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**CANADIAN BROADCAST STANDARDS COUNCIL  
ONTARIO REGIONAL COUNCIL**

CILQ-FM re the *Howard Stern Show*

(CBSC Decision 99/00-0717, -0739)

Decided June 28, 2001

R. Stanbury (Chair), M. Ziniak (Vice-Chair), R. Cohen (*ad hoc*), M. Oldfield,  
S. Whiting

Ontario Regional Panel Adjudicator R. Moss, who is employed by the same station group which owns CILQ-FM, did not sit on this adjudication.

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## **THE FACTS**

In the course of the episodes of the Howard Stern Show of July 10, 11 and 12, 2000 on CILQ-FM (Toronto), the host made various remarks which complainants later characterized as racist or sexist. These included the following statements, lengthier transcriptions of which can be found in Appendix A to this decision.

### July 10 show

**Stern:** Do you know why all the Haitians want to come here? Economic opportunity. Did you know that ...

**Robin:** Is that a bad thing? Why did everyone else come, Howard?

**Stern:** Do you know why else they want to come here? Because we are having, right now, an economic boycott against Haiti. Does anybody know this? Do you know this, Robin?

**Robin:** Yes!

**Stern:** No, you didn't.

**Robin:** I did too.

**Stern:** We have an economic boycott against Haiti now, let me tell you what should happen ...

**Robin:** Right. Of course we do because they had the army overthrow the government.

**Stern:** Right. Now ... but let me tell you something ...

**Robin:** But why did other people come here? You think an economic reason is a bad one?

**Stern:** Let me tell you something ... Never mind why other people came here. Now the country is filled up to the brim with people. We got so many people we ...

**Robin:** We have to change the rules.

**Stern:** We have to change the rules of the game. [*Robin laughing*] You know how we can help the Haitians. Let them stay in their country and let's lift the economic boycott. Let us make sure to help them out economically so they can live there because the alternative is they're going to come here on what they call boats, even though God only knows what those things are.

[...]

**Stern:** I am against all immigration into this country. Why, why are the Haitians the only ones who seem to be upset by my stand on this?

**Robin:** Because you've been talking about them. You didn't make it clear that you were against all immigration.

**Stern:** Oh, I see. He feels he's being singled out.

**Robin:** That's right.

**Stern:** That's enough with the immigration. Look what's going on in Los Angeles. You've got to build a friggin' wall around Los Angeles to keep the Mexicans out. I've got nothing against Mexicans. Let 'em go live in Mexico.

**Robin:** No, now we're in the process of trying to make these other countries better so people will stay home.

**Stern:** Yeah, that's the other thing. Now, our own country has problems. We now got to make Haiti better so that the Haitians will be willing to stay there. But we can't assimilate all these people. Do you know what it takes to assimilate somebody? First of all, a lot of people come to this country and they don't want to assimilate anymore. That is the difference between when my grandparents came here. Did you know that my grandparents were embarrassed because they couldn't read? They would spend nights trying to learn how to read. They wanted to only sound like the people of this country. Now you're saying "Gee, that's terrible, they lived their whole life embarrassed". It's good that they were embarrassed. You must try to assimilate.

July 11, 1999

[*Talking to Tori Spelling on the telephone*]

**Stern:** By the way, in the room is John Stamos ... and Rebecca Romjin. You're not the only piece of ass in the room.

[*Later, talking about Spelling's appearance on Jay Leno the night before*]

**Stern:** ... I like the, ah, I like the outfit you picked ... I'd love to marry your ass. I swear to God ...

**Robin:** Just the ass, though.

**Stern:** ... I'll tell you something. Your body has never looked better. And then you had a shirt on that had spaghetti straps. Listen to this. You'll be interested,

all you gals will be interested in this, it had, like, spaghetti straps and then just, it had this piece of material. What was that made out of?

**Tori:** It was, like, silk.

**Stern:** It was, like, silk and it just hangs and ... You weren't wearing a bra, right?... So, I mean, your breasts were jiggling around in this thing. I was completely out of my ... You know, the woman's breasts were pounding up against this silk, like there's two puppies wrestling in the shirt ... Were you aware of what was going on in your shirt?

July 12, 1999

[Talking about a Playboy model who wants to be on the show]

**Stern:** Gary comes back and says ... picture of her ... Gary comes in and says "Hey, you know, there's this Playboy centerfold that wants to come on the air and promote something or other. I don't know what it was. Even I said "You know Gary, Playboy centerfold are beautiful to look at, and, hey, I'm the first one to love a beautiful woman, but what is she going to do?"

[Stern and Robin poke fun at interviews with Playboy centerfold.]

**Stern:** ... So I said, you know what, "Call back her manager or whoever is in charge..."

**Robin:** Her people.

**Stern:** Her *people* [pronounced *pee-pole*] and tell them she can come in if we can get her naked, roll her up in a carpet, and throw her into the elevator and send her up and down in the elevator. And then, when she's naked, we can poke her with sticks, right?

**Gary:** Yeah. Well, sort of. They came to us and said "She's a big fan and she's willing to do anything". And those are the magic words. I said "anything", and the guy says "anything". So we thought of anything.

[Later, on the phone, with the playmate's "people"]

**Gary:** [on the telephone] ... Of course I went into a meeting and they came up with a list of what "anything" means. ... Here's the list of "anything". You ready?... Number one is she would have to, would she be ... These are not what she would have to do ... Would she be willing to do these things ...?

**Stern:** She would have to do them, but you're nervous. I can tell. All right, here we go.

**Gary:** [on the telephone] Sniff our underwear and guess whose belongs to who ...

**Manager:** [on the telephone] ... Sniff underwear ...

**Gary:** ... and she would have to guess whose belongs to who ...

**Stern:** Wouldn't that be fun? Like, we bring in our smelliest underwear. Oh, I've got that one pair of underwear that has the stains all over it, so I'd bring that one in.

[On the phone again]

**Manager:** Ok, that's an interesting one.

**Gary:** Could we get her naked, roll her in a rug and send her up and down in the elevator?

**Manager:** You guys are really going to town here.

**Gary:** Could we put a carrot in Howard's lap and she has to eat it while she's naked?

**Manager:** I think that one's probably the easiest one so far.

[...]

**Gary:** And, would she be willing to get naked and eat food out of a dog dish.

**Manager:** You guys are \*\*\*\*ing sick!

**Stern:** I'd love to get a Playboy playmate naked eating out of a dog dish. You know, not dog food, but you know, regular food.

**Robin:** Just eating out of a dog dish on the floor. What is it about humiliating women that excites you so much?

[...]

**Stern:** This is the coolest job in America where you can actually make calls like this and, you know, maybe get away with it.

[...]

**Staff:** I have a girl on ... a little bit angry ... She thinks you're a pimp for having girls do this.

**Stern:** Duh. What, you just woke up?

**Caller:** Hello.

**Stern:** Hello, honey.

**Caller:** No, I've been up. I've been taking care of my business for the morning.

**Stern:** Where are you from, what country? [*mimicking her accent*]

**Caller:** I'm from New York.

**Stern:** No, you've some kind of Puerto Rican accent?

**Caller:** Yes, I'm Puerto Rican. What's the problem?

**Stern:** You should go back there where they really treat women well.

**Caller:** Howard, look man, don't even get me started, okay. All I did ...

**Stern:** Listen, Ms. Fernandez ...

**Caller:** ... call you to let you know that what you spoke about just a few minutes ago ...

**Stern:** Listen, Fernandez ...

**Caller:** ... having a carrot between your lap and having this woman bend down naked and eat out of it and then you wanted her to bend down ... The one that really blew my mind and got me pissed off that I had to call you was that you wanted her to bend down, eat from of a damn dog dish, ok, naked. You know that is the lowest of the low ... [*while the caller is talking, there is laughter and Stern says "Yeah" throughout*]

**Stern:** She said she would eat anything ...

**Caller:** ... and I told Stuttering John "You people are sick!"

[...]

**Stern:** I used to live in a Puerto Rican community. And let me tell you something, the men there tell the women what to do and when to do it. That's why she's offended.

**Caller:** Don't even go there Howard ...  
**Stern:** Don't even go there, honey. Don't even go there, honey.  
**Caller:** My husband takes care of the house. I take care of the house. Everybody is happy.  
**Stern:** God forbid you should go outside the door without his permission.  
**Caller:** You know, I vote. ... I vote, I pay my taxes, I work, so don't even try that over here.  
**Stern:** You come down here and eat a taco out of my crotch.  
**Caller:** ... I'm Puerto Rican and proud.

[...]

**Caller:** And another thing. The way you treat your wife ... That's, you know, ... You are just disgusting ...  
**Stern:** Yeah, well, let me tell you something, honey. I bet you're a big fat cow.  
**Caller:** ... rubbing up on women, touching their breasts. Oh my God ...  
**Stern:** I bet you're a big fat cow and I bet your husband cheats on you. [*shouting*]  
**Caller:** My husband don't cheat on me ...  
**Stern:** Oh, I know he does.  
**Caller:** I take good care of my man.  
**Stern:** Yeah, right.  
**Caller:** Yes, I know I'm right.  
**Stern:** Nothing like piling on top of a big, fat, hairy girl.

[...]

[*later*]

**Stern:** You pig. Let me tell you something. If she weighs two hundred pounds ... I guarantee you if she weighs two hundred pounds, I'm at a light estimate. This is a fat, ugly girl who can't get squat.  
**Caller:** I'm not a fat, ugly girl. I am 5' 5", I have short brown hair, light brown eyes ...  
**Stern:** How much do you weigh? How much do you weigh?  
**Caller:** I weigh 125.  
**Stern:** Liar. [*caller keeps talking through his questions*] Do you have a mustache? Do you have hair going up around your stomach?  
**Caller:** No, I don't, Howard.  
**Stern:** You do.  
**Caller:** No, I don't.  
**Stern:** You're angry because you're flat and you have a big wide ass. [*They all laugh*] Go count the cockroaches in your apartment.

[...]

[*Caller hangs up on Stern*]

**Stern:** She is a filthy, lowlife, low brain power woman ... The reason she doesn't understand it is she ate lead paint chips when she was young from the

housing project she grew up in. I love all people, but I gotta tell you that woman was a pig. A pig. She's filthy.

Complaints regarding some of the foregoing material were sent by an individual complainant and by MediaWatch. Each of course receive equal weight; however, it is the practice of the CBSC to not identify individual complainants.

### **The First Complaint**

The first complaint was sent on July 12, 2000 to the CRTC, which forwarded it to the CBSC in the normal course. It stated in part (the full text of the letter and all subsequent correspondence is reproduced in Appendix B):

What concerns me was how Mr. Stern went off on an over-emotional tantrum, verbally assaulting a call-in listener of his show. Not only did Mr. Stern demean the woman caller, he also attacked the woman's husband and her family's ethnic origins in an extremely racist manner. How far over the line Mr. Stern went is up to you to decide as I do not know what the parameters are.

[...]

[T]hey started on about air-headed bimbo Barbie dolls posing for *Playboy* and how interviewing them was boring and basically the same interview every time. Howard and Robin's impressions were a hoot. They then started talking about how this one aspiring Oscar award recipient had said that she was a big fan of the show and was game to do anything. Well let's be honest, here. Saying the word anything to a shock jock like Howard Stern is bound to get a reaction so Howard's people phoned up her people with a list of to-dos. ... Apparently though, one listener wasn't impressed, feeling that Stern was being demeaning to women and she phoned in to confront Stern about it. This is when things took a turn for the worse and got ugly. Really ugly. While the woman's perspective may have been a little out of focus of what Stern's intentions were, was it really necessary for Mr. Stern to verbally assault and rape the woman, her family and her entire race of people? Is such behaviour within the guide lines of Canadian content? While the woman took her shots at Howard's looks, family and character too it was more of a reflexive response sort of thing, especially since Stern was proclaiming to be intellectually superior throughout the entire exchange.

The broadcaster's response was sent on August 8. In it, CILQ-FM's Operations Manager wrote in part (the full text of the response is reproduced in Appendix B):

I have had the opportunity to listen to the segment of *The Howard Stern Show* aired on July 12, 2000, to which you refer. You noted in your complaint "I rather enjoy the way Mr. Stern pushes the envelope". From this statement, I can only assume that you are a listener of *The Howard Stern Show* and accordingly, you are probably aware that the show is intended to be funny. We do, however, appreciate that humour is a subjective thing.

On the program in question, I believe that the essence of your complaint is that Howard Stern went too far. Again, this is subject to interpretation, as many people who listened to this segment found it funny. It was intended to be funny, not serious.

We recognize that the Howard Stern brand of entertainment is not everyone's taste and regret that you were offended by his comments.

The complainant declared his dissatisfaction with the broadcaster's reply in the following terms:

Neither is whether I am a fan of the Stern show or not [a relevant issue]. Fact is that a lot of Stern's act is to create a buzz by being someone that people find offensive in an effort to test the parameters of freedom of speech through his brand of humour. The point I'm trying to make is that Howard Stern went off on an over-emotional tantrum because a female caller did not share the same perception as Howard Stern. It's not a case of me choosing sides as to who has the "right" perception, but a matter of the mechanics that Howard Stern employed to deal with the caller. I'll pull no punches with you, I'm exploiting Mr. Stern's fame and popularity to make a point. That point is that although people may not share the same perception, they can still steer through situations relatively unscathed by not allowing their anger to control them and allowing their brains to reason and rationalize.

