Given the previous unrelenting and unrepentant comments by the host on this matter, this comment should not have been broadcast.
2. On Friday August 11, 2000 at the beginning of the 4 P.M. show, Schlessinger read an op-ed piece by Evan Gahr from the Wall Street Journal. The reading of the letter was, of course, punctuated by Schlessinger's personal asides and inflection. Among other things, she made a big issue of saying "I told you so" in reference to asserting the validity of her attacks a year or so ago against the APA. The gist of her comments at that time was that accepting homosexuality as being normal behaviour would lead to the acceptance of pedophilia as being normal behaviour. Given that a large number of the comments made during the course of those broadcasts on August 13, 1999 were among the very ones that were found to be abusively discriminatory by the CBSC, this monologue should not have been broadcast.
3. At the beginning of the segment aired Tuesday August 15, 2000, Schlessinger directly and deliberately repeated most of the very terms which were found to be discriminatory. This monologue should not have been aired.

I am of the opinion that I have now provided sufficient and specific comments to make a prima facie case that CJCH has not followed the decision.

I look forward to the Council's decision.