[...]

Instead of giving the woman any degree of respect, Stern resorted to slander (just another form of anger) instead of reasoning through it. He hit the racism button too. (Something also triggered by anger.)

## **The Second Complaint**

The second complaint, from MediaWatch, was sent directly to the CBSC on August 4. It was far lengthier and more specific than the first complaint and included transcriptions of material found offensive by the organization. So much of that letter of complaint is relevant that the introductory observations are included in full here (the full letter with the transcribed portions chosen by MediaWatch is included in Appendix B below).

MediaWatch staff and volunteers have been monitoring *The Howard Stern Show* on CILQ-FM and are concerned about the continuing offensive remarks which are both sexist and racist, airing on Canadian airwaves. This program has been found to be in breach of the CAB's *Code of Ethics* and the *Sex-Role Portrayal Code* on two separate occasions prior to this letter. The CBSC allowed the station to continue to air the show with the condition that they use time-edit equipment to ensure the show adheres to Canadian standards. Stern's show is based on infantile humour that includes the ongoing degradation of women, the humiliation of people with disabilities, the stereotyping of homosexuals and people of colour or ethnic origin.

The continued airing of *The Howard Stern Show* is in direct contradiction of the intent and spirit of the *Sex Role Portrayal Code* and the *Code of Ethics*, Clause 2 (Human Rights).

Q107 allows a producer/editor to monitor the show every morning and has invested in digital time-shift equipment to edit material that does not conform to CAB Codes. WIC Radio president stated in an August 5, 1999 letter to the CRTC, copied to MediaWatch, that: "Portions of the Program are edited virtually every day with edits ranging from a few seconds of material to entire segments of the Program (although the latter is seldom necessary and when it does happen, precipitates a storm of protest from fans of the Program)."

Mr. Cohen, in your letter to MediaWatch dated February 25, 1999, you acknowledge the program is edited almost on a daily basis anywhere from a few seconds to almost two hours of time. You also stated that "while there is always the possibility that slip-ups have occurred, it would only be fair and correct to acknowledge that, far from being a persistent offender of the codes, Q107 has been diligent in dealing with the contentious material produced out of New York."

Both Q107 staff and CBSC council members openly acknowledge that inappropriate and offensive comments are made on a regular basis by a program that is meant to be "contentious". MediaWatch contends that even with the editing it is literally impossible to edit all the derogatory and discriminatory material that is included in the program every day of airplay.

By allowing Q107 the leeway of possible "slip-ups" to occur in that they may miss editing some offensive material, is not acceptable. One comment of violence against women or one comment that stereotypes a minority group is unacceptable. Unfortunately, there are many comments made in jest that implies to the audience, who are mainly young male listeners, that it is acceptable and, since it is on Canadian airwaves, it is the "norm" to be abusive and violent **towards** women. The derogatory and discriminatory comments may desensitize the listener to the point where they believe it is acceptable to make fun of people with disabilities **and to create bias against and hatred towards minority groups**. The number of edits out of each show is not sufficient to meet the CAB Codes.

**In Spring, 2000 MediaWatch commissioned a poll on community attitudes towards standards of taste with Canadian Facts, a national public opinion firm. The national sample for the survey was 750 Canadians, 18 years of age and over. When offended by media they see or hear, one in two (53%) report they will switch to another channel, 41% said that they will switch off. And fully one in three (32%) will talk to others about what they saw, suggesting negative word of mouth may carry large market clout. Just one in twenty (6%) tried to complain to someone, suggesting that a complaints-based system of regulation will catch a very small proportion of those who encounter offensive programming. This identifies why you have received few other complaints about the program - consumers are uncomfortable or unaware of the process to make complaints. At MediaWatch we have found it challenging to recruit volunteers to monitor the Howard Stern Show because they are so offended by the content of the program.**<sup>1</sup> [All the foregoing boldface emphasis is original.]

In response to this complaint, the station's Program Director wrote a lengthy reply on August 17, only part of which is cited here (the full response, including the detailed explanations provided by CILQ-FM's Producer of the Stern Show, is included in Appendix B).

It is a matter of public record that Q107 edits *The Howard Stern Show* for broadcast in Canada, over and above the edits that are performed at the originating station, WXRK-FM in



New York. This is to ensure that the program conforms to the CAB broadcast Codes, which can have separate regulatory requirements from FCC broadcast regulations in the United States. Indeed, many of the edits that are made at WXRK-FM in New York (which are made as often as the edits Q107 makes) would not be made at Q107, due to the regulatory differences between the two countries. It is not the intent of the edits on Q107 to make the show less controversial or compelling for its listening audience, which is close to half a million men and women in the Toronto area, but to ensure that the program is in compliance with the codes. It is also not the purpose of the broadcasting codes to make controversial programming unavailable to Canadian audiences. It is our understanding that the codes are applied with healthy respect to Canadians' right to free speech (and, as importantly, to hear free speech).

Your letter states that “consumers are uncomfortable or unaware of the process to make complaints” and that this is the reason we receive “few other complaints” about *The Howard Stern Show*. This is an interesting point of view, considering the fact that the broadcast of *The Howard Stern Show* in Canada has done more to make the public aware of the avenues open to them concerning objections they may have with regard to certain broadcasts or personalities. In fact, Q107 continues to broadcast announcements on a daily basis, advising our listeners about the CBSC and the process available to them to make any of their concerns or comments about our broadcasts known. However, you are correct that the amount of complaints we receive from private citizens about *The Howard Stern Show* is negligible and that virtually the only complaints we receive about it are from advocacy groups such as MediaWatch.

In editing the show to comply with the Codes, context is a significant issue in determining whether or not a segment or word can stay or go. Not only is the context of a discussion in a particular show considered, but the context of the discussion within popular culture and prevailing social climates is also considered.

The letter then refers to the Producer of the CILQ-FM broadcast of the Stern Show and quotes her detailed response to each of the episodes of the show about which complaints were registered by Mediawatch. Since these are quite lengthy, they are reproduced integrally in Appendix B; quotations from particularly pertinent parts are provided in the reasons for the decision.

## **A Preliminary Matter: The CBSC Complaints Process**

There are some important general issues raised by the MediaWatch complaint in particular. One of these challenges the effectiveness of any complaints-driven process as a method of dealing with potentially problematic broadcast content.

In the letter of August 4, MediaWatch advised the CBSC that it had commissioned a poll relating to “standards of taste”, in which it was reported that 53% of respondents stated that they would change their channel (or station, the CBSC assumes) if they encountered offensive material and 41% would simply turn the offending material off. Only 6% were apparently prepared to “complain to someone.” Thus, MediaWatch concluded, “a

complaints-based system of regulation will catch a very small proportion of those who encounter offensive programming.”

In the view of the Panel, this conclusion is not relevant to the CBSC’s process. In the first place, according to the MediaWatch letter, the poll itself dealt with standards of *taste* [emphasis added].” The CBSC has long explained that neither its Codes nor its decisions are meant to deal with matters of taste. Such matters, the Council has always ruled, must be resolved by audience members using their remote controls or on/off switches. It is only when complaints rise above questions of taste alone and raise potential *breaches* of one of the private broadcasters’ Codes that there may be cause for intervention by the CBSC. If, therefore, the thrust of the MediaWatch poll was not focussed on *weighty* issues of content (which *might* generate Code-related breaches), it is understandable that the level of complaints to bodies like the CBSC or the CRTC might be low. In matters of taste alone, channel-switching would be the precisely appropriate solution.

In any event, whatever the characterization of the challenged content, the MediaWatch implication appears to be that the vast proportion of offending programming will go unchallenged in a complaints-based environment. That is not, of course, supported by the reported survey results. To reach such a conclusion, MediaWatch would have had to conduct a poll related to *programs*, not to *viewers*. After all, the question is not how many listeners or viewers may not be actively complaining but rather how many offensive programs may be escaping the complaint net. Only if the total universe of complainants matched an *equal number* of programs might the MediaWatch assertion be justified. In any event, the CBSC’s process was designed to cope with the prospect of low complaint levels in the first place. By requiring but a *single* complaint in order to generate an adjudication, rather than, say, 10 or 25 or more, even *one* person has a disproportionate ability to trigger the process. Following, for example, the CBSC’s decision in *CIII-TV re Mighty Morphin Power Rangers* (CBSC Decision 93/94-0270 and 0277, October 24, 1994), which had been the result of two Ruling Requests, *Maclean’s Magazine* titled its article on that CBSC decision “Power to the People”. 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), there were only four complaints filed. In *CIHF-TV and CKMI-TV re The Jerry Springer Show* (CBSC Decision 97/98-1277, May 28, 1999), there were only two complainants. In the present case, there are only two. More often, there is only one.

The CBSC’s low complaint threshold is its antidote to the apparent apathy or inertia of the populace. It ensures that matters will be dealt with and, if necessary, adjudicated even if the number of complainants is minuscule. The emphasis of the CBSC’s process is on the correctness of the complaint raised, not on the number of persons who view the issue in the same way. The Panel Adjudicators do not conduct polls to determine whether the complaint should be upheld; they review the programs, the Codes and the previous CBSC jurisprudence and weigh these in order to arrive at their decisions.

Moreover, the low level threshold used by the CBSC avoids two situations which would each be far worse than this accommodating option. The first would be a monitoring system involving the Council or some other body watching or recording and reviewing programming *which bothered no-one sufficiently to move them to complain*; it would be akin to censorship. The second would be a form of polling to determine whether a program was *voted* in breach of a codified standard rather than a system in which a small, thoughtful and representative group of citizens *measures* complained of programming against an established set of common standards. Such an approach would create great risks for the perspectives of minorities.

### **A Second Preliminary Matter: The Editing Solution**

MediaWatch contends that, “even with the editing it is literally impossible to edit all the derogatory and discriminatory material that is included in the program every day of airplay.” It argues that

By allowing Q107 the leeway of possible "slip-ups" to occur in that they may miss editing some offensive material, is not acceptable [*sic*]. One comment of violence against women or one comment that stereotypes a minority group is unacceptable.

The Panel agrees with substance of the last sentence quoted, namely, that objectionable comments are *unacceptable*. The process is not part-time; it is *not* designed to permit occasional breaches of the Codes. That being said, the Panel does not agree that “it is literally impossible” to succeed in the editing of the program. Moreover, it is the view of the Panel that any broadcaster airing the show *is responsible for ensuring* that it meets Canadian standards. If it cannot achieve the result, it cannot broadcast the program while sustaining the position that it is respecting those standards. (See also “The Broadcaster’s Failure to Avoid Repetitive Breaches” below.)

### **A Third Preliminary Matter: Desensitization of the Audience**

In the association’s letter, MediaWatch makes the general point that there is a risk that

derogatory and discriminatory comments may desensitize the listener to the point where they believe it is acceptable to make fun of people with disabilities **and to create bias against and hatred towards minority groups.**

With this assertion, the Panel takes no issue. It is precisely the concern which the CBSC has previously expressed regarding abusively or unduly discriminatory comments, even when these are allegedly meant in a humorous vein by the broadcaster. Those which exceed the bounds of acceptability, as these have been repeatedly defined by various CBSC Panels, run the additional risk of desensitizing the public. In fact, this Panel considers that, while unduly discriminatory comments are never tolerable under the Code,

those which are tendered to the audience in a humorous vein could reasonably be described as *riskier* in the sense that the levity of their presentation may suggest a higher degree of acceptance by the audience than hateful or bitter statements which may seem shrouded in negativity. *Humorous* unduly discriminatory comments may, in other words, be likelier to leave an audience with the sense that they are “okay” than those which, being seriously made, leave listeners feeling discomfited. The latter comments are less likely to be condoned, less likely to be repeated, less likely, in other words, to desensitize their audience.

## THE DECISION

The CBSC’s Ontario Regional Panel considered the complaint under the *Code of Ethics* and the *Sex-Role Portrayal Code* of the Canadian Association of Broadcasters (CAB). The relevant clauses read in pertinent part as follows:

### *CAB Code of Ethics* - Clause 2 (Human Rights)

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

### *CAB Code of Ethics*, Clause 6, Paragraph 3 (Full, fair and proper presentation)

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.

### *CAB Sex-Role Portrayal Code* - Clause 4 (Exploitation)

Television and radio programming shall refrain from the exploitation of women, men and children. Negative or degrading comments on the role and nature of women, men or children in society shall be avoided.

The Regional Council members listened to tapes of the program episodes in question (except for the June 29 show referred to in the MediaWatch complaint for which the tapes had already been recycled - accordingly, it was not considered by the Ontario Panel) and reviewed all of the correspondence. The Panel agreed in part with the complainants and finds that some, but not all, of the commentary underscored by them was in breach of one or another of the Code provisions.

## The Issues

The Panel will address the following issues from the July episodes alleged by the complainants to be in breach of one or another of the codified standards: comments relating to immigration, sexist and degrading comments, racist comments and the treatment of certain callers.

### Comments Relating to Immigration

The MediaWatch complaint specifically cited the dialogue of the July 10 show with respect to the immigration issue (focussed largely on the Haitian community) as an example of racist commentary. While the Panel accepts that Howard Stern does not practise subtlety, it does recognize that his discussion of this issue is political and not racist. He is utterly clear in his position when he says “I am against all immigration into this country.” That may be an unpopular position or one unpalatable to the complainant or others; however, that is not the issue. Everyone has the right to express unpopular political positions on the airwaves provided these are not in reality unduly discriminatory commentary, which is prohibited under the human rights provision of the *CAB Code of Ethics*. This has always been the position of the Council. As long ago as *CKTB-AM re the John Gilbert Show* (CBSC Decision 92/93-0179, October 26, 1993), the Ontario Regional Panel stated:

that an opinion on the government *policy* of bilingualism constituted an *opinion* on that issue and was not *racially* driven. Nothing can be more fundamental to the principle of freedom of speech enshrined in the *Charter* than the entitlement of an individual to express a differing view on a matter of public concern, including government policy.

Then, in *CKTB-AM re the John Michael Show* (CBSC Decision 92/93-0170, February 15, 1994), the same Panel observed:

Mr. Michael expressed his opposition to the official government policy of bilingualism and stated "nor could I give a damn if Quebec stays in this country or not." He added, among other things, that "We no longer wish to kneel and bow to this one province." With these political perspectives, the Council takes no issue. The host also opined that Quebecers control the civil service and generally wielded enormous political power within Canada. These opinions may or may not be sustainable but they are at least legitimately debatable.

In *CHOM-FM and CILQ-FM re The Howard Stern Show* (CBSC Decision 97/98-0001+, October 17-18, 1997), the Quebec and Ontario Regional Panels put the matter in the following terms:

The Regional Councils note the importance of differentiating between insults aimed at identifiable groups and comments related to the political or historical environment in Canada and in France. [...] Those comments relating to the state of radio in Canada, the use of English in Quebec, the value of French culture, Canada as an appendage of the United States, the role of the vanquished French in Vichy France, the issues relating to separatism,

and so on, are the host's *opinions* and, unless utterly and irresponsibly uninformed, [...] they are his to espouse.

When MediaWatch stated that Stern says “that all minorities should go back to their own countries,” it has distorted his words. No such language is present in his commentary. Had it been, it is not certain to this Panel that it would have amounted to a Code breach, but that is a matter for another day. On this occasion, the introductory comments which have been excised by MediaWatch but which are present both in the material provided in the broadcaster's response and in the CBSC's own transcription contextualize Stern's expression of opinion. It is nothing more or less than a political perspective regarding both the issue of immigration and, it appears, the question of assimilation. He has made no comment whatsoever suggesting that American citizens of other national or ethnic groups be stripped of their citizenship and returned to their countries of origin. He does not wish *new* immigrants. It is a defensible view in terms of the freedom of expression. The Panel finds no breach in this part of the broadcast.

### **Sexist and Degrading Comments**

The allegedly sexist and degrading comments fall into two categories: the use of terms such as “pieces of ass” and the description of attractive guests (July 11), on the one hand, and the episode with the Playmate yearning to come on the show (July 12), on the other.

As to the use of the term “pieces of ass” on the July 11 episode, the Panel considers the response of the broadcaster to be apt.

In this segment MediaWatch seems to object to Stern's use of the term “piece of ass” to describe women. This is a term Stern often uses to describe an attractive *person*. This term might be vulgar but it is certainly not sexist, as it was used by Stern to describe male actor John Stamos just prior to the start of MediaWatch's transcription. At 7:34 Stern says, “he's a really gorgeous piece of ass ...”

It does appear to be a term which Stern has used on the very show which has been challenged to describe both sexes and, in that sense, cannot be said to be sexist. It is also clear that Stern uses the word to describe the attractive actresses and models Rebecca Romjin, Tori Spelling, Shannon Doherty and Jessica Hahn. While the Panel considers the term tasteless when applied to either women or men, it does not consider that its use in this episode is sexist in terms of the Code. This Panel has found against the broadcaster for the very use of such terms in the past; however, it was in circumstances in which women seeking to discuss more serious subjects or who clearly wished to be seen otherwise than by virtue of their physical attributes could not succeed in achieving the emotional and intellectual equality which is their due under the *Sex-Role Portrayal Code*. The comments of this Panel and the Quebec Panel in their joint decision in *CHOM-FM and CILQ-FM re The Howard Stern Show* (CBSC Decision 97/98-0001+, October 17-18, 1997) illustrate this point.

It is clear to the members of the Regional Councils that Stern portrays adolescent, puerile, crude attitudes toward many sex and gender-related issues. These, though, generally fall within the category of bad taste and are left by the CBSC to be judged [...] by the marketplace. Since, however, Stern regularly speaks his mind, his general attitude has no more bounds in this area than in others noted by the Regional Council members. Those comments which exceed bad taste and violate *Sex-Role Portrayal Code* provisions fall into the area of words and expressions used, degrading remarks regarding individual callers, and comments reflecting on the intellectual and emotional equality of women generally. [...]

In addition to terms such as “pieces of ass”, “horny cow”, “dumb broads”, “dikes” (referring to women with even moderately feminist views), and “sluts”, which sprinkle the dialogue on the Stern Show, he frequently deals with female guests on the basis of their physical attributes and sexual practices rather than, or occasionally in addition to, the skills or talents which are the reason for their common recognition.

In a case such as the present one, though, the women about whom the comments were made appeared on the show fully expecting to discuss *those* issues and not others from which they were distracted by the host. Where such comments have been problematic in past decisions, it has been because of the forcing of the discussion into areas neither anticipated nor desired by the women in question. In the view of the Panel, none of the comments noted above exceeded the bounds of taste in the case of the July 11 broadcast. They are consequently left to the listener’s discretion to listen to or turn off.

The question of the degrading comments of the July 12 episode are another matter. Notwithstanding the broadcaster’s attempt to justify the comments on the grounds that “they were meant to be a joke on just how far people will go to come on the show,” the comments have, in the view of the Panel, gone too far. The cumulative effect of the suggestions that the Playmate smell underwear, be rolled up naked in a rug and forced to ride in an elevator, eat a carrot in Stern’s lap while she is naked and eat food out of a dog dish while naked is demeaning and degrading in the extreme. Even Robin Quivers, Stern’s co-host, asked “What is it about humiliating women that excites you so much?” Stern went on to say, “This is the coolest job in America where you can actually make calls like this and, you know, maybe get away with it.” It is the view of this Panel that the comments in question are in breach of Clause 4 of the *Sex-Role Portrayal Code* and cannot be “gotten away with” on Canadian airwaves.

### **The Treatment of Callers**

The CBSC has been called upon to evaluate radio talk show hosts’ treatment of their callers on several occasions. In doing so, the various Panels have been extremely conscious of the disproportionate power wielded by those with the electronic platform. In one of these instances, namely, *CKAC-AM re The Gilles Proulx Show* (CBSC Decision 94/95-0136, December 6, 1995), a listener had sent two letters commenting on the treatment of listeners and the use of the French language by one of the station’s well-

known talk show hosts. The host responded defensively, bitterly and sarcastically. Using the power the letter-writer did not have at her disposal, he quoted from the letter on air, gratuitously adding the listener's full name and home city more than once, along with several unacceptable comments including:

Why don't you get a job, you idiot, and if you don't like it and have nothing better to do than write letters, at least send me a photograph, so I could put it on my dartboard. You must be as ugly as sin.

The Quebec Panel found a breach of both the *Sex-Role Portrayal Code* and the *CAB Code of Ethics*.

In exclaiming, for instance, that she was a "petite niaiseuse" (dumb broad), "needs a good lay", "as ugly as sin," and "an idiot." Proulx was aggressively abusive toward this female listener. The Council believes, furthermore, that this language constituted "negative or degrading comments on the role and nature of women" in clear breach of the provisions of Clause 4 of the *Sex-Role Portrayal Code*.

In *CIQC-AM re Galganov in the Morning (97/97-0509)*, the Quebec Regional Panel was again called upon to rule on crude comments made by a defensive and aggressive host with respect to a letter-writer. They held:

In this case, ... the Council must deal, not with general comments directed at an ideological group, but with strong criticism *directed at a specific, identified individual* who does not benefit from the same access to the airwaves. The Council is of the opinion that the considerable power generated by the broadcast medium dictates that the person entrusted to wield this power will not abuse it by using it against relatively "defenceless" individuals.

...

The Council recognizes fully that critical comments can be made about individuals, particularly those in public life but also, in appropriate circumstances which it need not plumb here, with respect to private individuals. The question for the Council will always be the weighing of the statement and the circumstances. At its most basic level, the fairness requirement set out in the third paragraph of Clause 6 of the *CAB Code of Ethics* dictates that a balance must be struck between the type and extent of the criticism of an individual and the appropriateness or merit of any such criticism when measured against the individual's criticized actions or behaviour. Propriety, a second requirement found in the same paragraph, dictates that the public airwaves will not be used for irrelevant or gratuitous personal attacks on individuals. The Council considers that Howard Galganov's show broadcast on December 9, failed on both these counts.

In the matter at hand, the attack was on a caller rather than a writer; however, given the overwhelming power of a host with a microphone on his own territory, she could not be said to have any effective opportunity to defend herself. Moreover, what concerns this Panel most in the matter at hand is the fact that the comments made by Stern in this case are generically so similar to those strongly condemned by the same Panel in the first CILQ-FM decision on the Stern Show. On that occasion, the Panel observed that "Stern *consistently*



uses degrading and irrelevant commentary in dealing either with guests or callers.” In this case, the caller, identified by Stern as Puerto Rican, had phoned in to exclaim her disapproval of the Playmate dialogue. Stern reacted, among other things, by suggesting that the caller “eat a taco out of [his] crotch”, calling her a “big fat cow”, then a “fat, ugly girl who can’t get squat”, suggesting she had a mustache, accusing her of living in an apartment with cockroaches and so on. In the earlier decision the Panel said:

This sort of adolescent humour may work for some in private venues but it is thoroughly in breach of Canadian codified broadcast standards. Women in this country are entitled to the respect which their intellectual, emotional, personal and artistic qualities merit. No more than men. No less than men. But every bit as much as men.

To this the current Panel adds its concern that the comments of the host are both racist *and* sexist. These comments are not borderline. They are extreme. They have no place on the airwaves in *this* country. They constitute at once a breach of Clauses 2 and 6, paragraph 3, of the *CAB Code of Ethics* and of Clause 4 of the *CAB Sex-Role Portrayal Code*.

### **The Broadcaster’s Failure to Avoid Repetitive Breaches**

The Panel is well aware of the fact that the Stern program is on the air every weekday and that the show runs at least four hours on each of those days. There is, in other words, considerable material flowing out of the New York studio where the show originates and out of the Toronto radio station to which it is transmitted. The CBSC also receives, on a daily basis, the edit logs which indicate just what and how much dialogue is excised by CILQ-FM’s Producer in order to ensure that Canadian broadcast standards are met day in day out. The Panel does not doubt the good faith, skill and rapid judgment brought to this difficult task. That being said, MediaWatch, the other complainant, and those who may hear the show without exercising their right to complain are entitled to expect that such glaring breaches as have occurred on the dates which are the subject of this decision shall not occur *at all*. The degrading segment on July 12 and its aftermath ought not to have come to air *in Canada*.

The CBSC does, however, take into account the fact that new corporate owners assumed management of the broadcaster on July 6, 2000, in other words, two business days prior to the dates of the challenged broadcasts. Moreover, the CBSC is well aware of additional collaborative efforts taken by the new management from its earliest days in control of CILQ-FM to work with the CBSC to ensure compliance with its Codes and processes. The result of this has been that only two complaints relating to specific offensive material in episodes of the Howard Stern Show have been sent to the Council since that time, both of which have been resolved as the result of broadcaster dialogue with the complainants. While this has been a very promising sign, in the circumstances, in addition to the required announcements of the decision, the Panel requires the broadcaster to provide a written explanation of those further steps which it has taken since the filing of the complaints dealt

with in this decision as well as those additional steps which it will be putting in place to ensure that even such rare gaps as have occurred on July 12 will not recur.

### **The Broadcaster's Responses**

In the case of every complaint, the broadcaster involved is required to provide a written response to the complainant(s) within 21 days (formerly 14 days). Since the dialogue between the broadcaster and the complainant(s) is so important to the complaints process, the CBSC Panels review, in each decision, the quality of that reply. Although the CBSC recognizes the hard work and thoughtfulness, as well as time consumption, which go into this process, it considers that it is reassuring for those members of the audience who have taken the time to sit and write down their concerns to know that they will be dealt with in such a fashion. The initial letters and, as in the case of the first complainant in this file, the detailed (and unhappy) second letter equally constitute an investment of time and energy on the part of the public.

In this case, the Panel was as disappointed as the first complainant at the rather nondescript reply to his initial letter; however, it considers it appropriate to observe that the thoroughness and care of the letter sent by the Program Director (considerably aided by the show's Toronto Producer) in response to the MediaWatch letter were exceptional.

### **CONTENT OF THE ANNOUNCEMENT OF THE DECISION**

CILQ-FM is required to: 1) announce this decision, in the following terms, once during peak listening hours within three days following the release of this decision and once more within seven days following the release of this decision during the Howard Stern Show; 2) within the fourteen days following the broadcast of the announcements, to provide written confirmation of the airing of the statement to the complainants who filed the Ruling Requests; and 3) to provide the CBSC with that written confirmation and with air check copies of the broadcasts of the two announcements which must be made by CILQ-FM.

The Canadian Broadcast Standards Council has found that CILQ-FM's broadcast of the Howard Stern Show of July 12, 2000 was in breach of the *CAB Code of Ethics* and the *Sex-Role Portrayal Code*. By making demeaning and degrading comments about a potential guest on the show, the broadcaster was in breach of Clause 4 of the *Sex-Role Portrayal Code*. By broadcasting racist and sexist remarks about a caller to the July 12 show, CILQ-FM breached the human rights provision of the *CAB Code of Ethics*, as well as the requirement of that Code that the expression of opinion and comment be fair and proper and Clause 4 of the *Sex-Role Portrayal Code*.

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

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**APPENDIX A**  
**TO CBSC DECISION 99/00-0717, -0739**  
***CILQ-FM re The Howard Stern Show***

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The following are summaries or partial transcripts of the July 10, 11 and 12, 2000 broadcasts of *The Howard Stern Show*.

July 10, 2000

**Robin:** Now, I've been meaning to talk to you about this for some time. Have you noticed what's going on in Haiti as a result of the change of administration?

**Stern:** Yes, all of the Haitians are building boats. They're piling up on the shores waiting to come here. But believe me, Clinton won't let us down. He ..., that was a lot of campaign rhetoric he's not allowing ...

**Robin:** Rhetoric you say?

**Stern:** Oh absolutely. He had to say stuff like that in order to get elected ... He will not allow all those Haitians into the country. Absolutely not.

**Robin:** Well, Haitians, even though they know that they're going to be turned back at this point are headed for our shores and the numbers will be increasing as we get closer to Inauguration Day.

**Stern:** Do you know why all the Haitians want to come here? Economic opportunity. Did you know that ...

**Robin:** Is that a bad thing? Why did everyone else come, Howard?

**Stern:** Do you know why else they want to come here? Because we are having, right now, an economic boycott against Haiti. Does anybody know this? Do you know this, Robin?

**Robin:** Yes!

**Stern:** No, you didn't.

**Robin:** I did too.

**Stern:** We have an economic boycott against Haiti now, let me tell you what should happen ...

**Robin:** Right. Of course we do because they had the army overthrow the government.

**Stern:** Right. Now ... but let me tell you something...

**Robin:** But why did other people come here? You think an economic reason is a bad one?

**Stern:** Let me tell you something ... Never mind why other people came here. Now the country is filled up to the brim with people. We got so many people we ...

**Robin:** We have to change the rules.

**Stern:** We have to change the rules of the game. [*Robin laughing*] You know how we can help the Haitians. Let them stay in their country and let's lift the economic boycott. Let us make sure to help them out economically so they can live there because the alternative is they're going to come here on what they call boats, even though God only knows what those things are.

**Robin:** These boats will break up as soon as they hit the water.

**Stern:** These boats will break up and we'll have the navy over there to go pick them up in the water. It's pathetic. And everybody knows it's enough with all of that. It's nonsense.

**Robin:** Well, the plan is apparently to restore the democratic government of Haiti and then to open up the economic ... or end the economic boycott so it will

be a better place to live.

**Stern:** No. And Clinton knows what he's got to do is just lift the economic boycott and let everyone stay home.

**Robin:** Well, they want to reinstall the president.

**Stern:** Forget that. ... You can't install any president, reinstall a president.

**Robin:** I'm telling you what their plans are.

**Stern:** How are the Haitians going to reinstall a president? They're not going to find any ...

**Robin:** No, we are.

**Stern:** No, we're not going to do anything.

**Robin:** Of course we are. It's under negotiation.

**Stern:** I think we should go over there and nail everyone's feet down to the ground so they can't leave.

**Robin:** Oh, you're incredible.

**Stern:** It's absurd. What is it, Bababooney?

**Gary:** Have you discussed Haitians at all today?

**Robin:** We just did.

**Gary:** Oh, okay. Because there is this Haitian woman on the phone.

**Stern:** Hold on Robin, let me just get her off the phone. What could you possibly argue with? Am I not making sense? You're here in this country. What are you worried about?

**Caller:** We're not worried about a thing. We love America. We want the president ... President Aristide back in Haiti.

**Stern:** What did you say again?

**Caller:** We want President Aristide.

**Stern:** Let me tell you about President Aristide.

**Caller:** Aristide.

[...]

**Stern:** Let me tell you something. Nobody can even pronounce the name of your president.

**Caller:** It's French.

**Stern:** Do you live in this country?

**Caller:** Here? Yes.

**Stern:** Do you know who the President of the United States?

**Caller:** Yes.

**Stern:** Who is it?

**Caller:** Right now.

**Stern:** Right now.

**Caller:** Stupid George Bush.

**Stern:** All right... Stupid George Bush? It's Stupid George Bush who let you in this country. He had to be stupid to let you in.

**Caller:** Not him. If he was President when I get here, I would never get here.

**Stern:** Who got you in the country? Ronald Reagan?

**Caller:** I'm not telling you.

**Stern:** Tell me who let you in the country. I'm going to have him reported.

**Caller:** No, you can't. I'm an American citizen now.

**Stern:** Now you're an American citizen?

**Caller:** I am an American.

**Stern:** Let me tell you something. You can say you're an American citizen, but unless you talk like one, no one's going to let you stay here.

**Caller:** Oh, really? Henry Kissinger talk like one? Henry Kissinger talk like

one?

**Stern:** Yeah, he talks like one. President Aristide is of no concern to me. You mean to tell me our American soldiers should die so that you guys can have a new President.

**Caller:** Who said that? We don't want American soldiers in there ...

**Stern:**

You said that.  
So who's going to put President Aristide in office?

**Caller:** We no ask for invasion.

**Stern:** What did you say?

**Caller:** We no ask for an invasion.

**Stern:** Then what are you asking me for?

**Caller:** Stop bad-mouth about the Haitians.

**Stern:** Hey, I didn't bad-mouth any Haitians. I said enough with the Haitians. We have enough immigrants.

**Caller:** We don't want to stay here. We want to go home.

**Stern:** Go home, I'll pay for it.

**Robin:** Why did you become a citizen if you want to go home?

**Caller:** Tell Bush to take the Factor General in Haiti and to take him back where he wants him because he's the one who put him there.

**Stern:** Ah, be quiet. You're so silly, aren't you? Why don't you go back to Haiti, please? If you want to go back to Haiti, why don't you go there?

**Caller:** I can't.

**Stern:** Yes, you can. I'll get you there.

**Caller:** You can't.

**Stern:** You come down to the station, I'll guarantee you I'll get you back to Haiti.

**Caller:** You can't.

**Stern:** I will. I am a powerful man. I know Senator Al D'Amato. I'm going to call Al D'Amato's office and see if we can't have you deported to Haiti.

**Caller:** You can't do anything. If you wanted to do something, you should do something before.

**Stern:** You go on hold now and you tell Bababoey your name and I'll make sure that you are deported.

**Caller:** I can't get deported. I'm an American.

**Stern:** No, you can be. I'm going to call Senator Al D'Amato and I'll change the laws for you.

**Caller:** You can't.

**Stern:** I don't think there's gonna be one Senator that'll be against this.

**Caller:** Bull.

**Stern:** I'll send you UPS. I'll put you in a box and send you off to Haiti.

**Caller:** You can't.

**Stern:** I'll put holes in your box so that you can breathe.

**Caller:** You can't.  
**Stern:** All right. Very good. Thank you.  
**Caller:** You're welcome.  
**Stern:** Everybody now. She's Miss Freedom.  
**Robin:** But she's an American citizen and she says she wants to go back.  
**Stern:** She doesn't want to go anywhere. She's here in the best country in the world and she wants to go back to Haiti. She's so full of it.

[Talking to a caller about Haitian immigration to the United States]

**Caller:** ... Can you tell me how your mother and father came to the United States?  
**Robin:** How did they come?  
**Stern:** They were born here.  
**Caller:** ... Ask them how their mother and father came here?  
**Stern:** Oh, how *their* mother and father came here...  
**Robin:** They came on a rickety boat ...  
**Stern:** They came on a rickety boat ... Let me ask you something. First of all, when my grandparents came here, this country was underpopulated. You understand that? It was also not a country that was filled up and rampant with crime.  
**Robin:** Excuse me, but they didn't care whether it was filled up or rampant with crime or whether it was underpopulated ...  
**Stern:** What's your point sir, should we allow every Haitian into the country? Is that your point? Is that what you wanna tell me?  
**Caller:** Who are you talking about sending somebody back home? You came here for life like everybody ...  
**Stern:** No, I was born here. I was born here, genius.  
**Caller:** [*profanities bleeped out*]  
**Stern:** Hey ... if you give me dirty words, if you say dirty words sir, I'm going to deport you back to Haiti.  
**Caller:** Could you tell me who was the first President of the United States?  
**Robin:** The first President, Howard. Who was it?  
**Stern:** The first President of the United States was ... What is this, a test?  
**Robin:** Yeah, he wants to see how good of a citizen you are.  
**Stern:** Sir, don't you think I can answer that question?  
**Caller:** Tell me...  
**Stern:** I should prove to you that I know who was the first President of the United States?  
**Robin:** You know what he's doing? He's proving because he became a citizen, he had to learn about this country and he knows more about it than you do.  
**Stern:** You know what he's trying to do? He's over at immigration trying to stay in this country. Their asking him questions and he's trying to cheat by asking me.  
**Robin:** Oh, so he's cheating on the test.  
**Caller:** [*profanities bleeped out.*]  
**Stern:** Hey, hey. Sir, if you use the "s" word, you can't be on my air.  
**Caller:** Okay, I'll call you back ... stupid dummy.  
**Stern:** Well, obviously he was in the middle of a chicken sacrifice.

[...]

**Stern:** I am against all immigration into this country. Why, why are the Haitians the only ones who seem to be upset by my stand on this?

**Robin:** Because you've been talking about them. You didn't make it clear that you were against all immigration.

**Stern:** Oh, I see. He feels he's being singled out.

**Robin:** That's right.

**Stern:** That's enough with the immigration. Look what's going on in Los Angeles. You've got to build a friggin' wall around Los Angeles to keep the Mexicans out. I've got nothing against Mexicans. Let 'em go live in Mexico.

**Robin:** No, now we're in the process of trying to make these other countries better so people will stay home.

**Stern:** Yeah, that's the other thing. Now, our own country has problems. We now got to make Haiti better so that the Haitians will be willing to stay there. But we can't assimilate all these people. Do you know what it takes to assimilate somebody? First of all, a lot of people come to this country and they don't want to assimilate anymore. That is the difference between when my grandparents came here. Did you know that my grandparents were embarrassed because they couldn't read? They would spend nights trying to learn how to read. They wanted to only sound like the people of this country. Now you're saying "Gee, that's terrible, they lived their whole life embarrassed". It's good that they were embarrassed. You must try to assimilate.

**Robin:** Where did they live, Howard?

**Stern:** They lived in a tenement, in a slum.

**Robin:** With?

**Stern:** With their own kind. Where they could all be embarrassed together.

[...]

**Stern:** No, and they lived in a tenement and they stayed there together. My father would go to public school. And he would work. And he at least learned how to speak English, properly ... proper modulation. He would study and do well. It was a great incentive for him to succeed. Unfortunately, today a lot of people come here and see this as a land of opportunity where one can collect a cheque. They come here, they protest. You already see them holding up placards and things. And it's a complete abuse of our society. There's a different kind of immigration going on now ...

July 11, 2000

*[Talking to Tori Spelling on the telephone]*

**Stern:** By the way, in the room is John Stamos ... and Rebecca Romjain. You're not the only piece of ass in the room.

*[Later, talking about Spelling's appearance on Jay Leno the night before]*

**Stern:** ... I like the, ah, I like the outfit you picked... I'd love to marry your ass. I swear to God ...

**Robin:** Just the ass, though.

**Stern:** ... I'll tell you something. Your body has never looked better. And then you had a shirt on that had spaghetti straps. Listen to this. You'll be interested, all you gals will be interested in this, it had, like, spaghetti straps and



then just, it had this piece of material. What was that made out of?

**Tori:** It was, like, silk.

**Stern:** It was, like, silk and it just hangs and ... You weren't wearing a bra, right?... So, I mean, your breasts were jiggling around in this thing. I was completely out of my ... You know, the woman's breasts were pounding up against this silk, like there's two puppies wrestling in the shirt ... Were you aware of what was going on in your shirt?

Howard then explains his position regarding abortion. In his discussion with a Minister, Stern makes a connection between unwanted babies and the prevalence of criminality in society. In his view, even if women choose adoption over abortion, Stern also believes that these children feel unloved and can become a liability for society.

[...]

*[Talking to a caller about abortion]*

[...]

**Caller:** I was just listening to you talking about abortion and stuff, and you were totally right because I have, like, four nieces and nephews and my cousin had them by different men and they were growing up very hard and bad I want you to know that I'm black and ...

**Stern:** I knew you were black.

**Caller:** How?

**Stern:** I can tell from your accent. You speak in the black dialect.

**Caller:** Oh, ok.

**Robin:** Is it an accent or a dialect? I don't think she's using any dialect?

**Stern:** It's a dialect, Robin. Believe me. Accent is like, French.

**Robin:** You're so crazy.

**Stern:** It's a dialect. And I'm right, right?

**Caller:** Right.

**Stern:** Of course.

**Caller:** And, um, they're growing up where they have no self-worth, no nothing.

**Stern:** And they're going to be preying on humanity.

**Caller:** Yeah! You can tell that too by the way they act.

**Stern:** Of course.

**Caller:** They were very upset that they were born.

**Stern:** They will be snatch ... I'll bet you some of them have snatched purses already.

**Caller:** No not yet.

**Stern:** How old are they?

**Stern:** I know the little girl, she steals.

**Stern:** She does steal? She goes to the stores and steals?

**Caller:** No. She steals from her mother's purse. If you leave something around, she'll take it.

**Robin:** So she's practising for the big time.

**Caller:** I'm trying to not let her do it.

**Stern:** How many children you got?

**Caller:** I have one. I'm a statistic, too.

**Stern:** You've got a baby, too?

**Caller:** Yeah. Where her father didn't ...

**Stern:** Can you imagine what monster you're raising?  
**Caller:** Are you gonna celebrate Martin Luther King's birthday?  
**Stern:** Oh, that's right. Today is Martin Luther King's birthday. The dream is coming true.  
**Robin:** Oh, shut up! You are disgusting!  
**Caller:** No, it's not.  
**Stern:** What do you mean? It is coming true.  
**Robin:** The dream? I'm the dream. I came true.  
**Stern:** There you are.  
**Caller:** Well, that's just one person, but the rest of us ...  
**Robin:** Yeah, well everybody else could follow the dream too, but you're all too busy having babies.  
**Stern:** Yeah. [*They laugh*]  
**Robin:** Don't blame the system.  
**Caller:** The reason I say you can blame the system is because, ah, how the system let it go on like this.  
**Robin:** Oh, please. The system didn't get in bed with you and knock you up.  
**Stern:** Right.  
**Caller:** Yes, it was.  
**Stern:** You don't even know who was in bed with you. She had, like, eighty guys in bed with her. That's almost a system. Now, that baby we're hearing, is that still in your vagina, because maybe we could abort it.

[*They continue talking about the caller and her choices concerning contraceptives.*]

July 12, 2000

[*Talking about a playboy model who wants to be on the show*]

**Stern:** Gary comes back and says ... picture of her ... Gary comes in and says "Hey, you know, there's this Playboy centrefold that wants to come on the air and promote something or other. I don't know what it was. Even I said "You know Gary, Playboy centrefolds are beautiful to look at, and, hey, I'm the first one to love a beautiful woman, but what is she going to do?"

[...]

[*Stern and Robin poke fun at interviews with Playboy centerfolds.*]

**Stern:** ... So I said, you know what, "call back her manager or whoever is in charge..."

**Robin:** Her people.

**Stern:** Her *people* (said *pee-pole*) and tell them she can come in if we can get her naked, roll her up in a carpet, and throw her into the elevator and send her up and down in the elevator. And then, when she's naked, we can poke her with sticks, right?

**Gary:** Yeah. Well, sort of. They came to us and said "She's a big fan and she's willing to do anything". And those are the magic words. I said "anything", and the guy says "anything". So we thought of anything.

[...]

[Later, on the phone, with the playmate's "people"]

**Gary:** [On the telephone] ... Of course I went into a meeting and they came up with a list of what "anything" means. ... Here's the list of "anything". You ready?... Number one is she would have to, would she be ... These are not what she would have to do ... Would she be willing to do these things ...?

**Stern:** She would have to do them, but you're nervous. I can tell. All right, here we go.

**Gary:** [On the telephone] Sniff our underwear and guess whose belongs to who ...

**Manager:** [On the telephone] ... Sniff underwear ...

**Gary:** ... and she would have to guess whose belongs to who ...

**Stern:** Wouldn't that be fun? Like, we bring in our smelliest underwear. Oh, I've got that one pair of underwear that has the stains all over it, so I'd bring that one in.

**Gary:** I brought mine in too.

**Stern:** Yeah, good.

**Robin:** But, would it smell if it came from your drawer?

**Stern:** It smells. It hasn't been put back in my drawer, and it hasn't been washed.

**Gary:** We didn't insinuate we were giving her clean underwear.

**Stern:** Right. It would be dirty, fouled underwear.

**Robin:** Yeah, but I'm just saying you're saying you'd bring it in, you would bring in dirty underwear?

**Stern:** Yeah, of course!

**Gary:** I thought we would just take off what we were wearing.

**Robin:** Yeah.

**Stern:** Ah, no. I've got a better pair than that. Mine has my autograph.

[On the phone again]

**Manager:** Ok, that's an interesting one.

**Gary:** Could we get her naked, roll her in a rug and send her up and down in the elevator?

**Manager:** You guys are really going to town here.

**Gary:** Could we put a carrot in Howard's lap and she has to eat it while she's naked?

**Manager:** I think that one's probably the easiest one so far.

[...]

**Gary:** And, would she be willing to get naked and eat food out of a dog dish.

**Manager:** You guys are \*\*\*\*ing sick!

**Stern:** I'd love to get a Playboy playmate naked eating out of a dog dish. You know, not dog food, but you know, regular food.

**Robin:** Just eating out of a dog dish on the floor. What is it about humiliating women that excites you so much?

**Stern:** It's not humiliating women, it's humiliating good-looking women who rejected me.

**Robin:** Well ... oh, who rejected you. She didn't even know you. She's not old enough to have been in high school ...

**Stern:** She would have if she could have been ...

**Gary:** You get them in a dog dish, we're on equal footing.

[...]

**Stern:** This is the coolest job in America where you can actually make calls like this and, you know, maybe get away with it.

[*Later, when Gary announces that the Manager called back saying that the Playmates refused*]

**Gary:** ... He called me back on Friday in a much less jovial mood. And he was, like, the girls just aren't going to do this. They're up for doing anything, but this is too degrading.

**Stern:** Anything?

**Robin:** What is anything?

**Gary:** Anything that doesn't degrade them, I guess.

**Robin:** Well, they should say ...

**Gary:** ... a little strong.

**Stern:** ... a little too strong. Well, forget it then. They can't promote their CD-Rom.

**Robin:** Couldn't you back off this a little bit ...? It would be interesting to see just what the level ...

**Stern:** I thought eating the dog food ... out of the dog food dish isn't so bad.

[*Later*]

**Stern:** These guys have no idea that Playboy Playmates are boring otherwise.

[*Stern and co. discuss the Playmate's résumé.*]

**Staff:** I have a girl on ... a little bit angry ... She thinks you're a pimp for having girls do this.

**Stern:** Duh. What, you just woke up?

**Caller:** Hello.

**Stern:** Hello, honey.

**Caller:** No, I've been up. I've been taking care of my business for the morning.

**Stern:** Where are you from, what country? [*mimicking her accent*]

**Caller:** I'm from New York.

**Stern:** No, you've some kind of Puerto Rican accent?

**Caller:** Yes, I'm Puerto Rican. What's the problem?

**Stern:** You should go back there where they really treat women well.

**Caller:** Howard, look man, don't even get me started, okay. All I did ...

**Stern:** Listen, Ms. Fernandez ...

**Caller:** ... call you to let you know that what you spoke about just a few minutes ago ...

**Stern:** Listen, Fernandez ...

**Caller:** ... having a carrot between your lap and having this woman bend down naked and eat out of it and then you wanted her to bend down ... The one that really blew my mind and got me pissed off that I had to call you was that you wanted her to bend down, eat from of a damn dog dish, ok, naked. You know that is the lowest of the low ... [*while the caller is talking, there is laughter and Stern says "Yeah" throughout*]

**Stern:** She said she would eat anything ...

**Caller:** ... and I told Stuttering John "You people are sick!"

**Stern:** ... She said she would do anything. I wanted to find out what "anything" meant. She obviously ... she lied.

**Caller:** Oh, I don't know. You could have thought of something else, but not have a woman bend down and eat from a dog dish.

**Stern:** This is, like, Rosie Perez.

**Caller:** ... You know, that's so degrading. And when I heard that, as a woman, I got really offended.

**Stern:** Yeah, but I ... You know, honey ...

**Caller:** ... and I had to let you know that it's wrong ...

**Stern:** Ah, so why don't you come down here and eat a carrot.

**Caller:** I thought if she was to ask you to do something like that, Howard ...

**Stern:** I wouldn't do it though. I'm not desperate. I'm not desperate to get on these shows.

**Caller:** But you're desperate to have these kinds of people on your shows.

**Stern:** No, I'm not. They called me.

**Robin:** If he was desperate, he would have just said ...  
[...]

**Robin:** Excuse me, you're so silly. Every time you people hear somebody ask a question, you get angry. They don't have to do anything.

**Stern:** This is Ms. Fernandez.

**Caller:** I'm surprised at you, Robin. How can you socialize yourself with this man ...?

**Stern:** That's because, in her community, most of the men get the women to do whatever they want.

**Robin:** If a man asks you, you have to do it.

**Caller:** No.

**Robin:** Then why are you so upset? The women said no ...

**Stern:** I used to live in a Puerto Rican community. And let me tell you something, the men there tell the women what to do and when to do it. That's why she's offended.

**Caller:** Don't even go there Howard ...

**Stern:** Don't even go there, honey. Don't even go there, honey.

**Caller:** My husband takes care of the house. I take care of the house. Everybody is happy.

**Stern:** God forbid you should go outside the door without his permission.

**Caller:** You know, I vote. ... I vote, I pay my taxes, I work, so don't even try that over here.

**Stern:** You come down here and eat a taco out of my crotch.

**Caller:** ... I'm Puerto Rican and proud.

**Stern:** No. You know that, in your community, that women hop-to when men tell them what to do.

**Caller:** Oh, please.

**Stern:** Don't tell me the Puerto Rican macho image ...

**Caller:** That's what you think. That's what you want ...

**Stern:** That's what I know, that's what I know, that's what I know ...

**Caller:** And another thing. The way you treat your wife ... That's, you know, ... You are just disgusting ...

**Stern:** Yeah, well, let me tell you something, honey. I bet you're a big fat cow.

**Caller:** ... rubbing up on women, touching their breasts. Oh my God ...

**Stern:** I bet you're a big fat cow and I bet your husband cheats on you. [*shouting*]

**Caller:** My husband don't cheat on me ...

**Stern:** Oh, I know he does.

**Caller:** I take good care of my man.  
**Stern:** Yeah, right.  
**Caller:** Yes, I know I'm right.  
**Stern:** Nothing like piling on top of a big, fat, hairy girl.  
**Caller:** Oh, God.  
**Gary:** If Howard is so disgusting, how come you know every single degrading thing he does?  
**Caller:** Because I enjoy the show sometimes. Sometimes I do enjoy the show. I do admit it. I have nothing to hide. I do admit I enjoy the show sometimes. But there are times that you really ... blow my mind ...  
**Stern:** Ms. Fernandez, Ms. Fernandez. Even a train comes to a stop.  
**Caller:** ... there's other ways of making your show good.  
**Stern:** Why don't you think of about them and mail it to me.  
**Robin:** What's wrong with asking a question.  
**Caller:** There's nothing wrong with asking a question, but ask a decent question.  
**Stern:** You're a sick woman. You know why ... Let me just tell you one thing. I have to tell you this about yourself, and you might not believe it. You're so limited in brain capacity ...  
**Caller:** Are you for real? You're too much. Now you're trying to put me down.

[...]

**Stern:** All you could do is talk nonsense on a fifth grade level. You're on a fifth grade level ...

[Later]

**Stern:** You pig. Let me tell you something. If she weighs two hundred pounds ... I guarantee you if she weighs two hundred pounds, I'm at a light estimate. This is a fat, ugly girl who can't get squat.  
**Caller:** I'm not a fat, ugly girl. I am 5' 5", I have short brown hair, light brown eyes ...  
**Stern:** How much do you weigh? How much do you weigh?  
**Caller:** I weigh 125.  
**Stern:** Liar. [*caller keeps talking through his questions*] Do you have a mustache? Do you have hair going up around your stomach?  
**Caller:** No, I don't, Howard.  
**Stern:** You do.  
**Caller:** No, I don't.  
**Stern:** You're angry because you're flat and you have a big wide ass. [*They all laugh*] Go count the cockroaches in your apartment.  
**Caller:** No, don't try it. Don't even try it because it's not at all like that.  
**Stern:** How do you get rid of the cockroaches from your apartment? ...  
**Caller:** You are ugly Howard. You're so ugly I can't stand you. I really can't ...  
**Stern:** What, do you use the strip? Do you have that pest strip? You should just put that over your private parts [*everyone moans in disgust*] so that the cockroaches don't get in there.  
**Caller:** Let me tell you something, Howard. I don't have a cockroach problem. What I have is a Howard problem and that's you.

[...]

*[Caller hangs up on Stern]*

**Stern:** She is a filthy, lowlife, low brain power woman ... The reason she doesn't understand it is she ate lead paint chips when she was young from the housing project she grew up in. I love all people, but I gotta tell you that woman was a pig. A pig. She's filthy.

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**APPENDIX B**  
**TO CBSC DECISION 99/00-0717. 0739**  
***CILQ-FM re The Howard Stern Show***

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**I. The Complaints**

The CBSC received two complaints which, between the two, concerned the June 29, and July 10, 11 and 12, 2000 broadcasts of *The Howard Stern Show*.

1. CBSC File No. 99/00-0717

On July 12, the following e-mail was sent to the CRTC and was forwarded to the CBSC in due course:

I am e-mailing you to raise issue about the July 12<sup>th</sup> broadcasting of *The Howard Stern Show* by Q107 (1400-5255 Yonge Street) in Toronto.

I am not some up tight prude trying to impose my version of morality on anyone. In fact I rather enjoy the way Mr. Stern pushes the envelope. What concerns me was how Mr. Stern went off on an over-emotional tantrum, verbally assaulting a call-in listener of his show. Not only did Mr. Stern demean the woman caller, he also attacked the woman's husband and her family's ethnic origins in an extremely racist manner. How far over the line Mr. Stern went is up to you to decide as I do not know what the parameters are. Although this show took place in New York it was broadcast by a Canadian radio station over Canadian air-waves.

Given that people are shooting their wives and children, along with children shooting children, all because they couldn't control their emotions of anger, should Canada be allowing Mr. Stern to be publically carrying on in an out of control and malicious manner, verbally assaulting women, their families and their race over Canadian air waves? Isn't Canada supposed to respect the esteem of all individuals? You really should give a listen to a recording of that show and decide for yourself.

I will try to reconstruct the show at this time from my memory as best I can in an effort to give you a description of the broadcast that I am e-mailing you about for the purpose of identification. Howard was pushing the envelope as usual which is what his act is about. They had a piece on the Bozo interview which was pretty funny. Especially the part about Howard's father-in-law creating the Bozo scandal over greasing the wheel so his daughter (Howard's wife when she was a little girl) could be butch for the day. Not everyone's cup of tea but classic Howard Stern.

Later in the show they started on about air-headed bimbo Barbie dolls posing for *Playboy* and how interviewing them was boring and basically the same interview every time. Howard and Robin's impressions were a hoot. They then started talking about how this one aspiring Oscar award recipient had said that she was a big fan of the show and was game to do anything. Well let's be honest, here. Saying the word anything to a shock jock like Howard Stern is bound to get a reaction so Howard's people phoned up her people with a list of to-dos. I'm sure you can imagine the kinds of things the Howard Stern people had thought up. Twisted and far out there but that's Stern. That's his act. She said anything and Howard was asking her does anything include this, this and that. After all, anything, literally constitutes.....ANYTHING. All in all it was pretty tongue in cheek and done in a pretty humorous way if Howard Stern's brand of bizarre humour is your kind of thing. Apparently though, one listener wasn't impressed, feeling that Stern was being demeaning to women



and she phoned in to confront Stern about it. This is when things took a turn for the worse and got ugly. Really ugly. While the woman's perspective may have been a little out of focus of what Stern's intentions were, was it really necessary for Mr. Stern to verbally assault and rape the woman, her family and her entire race of people? Is such behaviour within the guide lines of Canadian content? While the woman took her shots at Howard's looks, family and character too it was more of a reflexive response sort of thing, especially since Stern was proclaiming to be intellectually superior throughout the entire exchange. If Stern was as smart as he professed to be he wouldn't have sunk to the level that he did. It wasn't until after the caller went off the air that Stern able to cool off the emotional overload and start reasoning but the damage had already been done. It was kind of a twisted sort of logic he was using at that point anyway to justify himself at the woman's expense. I am out of computer time at this moment. I will write you some more about this matter tomorrow, thank you for your attention.

No further correspondence was received the next day, contrary to the complainant's concluding statement.

## 2. CBSC File No. 99/00-0739

On August 4, the following letter was sent to the CBSC and to the Program Director at Q107 (the bold face is from the original):

MediaWatch staff and volunteers have been monitoring *The Howard Stern Show* on CILQ-FM and are concerned about the continuing offensive remarks which are both sexist and racist, airing on Canadian airwaves. This program has been found to be in breach of the CAB's *Code of Ethics* and the *Sex-Role Portrayal Code* on two separate occasions prior to this letter. The CBSC allowed the station to continue to air the show with the condition that they use time-edit equipment to ensure the show adheres to Canadian standards. Stern's show is based on infantile humour that includes the ongoing degradation of women, the humiliation of people with disabilities, the stereotyping of homosexuals and people of colour or ethnic origin.

The continued airing of *The Howard Stern Show* is in direct contradiction of the intent and spirit of the *Sex Role Portrayal Code* and the *Code of Ethics*, Clause 2 (Human Rights).

Q107 allows a producer/editor to monitor the show every morning and has invested in digital time-shift equipment to edit material that does not conform to CAB Codes. WIC Radio president stated in an August 5, 1999 letter to the CRTC, copied to MediaWatch, that: "Portions of the Program are edited virtually every day with edits ranging from a few seconds of material to entire segments of the Program (although the latter is seldom necessary and when it does happen, precipitates a storm of protest from fans of the Program)."

Mr. Cohen, in your letter to MediaWatch dated February 25, 1999, you acknowledge the program is edited almost on a daily basis anywhere from a few seconds to almost two hours of time. You also stated that "while there is always the possibility that slip-ups have occurred, it would only be fair and correct to acknowledge that, far from being a persistent offender of the codes, Q107 has been diligent in dealing with the contentious material produced out of New York."

Both Q107 staff and CBSC council members openly acknowledge that inappropriate and offensive comments are made on a regular basis by a program that is meant to be "contentious". MediaWatch contends that even with the editing it is literally impossible to edit all the derogatory and discriminatory material that is included in the program every day of airplay.

By allowing Q107 the leeway of possible "slip-ups" to occur in that they may miss editing some offensive material, is not acceptable [*sic*]. One comment of violence against women or one comment that stereotypes a minority group is unacceptable. Unfortunately, there are many comments made in jest that implies to the audience, who are mainly young male listeners, that it is acceptable and, since it is on Canadian airwaves, it is the "norm" to be abusive and violent **towards** women. The derogatory and discriminatory comments may desensitize the listener to the point where they believe it is acceptable to make fun of people with disabilities **and to create bias against and hatred towards minority groups**. The number of edits out of each show is not sufficient to meet the CAB Codes.

**In Spring, 2000 MediaWatch commissioned a poll on community attitudes towards standards of taste with Canadian Facts, a national public opinion firm. The national sample for the survey was 750 Canadians, 18 years of age and over. When offended by media they see or hear, one in two (53%) report they will switch to another channel, 41% said that they will switch off. And fully one in three (32%) will talk to others about what they saw, suggesting negative word of mouth may carry large market clout. Just one in twenty (6%) tried to complain to someone, suggesting that a complaints-based system of regulation will catch a very small proportion of those who encounter offensive programming. This identifies why you have received few other complaints about the program - consumers are uncomfortable or unaware of the process to make complaints. At MediaWatch we have found it challenging to recruit volunteers to monitor the Howard Stern Show because they are so offended by the content of the program.**

The following sexist and racist remarks were made in July 2000 on the dates shown. I have included the most offensive comments and have included the rest of the discussion to keep the dialogue in proper context.

#### **Thursday, June 29, 2000**

**HS:** When I tell people I'm having Darva Conger on and even looking at the phones everyone's like, don't Put her on. She's a money sucking whore, she's a slut, she's horrible. I've never seen so much negativity about somebody.

**HS:** I told my parents, the way you guys raised me and the kind of money you gave me when I was a kid, I couldn't even get five god-damned dollars out of you.

**Robin:** How 'bout I keep you just like you kept me.

**HS:** Yeah, I said I'll do for you what you did for me. I'm going to put you in a black neighbourhood.

**DC:** If I was going to say that my mom...

**HS:** Well then you should help her out, my parents stuck me in a black neighbourhood. I'm going to put my parents in Watts.

**Robin** Yeah, let 'em get beaten up every day.

**HS:** I said you better save your money 'cause I got news for you - you're going to get beaten up every day. I'm going to put you up in an old-age home with black people and they are going to wheel you around.

**Robin:** They're going to steal your pants.

#### **Monday, July 10, 2000**

*(Talking to a caller about Haitian immigration to the US)*

**HS:** What's your point sir, should we allow every Haitian into the country, is that your

point? Is that what you wanna to tell me?

**Caller:** Who are you talking about sending somebody back home, you came here...

**HS:** No, I was born here, I was born here genius.

**Caller:** *(beeped out profanities)*

**HS:** Hey ... if you give me dirty words, if you say dirty words sir, I'm going to deport you back to Haiti.

*(a little later when the caller hangs up on Stern):*

**HS:** Well obviously he was in the middle of a chicken sacrifice.

*(later)*

**HS:** I am against all immigration into this country, why, why are the Haitians the only ones who seem to be upset by my stand on this?

**Robin:** Because you've been talking about them. You didn't make it clear that you were against all immigration.

**HS:** Oh, I see. He feels he's being singled out.

**Robin:** That's right.

**HS:** That's enough with the immigration, look what's going on in Los Angeles: you've got to build a friggin' wall around Los Angeles to keep the Mexicans out. I've got nothing against Mexicans, let 'em go live in Mexico.

**Robin:** No, now we're in the process of trying to make these other countries better so people will stay home.

**HS:** Yeah, that's the other thing. Now, our own country has problems, we now got to make Haiti better so that the Haitians will be willing to stay there. But we can't assimilate all these people. Do you know what it takes to assimilate somebody? First of all, a lot of people come to this country and they don't want to assimilate anymore...you must try to assimilate.

**Tuesday, July 11, 2000**

*(talking to Tori Spelling on the telephone):*

**HS:** By the way, in the room is John Stamos...and Rebecca Romane - you're not the only piece of ass in the room.

*(later, talking about Spelling's appearance on Jay Leno the night before)*

**HS:** ...I like the, ah, I like the outfit you picked...I'd love to marry your ass, I swear to god...

**Robin:** Just the ass though

**HS:** ...I'll tell you something, your body has never looked better. And then you had a shirt on that had spaghetti straps-listen to this-you'll be interested, all you gals will be interested in this-it had like, spaghetti straps and then just, it had this piece of material. What was that made out of?

**Tori Spelling** It was, like, silk.

**HS:** It was like, silk and it just hangs and, you weren't wearing a bra, right?...So, I mean, your breasts were jiggling around in this thing I was completely out of my...you know, the woman's breasts were pounding up against this silk, like there's two puppies wrestling in the shirt. Were you aware of what was going on in your shirt?

*(later)*

**HS:** I went to dinner with Tori Spelling, Shannon Doherty and Jessica Hahn...and it was really cool cause I was like, sitting at this table with like, all these pieces of ass. I made Jessica take off her panties and her stockings at the table...

*(talking to a caller about abortion)*

**Caller:** I was just listening to you talking about abortion and stuff, and you were totally right because I have, like, four nieces and nephews and my (?) had them by different men and they growing up very hard and bad and I'm black and...

**HS:** I knew you were black.

**Caller:** How?

**HS:** I can tell from your accent...you speak in the black dialect.

**Caller:** Oh, ok

**Robin:** Is it an accent or a dialect? I don't think she's using any dialect.

**HS:** It's a dialect, Robin, believe me. Accent is like, French.

**Robin:** You're so crazy.

**HS:** It's a dialect. And I'm right, right?

**Caller:** Right

**HS:** Of course.

**Caller:** And, um, they're growing up with, they have no self worth, no nothing.

**HS:** And they're going to be preying on humanity.

**Caller:** Yeah! You can tell that too by the way they act...

**HS:** Of course.

**Caller:** Like they were very upset that they were born...

**HS:** They will be snatch...I'll bet you some of them have snatched purses already.

**Caller:** Are you gonna celebrate Martin Luther King birthday?

**HS:** Oh, that's right. Today is Martin Luther King birthday-the dream is coming true.

**Robin:** Oh shut up. You are disgusting!

**Caller:** No it's not.

**HS:** What do you mean? It is coming true.

**Robin:** The dream? I'm the dream. I came true.

**HS:** There you are.

**Caller:** Well, that's just one person but the rest of us...

**Robin:** Yeah, well everybody else could follow the dream too but you're all too busy having babies.

**HS:** Yeah. (They laugh)

**Caller:** Ummm.

**Robin:** Don't blame the system...

**Caller:** The reason I say you can blame the system is because, ahh, how the system let it go on like this...

**Robin:** Oh please, the system didn't get in bed with you and knock you up.

**HS:** Right.

**Caller:** Yes it will.

**HS:** You don't even know who was in bed with you. She had, like, eighty guys in bed with her-that's almost a system...Now, that baby we're hearing, is that still in your vagina because maybe we could abort it.

**Wednesday, July 12, 2000**

*(talking about a playboy model who wants to be on the show)*

**HS:** So I said, you know what, call back her manager or whoever is in charge...

**Robin:** Her people.

**HS:** Her *pee-pole* and tell 'em she can come in if we can get her naked, roll her up in a carpet, and throw her into the elevator and send her up and down in the elevator and then when she's naked we can poke her with sticks, right?

**Gary:** Yeah, well, sort of. They came to us and said she's a big fan and she's willing to do anything and those are the magic words I said *anything?* and the guy says *anything*. So I came up with anything.

*(later, on the phone with the playmate's 'people')*

**Gary:** ...of course I went into a meeting and they came up with a list of what 'anything' means here's the list of 'anything' you ready? Number one is she would have to, would she be, these are not what she would have to do, would she be willing to...sniff our underwear and guess who's belongs to who...

**HS:** Wouldn't that be fun? Like, we bring in our smelliest underwear...Oh, I've got that one pair of underwear that's has the stains all over it, so I'd bring that one in...

**Gary:** I brought mine in too.

**HS:** Yeah, good.

**Robin:** But, would it smell, if it came from of your drawer?

**HS:** It smells, it hasn't been put back in my drawer, and it hasn't been washed.

**Gary:** We didn't insinuate we were giving her clean underwear...

**HS:** Right, it would be dirty fouled underwear.

**Robin:** Yeah but I'm just saying you're saying you'd bring it in, you would bring in dirty underwear?

**HS:** Yeah, 'course!

**Gary:** I thought we would just take off what we were wearing

**Robin:** Yeah.

**HS:** Ah, no, I've got a better pair than that...mine has my autograph.

*(on the phone again)*

**Gary:** Could we put a carrot in Howard's lap and she would have to eat it while she's naked? ... And, would she be willing to get naked and eat food out of a dog dish.

**Playmate 'people' guy:** You guys are \*\*\*\*ing sick.

*(later)*

**HS:** This is the coolest job in America where you can actually make calls like this and, you know, maybe get away with it.

*(later)*

**HS:** These guys have no idea that playboy playmates are boring otherwise.

**Caller:** Hello.

**HS:** Hello Honey.

**Caller:** No, I've been up, I've been taking care of my business for the morning.

**HS:** And where are you from, what country. *(mimicking her accent)*

**Caller:** I'm from New York.

**HS:** No, you've got some kind of Puerto Rican accent?

**Caller:** Yes I'm Puerto Rican, what's the problem?

**HS:** You should go back there where they really treat women well.

**Caller:** Howard look man, don't even get me started ok, all I did...

**HS:** Listen Mrs. Fernandez...

**Caller:** ...call you to let you that what you spoke about just a few minutes ago...

**HS:** ...listen Fernandez

**Caller:** ...having a carrot between your lap and having this woman bend down naked and eat out of it and then you wanted her to bend down or whatever, it just blew my mind and had me pissed off that I had to call you with that you wanted her to bend down and have her eat out of a damn dog dish naked, ok, you know that is the lowest of the low...

*(while the caller is talking there is laughter and HS says "yeah " throughout)*

**HS:** Well she said she would eat anything...

**Caller:** ...and I told Stuttering John, you people are sick!

**HS:** ...she said she would do anything, I wanted to find out what anything meant. She obviously...she lied.

**Caller:** Oh, I don't know. You could have thought of something else, but not have a woman bend down and eat from a dog dish...

**HS:** This is like, Rosie Perez.

**Caller:** ...you know that's so degrading. And when I heard that, as a woman I got really offended

**HS:** Yeah but, I, you know honey...

**Caller:** ...and I had to let you know that, it's wrong...

**HS:** Ahhh, so why don't you come down here and eat a carrot...

**Caller:** I thought if they was to ask you to do something like that Howard...

**HS:** I wouldn't do it though, I'm not desperate. I'm not desperate to get on these shows.

**Caller:** But you're desperate to have these kinds of people on your shows.

**HS:** No I'm not, they called me.

*(later)*

**HS:** ...that's because in her community most of the men get the women to do whatever they want I used to live in a Puerto Rican community...and let me tell you something the men there tell the women what to do and when to do it that's why she's offended.

*(later, as response)*

**Caller:** I vote, I pay my taxes, I work so don't even try that over here...

**HS:** You come eat a taco out of my crotch.

**Caller:** ...I'm Puerto Rican and proud.

*(later)*

**Caller:** ...And another thing, the way you treat your wife that's, you know, you are just disgusting...

**HS:** Yeah, well let me tell you something honey, I bet you're a big fat cow.

**Caller:** ... rubbing up on women, touching their breasts...

**HS:** I bet you you're a big fat cow and I bet you your husband cheats on you *(shouting)*

**Caller:** My husband don't cheat on me...

**HS:** Oh I know he does.

**Caller:** I take good care of my man.

**HS:** Yeah right.

**Caller:** Yes I know I'm right

**HS:** Nothin' like piling on top a big fat hairy girl.

**Caller:** Oh god.

*(later)*

**HS:** You pig...let me tell you something, if she weighs two hundred pounds...I guarantee you if she weighs two hundred pounds I'm at a light estimate. This is a fat ugly girl who can't get squat.

**Caller:** I'm not a fat ugly girl. I am 5'5 I have short brown hair light brown eyes

**HS:** How much do you weigh? How much do you weigh?

**Caller:** I weight 125.

**HS:** Liar. *(she keeps talking through his questions)* Do you have a mustache? Do you have hair going up around your stomach?

**Caller:** No I don't Howard.

**HS:** You do.

**Caller:** No I don't.

**HS:** You're angry cause you're flat and you got a big wide ass. *(they all laugh)* Go count the cockroaches out of your apartment.

**Caller:** No, don't try it, don't even try it cause it's not at all like that.

**HS:** How do you get rid of the cockroaches from your apartment?**Caller:** You're angry cause you're so tall and goofy you look like a witch, oh my god, you are such an ugly man, you really are.

**HS:** How do you get rid of the cockroaches in your apartment...from the filth from the filth that you live in.

**Caller:** ...You are ugly Howard, you're so ugly I can't stand you, I really can't...

**HS:** What do you use the strip, do you have that pest strip? You should put that over your private parts *(everyone moans in disgust)* so the cockroaches don't get in there.

**Caller:** Let me tell you something Howard, I don't have a cockroach problem, what I have is a Howard problem and that's you.

*(Caller hangs up on Stern)*

**HS:** She is a filthy, lowlife, low brain power woman...The reason she doesn't understand it is she eats lead paint chips when she was young from the housing project she grew up in. I love all people but I gotta tell you that woman was a pig. A pig. She's filthy.

The above quotes include misogynist and racist material. Stern claims he does not discriminate because he says that all minorities should go back to their own countries.

Stern is in a position of power - he has a young audience who trusts his word - he is abusing his level of authority by creating hateful, racist and discriminatory dialogue that becomes ingrained in the psyche of the listener. Stern constantly identifies women by their body parts. The cumulative effect of hearing about their body parts, i.e. breasts, legs, buttocks, makes the listener perceive that women are not whole human beings - but simply sexualized parts.

On July 12, 2000 Stern says: "This is the coolest job in America where you can actually make calls like this and, you know, get away with it." He should not "get away with it" on Canadian airwaves.

MediaWatch urges the CBSC to rule on the above complaint and to press CILQ-FM to adhere to the CAB Codes or be faced with the prospect of removing the broadcaster as a CAB member due to non-compliance.

## II. The Broadcaster's Response

### CBSC File No. 99/00-0717

On August 8, 2000, CILQ-FM's Operations Manager responded to the first complainant with the following e-mail:

We are responding to your complaint dated July 20, 2000, to the CBSC, which we received from the CBSC on July 20, 2000.

I have had the opportunity to listen to the segment of *The Howard Stern Show* aired on July 12, 2000, to which you refer. You noted in your complaint "I rather enjoy the way Mr. Stern pushes the envelope". From this statement, I can only assume that you are a listener of *The Howard Stern Show* and accordingly, you are probably aware that the show is intended to be funny. We do, however, appreciate that humour is a subjective thing.

On the program in question, I believe that the essence of your complaint is that Howard Stern went too far. Again, this is subject to interpretation, as many people who listened to this segment found it funny. It was intended to be funny, not serious.

We recognize that the Howard Stern brand of entertainment is not everyone's taste and regret that you were offended by his comments. We do hope it will not deter you from listening in the future.

### CBSC File No. 99/00-0739

On August 17, CILQ-FM's Program Director responded to the MediaWatch complainant with the following letter:

We are in receipt of your letter dated August 4, 2000. As requested, we are responding to your concerns regarding *The Howard Stern Show* on Q107, including the broadcast of June 29, 2000, despite the fact that this broadcast is more than 30 days prior to your complaint. As you are no doubt aware, we are not required to respond to complaints that refer to broadcasts more than 30 days before the date of the complaint. As such, we have no copy of the logger tape concerning this broadcast but our producer (who is responsible for the edits on *The Howard Stern Show* on Q107), had made extensive notes on the item in your letter. We are happy to pass them on to you below.

It is a matter of public record that Q107 edits *The Howard Stern Show* for broadcast in Canada, over and above the edits that are performed at the originating station, WXRK-FM in New York. This is to ensure that the program conforms to the CAB broadcast Codes, which can have separate regulatory requirements from FCC broadcast regulations in the United States. Indeed, many of the edits that are made at WXRK-FM in New York (which are made as often as the edits Q107 makes) would not be made at Q107, due to the regulatory differences between the two countries. It is not the intent of the edits on Q107 to make the show less controversial or compelling for its listening audience, which is close to half a million men and women in the Toronto area, but to ensure that the



program is in compliance with the codes. It is also not the purpose of the broadcasting codes to make controversial programming unavailable to Canadian audiences. It is our understanding that the codes are applied with healthy respect to Canadians' right to free speech (and, as importantly, to hear free speech).

Your letter states that "consumers are uncomfortable or unaware of the process to make complaints" and that this is the reason we receive "few other complaints" about *The Howard Stern Show*. This is an interesting point of view, considering the fact that the broadcast of *The Howard Stern Show* in Canada has done more to make the public aware of the avenues open to them concerning objections they may have with regard to certain broadcasts or personalities. In fact, Q107 continues to broadcast announcements on a daily basis, advising our listeners about the CBSC and the process available to them to make any of their concerns or comments about our broadcasts known. However, you are correct that the amount of complaints we receive from private citizens about *The Howard Stern Show* is negligible and that virtually the only complaints we receive about it are from advocacy groups such as MediaWatch.

In editing the show to comply with the Codes, context is a significant issue in determining whether or not a segment or word can stay or go. Not only is the context of a discussion in a particular show considered, but the context of the discussion within popular culture and prevailing social climates is also considered.

As mentioned above, [our producer] who is responsible for the edits on Q107 makes notes on every edit that gets made and often on why edits don't get made. Your letter of August 3, 2000, was forwarded to Ms. Markowich for her comments on the issues you raise. The best way to respond to your concerns is to provide you with the notes provided to me by Ms. Markowich in response to your letter. They are as follows:

**Monday, June 29, 2000**

Since the first issue raised in the MediaWatch complaint was on the June 29<sup>th</sup> show, the logger tapes were no longer available for me to listen to. It is impossible to accurately analyse segments of any show when they are isolated and decontextualized but I will rely on my memory of the segment.

As I recall, Howard is having a discussion with his guest, Darva Conger, about her plans to use her money from Playboy to care for her ill mother. This provides Howard with a jumping off point to discuss how he plans to care for his parents when they become elderly. I'm assuming that MediaWatch is offended by Howard's plans to put his parents in a "black neighbourhood" and in "an old-age home with black people" and Robin's comments that they're going to "get beaten up everyday" and have their pants stolen.

Howard has already established a context for this discussion (perhaps earlier in the segment although I obviously can't confirm this) and definitely in his best-selling books and in his movie, where his childhood experiences are described in detail. As a child, Howard was one of the only white students in an all-black high school. As such he felt socially isolated. The resentment Howard feels towards his parents about this issue is no great secret to the listening audience. The issue here is Howard's desire to reverse the parent/child role and to finally have his parents experience what he did.

As will be discussed later, any articulation of a direct connection between race or ethnicity and social behaviour contravenes CBSC codes and is always deleted in editing. Within context, the intent was not to establish a link between blacks and criminality. In this discussion, Howard and Robin are drawing a parallel between Howard's experience as a child and his desire for his parents

to have these same experiences as elderly people. Robin doesn't say "they're going to steal your pants" because she feels that black people at the old age home are going to steal Mr. and Mrs. Stern's pants. She says this because when Howard was a child a classmate stole his pants, an incident described on the show on many occasions and perhaps later in the segment.

In their complaint MediaWatch also included Howard's comments concerning Darva Conger. According to the transcription they provided in the letter, Howard says ".....When I tell people I'm having Darva Conger on and even looking at the phones everyone's like, don't put her on. She's a money-sucking whore, she's a slut, she's horrible. I've never seen so much negativity about somebody." Howard is not saying he thinks Conger is a "money sucking whore" and a "slut", he is saying that this is the reaction and opinion that many have about her. The opinion that Conger prostituted herself on national television by appearing on the "Who Wants to Marry a Multimillionaire" show was expressed by countless media outlets, television critics and feminist organizations.

### **Monday, July 10, 2000**

#### *Immigration*

In their complaint MediaWatch also included segments from the July 10<sup>th</sup> show. This show happened to be a "Best Of". At issue here are Howard's comments about Haitian immigration and the issue of US immigration at large. The segment initially aired around the time of the military coup in Haiti and the subsequent US military invasion of that country.

If the discussion is listened to in its entirety, it is clear that Howard's rationale about immigration is based on his opinions about US economic, foreign and defence policies, not on hatred toward Haitian people or immigrants, as MediaWatch is suggesting. Just moments prior to the exchange MediaWatch is protesting, Howard explains how he thinks the US should handle the immigration issue. I thought it would be helpful to transcribe this segment:

#### **7:25 AM**

**Robin:** Have you noticed what's going on in Haiti as a result of the change in the administration?

**Howard:** Yes, all of the Haitians are building boats. They're piling up on the shores waiting to come here. But believe me, Clinton won't let us down. He...that was a lot of campaign rhetoric he's not allowing

**Robin:** Rhetoric you say?

**Howard:** Oh absolutely

**Howard:** He had to say stuff like that in order to get elected...he will not allow all those Haitians into the country. Absolutely not.

**Robin:** Well, Haitians even though they know they're going to be turned back at this point are headed for our shores and the numbers will be increasing as we get closer to inauguration day

**Howard:** Do you know why all the Haitians want to come here? Economic opportunity. Do you know why all of a sudden? ...

**Robin:** Is that a bad thing? Why did everyone else come Howard?

**Howard:** Do you know why else they want to come here? Because we are having, right now, an economic boycott against Haiti. Does anybody know this? Did you know this Robin?

**Robin:** Yes!

**Howard:** No you didn't.

**Robin:** I did too,

**Howard:** We have an economic boycott against Haiti now let me tell you.

**Robin:** Right. Of course we do because they had the army overthrow the government.

**Howard:** Right now but let me tell you something...

**Robin:** But why did other people come here? You think an economic reason is a bad one?

**Howard:** Let me tell you something...Never mind why other people came here. Now the country is filled up to the brim with people we got so many people we...

**Robin:** *We have* to change the rules.

**Howard:** We have to change the rules of the game (*Robin laughing*)

**Howard:** You know how we can help the Haitians... let them stay in their country and let's lift the economic boycott. Let us make sure to help them economically so they can live there because the *alternative* is they're *going to* come here on what they call boats, even though god only knows what those things are.

**Robin:** These boats will break up as soon as they hit the water.

**Howard:** These boats will break up and we'll have the navy over there to go pick them up in the water. It's pathetic. And everybody knows it's enough with all of that. It's nonsense.

**Robin:** Well apparently the plan is to restore the democratic government of Haiti and then to open up the economic uh...or end the economic boycott so it will be a *better place* to live.

**Howard:** No and Clinton knows what he's got to do is just lift the economic boycott and, let everyone stay home.

**Robin:** Well they want to reinstall the president.

**Howard:** Forget that...you can't install any president...reinstall a president...

**Robin:** I'm telling you what their plans are.

In their complaint MediaWatch states "Stern claims he does not discriminate because he says that all minorities should go back to their own countries." This is clearly incorrect. In no instance within the material that the organization is complaining about, and in the entire segment at large, does Stern ever say that "minorities" should go back to their own countries. He states repeatedly that, in his opinion, the alternative to relaxing U.S. immigration policies would be to offer foreign and economic aid.

When Stern says "look what's going on in Los Angeles: you've got to build a friggin wall around Los Angeles to keep the Mexicans out. I've got nothing against Mexicans, let 'em go live in Mexico," he is referring to a particular moment in U.S. history when many Mexicans were crossing the U.S. border illegally. The fact that this show was from 1992 is clearly evident during the discussion and establishes a social and political context in which to place the segment. Furthermore, in this Mexican example, he is not referring to Mexican-Americans he is referring to Mexicans from Mexico.

### *Assimilation*

Another issue referred to in the complaint is Howard's comments about assimilation. American ideological discourse values the idea of the "American melting pot." The ideology that shapes Canada's social and political policy relies on the concept of the "Canadian Mosaic." We do not try to hide the fact that the *Howard Stern Show* is an American program. Stern's opinions about assimilation are based on the classic American "melting pot" ideal, as well as his own family history and experience. Stern describes that when his grandparents, who immigrated to the U. S. were embarrassed that they did not know how to read and write, they spent nights learning English in order to feel like they were a part of the country. Although Stern's description of how this act of "assimilation" gave his grandparents a sense of belonging occurs within the segment that MediaWatch is complaining about, they did not feel the need to include it in their transcription. Having an

opinion supporting an American "melting pot" society does not contravene any broadcasting codes.

**Tuesday, July 11, 2000**

*"Piece of Ass" Issue*

In this segment MediaWatch seems to object to Stern's use of the term "piece of ass" to describe women. This is a term Stern often uses to describe an attractive *person*. This term might be vulgar but it is certainly not sexist, as it was used by Stern to describe male actor John Stamos just prior to the start of MediaWatch's transcription. At 7:34 Stern says. "he's a really gorgeous piece of ass ..."

I believe that MediaWatch is arguing that Stern is sexualizing Rebecca Romaine and Tori Spelling. This sexualization, according to MediaWatch, results in the perception, by listeners, that women are not whole human beings." MediaWatch does not note that Rebecca Romaine is in-studio to promote her layout in *Sports Illustrated Swimsuit Edition* and Spelling calls to promote her made-for-TV movie entitled *Co-ed Call Girls*. Furthermore, if Ms Spelling objected to Stern's description of the outfit she wore on the *Jay Leno Show*, then she had every opportunity to correct him or to disagree.

*Abortion Discussion*

In their transcription of this segment MediaWatch does a little editing of their own. By excluding several significant key statements made during Stern's discussion with a caller about abortion, the complaint manipulates the transcription in order to illustrate that the show breaches Clause 2 of CAB's *Code of Ethics*. When the discussion is evaluated in its entirety, and in context, this is clearly not the case.

I am assuming that MediaWatch is suggesting that Stern connects blacks with criminality and promiscuous behaviour in this segment. Any connection between race or ethnicity and negative behaviour results in the articulation of a negative stereotype and is always edited out of the show. In fact, during a separate discussion earlier in the show, at 6:16, 6:18, 6.20, several comments and generalizations about blacks and single motherhood and criminality were edited.

This segment is part of a larger discussion about the issue of abortion and unwanted children. At 9:05 Stern speaks with a minister who is anti-abortion. Here, Stern clearly establishes his pro-choice position and argues that unwanted children inevitably become the criminals and "hoodlums" of society (9:10). In the segment in question a black caller says that she thinks that Stern is "totally right" about his theory about unwanted children and abortion, and cites her nieces and nephews as examples of his theory. When Stern suggests that this caller's nieces and nephews will be "preying on humanity" he is expanding his opinion about unwanted children and criminality; he is not suggesting, in the least, that the fact that they are black has anything to do with this. In fact MediaWatch excludes the caller's description (which, incidentally, occurs in this discussion), of how her troubled niece has begun to shoplift and steal money from her mother's purse.

MediaWatch might suggest that Robin's remark to the black caller that "you're all too busy having babies" is racist and connects black women to single motherhood. It is interesting to note that in their transcription MediaWatch edited out the statement made by the caller that "I have one (baby). I'm a statistic too." The caller makes this statement almost

immediately prior to Robin's remark.

Stern's comment that "the baby we're hearing, is that still in your vagina because maybe we could abort it" is a ridiculous suggestion and relates to the earlier discussion about abortion. He is clearly not serious.

**Wednesday, July 12, 2000**

*Playboy Playmate*

In this segment, Stern and his staff compile a list of preposterous suggestions for a Playboy model who has requested to appear nude on the show and "do anything." The suggestions made were meant to be a joke on just how far people will go to come on the show and what types of suggestions PR people will entertain in order to book their clients on the show. The segment includes a tape of a phone call Gary Dell'Abate, the producer of the show, makes to the Playboy Playmate's public relations representative. In the phone call Gary lists ridiculous suggestions, compiled by Howard and his staff, in order to illicit [*sic*] a reaction from the PR person and to see just how far this model will go to get on the show.

There is no suggestion of putting this woman in a violent situation or in a situation where she would have no control. In fact the comment that Howard will "chain her to the door" was edited out of this segment (9:57).

*Argument with Caller*

Howard often argues and makes mean comments to callers, both male and female, about their appearance. This fact is no surprise to people who listen to the show. Any overt comment that is either racist or suggests violence towards women is and was edited from the show. At 10:08, Howard's comment to the caller that "I'll beat you like a pinata" was edited. Also the comment that the caller's husband got his "master's degree in stealing" was edited because it suggests that Hispanics are prone to crime.

In reading the transcripts provided however I think I might have made an error in judgment by leaving in some of the comments about this woman that had racial implications, i.e. "you come eat taco out of my crotch."

I am assuming that MediaWatch is labelling this segment "mysogynistic" because of Howard's comments about this woman's appearance. The male callers that Howard argues with are not excluded from this type of treatment. Mean comments about weight and appearance are not solely reserved for women on the *Howard Stern Show*.

Despite the fact that your complaints are general in nature and not specific, we took the liberty of responding based on what we thought the actual issue was in relation to the broadcast Codes. It is clear you have a general concern with the *Howard Stern Show* that certainly goes beyond any specific complaints you may have. Q107 has maintained, since day one, that the *Howard Stern Show* is a matter of choice for Toronto listeners. Through extensive dialogue with organizations like the CBSC, Q107 has made every effort and will continue to make every effort to ensure that the *Howard Stern Show* complies with the CAB broadcast Codes. From time to time Q107, like many other broadcasters with controversial programming, may be in contravention of the Codes. That is why there is an organization like the CBSC in the first place. When these errors are pointed out by the CBSC, Q107 willingly and readily acknowledges them and apologises for these errors, as

does every other member station of the CBSC when they are found to be in contravention of the Codes. Just because a show may be in contravention of the Codes from time to time (as is the case with a number of controversial shows on the air in Canada), does not mean that show has to be, or should be, cancelled. This is in no way meant to represent that we feel the *Howard Stern Show* constantly contravenes the broadcast Codes. In fact, with the edits that Q107 makes, the show is no more out of place (or, for that matter, out of compliance with the Codes) on Canadian airwaves than any other show with sometimes controversial subject matter.

We recognize that the Howard Stern brand of entertainment is not for everyone's taste and regret that you have a problem with the show.

The *Howard Stern Show* generates strong emotional reactions on both sides of the issue. Some feel that nothing short of its removal from Canadian airwaves will suffice. Others are just as adamant about Canadians' freedom of expression and listeners' rights to receive programming of their choice.

We do take steps to ensure that warnings about the nature and content of the show are broadcast regularly, in an effort to inform listeners who may be sensitive to such issues.

A programme producer, whose sole function it is to monitor the show, is employed with a view to ensuring sensitivity to and continuing compliance with Canadian broadcast Codes and Regulations.

As we noted earlier, the *Howard Stern Show* has polarized public opinion. The most recent BBM ratings results released, indicate that approximately 488,300 Q107 listeners choose Howard Stern each week as their preferred program despite a multitude of alternatives.

### **III. Additional Correspondence**

#### CBSC File No. 99/00-0717

The first complainant was not satisfied with the broadcaster's response and, on August 15, sent the following e-mail to the CBSC:

I have received a response from Q107 that I feel is unsatisfactory. What follows is my response that I sent back to them.

Congratulations, you've managed to stoop to the level of O.J. Simpson. Much like O.J. you've extrapolated a sentence from my correspondence (presumptuously) and spun it a little in an effort to put it on me. (Last I read O.J. was blaming Nicole.) Being somewhat from the old school, I am quite familiar with the adage "fuck 'em if they can't take a joke." That's not applicable in this case. Neither is whether I am a fan of the Stern show or not. Fact is that a lot of Stern's act is to create a buzz by being someone that people find offensive in an effort to test the parameters of freedom of speech through his brand of humour. The point I'm trying to make is that Howard Stern went off on an over-emotional tantrum because a female caller did not share the same perception as Howard Stern. It's not a case of me choosing sides as to who has the "right" perception, but a matter of the mechanics that Howard Stern employed to deal with the caller. I'll pull no punches with you, I'm exploiting Mr. Stern's fame and popularity to make a point. That point is that

although people may not share the same perception, they can still steer through situations relatively unscathed by not allowing their anger to control them and allowing their brains to reason and rationalize.

Proof that Mr. Stern allowed that to happen is there in that episode. One of the things Howard Stern was carrying on about while verbally assaulting the woman was how much smarter he was than her and her husband. If you listen to the tape, you will hear the woman mention that her husband had a Masters degree. Does Mr. Stern have a Masters degree? Do you? I don't. I knew someone that had one and he was a pretty bright individual. We ain't talking the Marvel School of Beauty College level.

Instead of giving the woman any degree of respect, Stern resorted to slander (just another form of anger) instead of reasoning through it. He hit the racism button too. (Something also triggered by anger.) What I really found ironic was that just the other day, Stern mentioned that no one was into anger. That's also on tape. Mr. Stern has also said on air that "we're all doomed". I got news for you. We're not if we can learn to control our darker emotions like anger and allow our brains to reason and rationalize properly. When we learn how to do that, then we'll start to respect one another's self-esteem. We're only doomed if we allow ourselves to exist in a weaker state like Howard Stern did on that episode.

I'm not out to tear down Mr. Stern, though I'm sure many would like to see that. In fact, it's entirely possible that we may need guys like Stern around to push the limits of free speech so we don't lose that right. We just have to recognize where the edge is.

I'm not trying to put myself on a high moral pedestal either. I've learned the hard way about pushing the anger pedal too hard.

So what's it gonna be with you guys and Stern. Ya [*sic*] gonna [*sic*] be like O.J. or ya [*sic*] stand on this earth with pride. There's a difference between humiliation and humility. One is weak, the other is strength. Hope you and Mr. Stern choose to be strong.

Your response to this date is UNSATISFACTORY.