
**CANADIAN BROADCAST STANDARDS COUNCIL
NATIONAL CONVENTIONAL TELEVISION PANEL**

CTV re an episode of *Open Mike with Mike Bullard*

(CBSC Decision 01/02-0783+)

Decided January 15, 2003

R. Cohen (Chair), S. Gouin (Vice-Chair), P. O'Neill (Vice-Chair), E. Holmes
and J. Levy

THE FACTS

The April 24, 2002 episode of the late night talk show *Open Mike with Mike Bullard*, broadcast by CTV beginning at 12:04 am, contained a number of references to Roman Catholic priests (a transcript of all the relevant comments from that episode of *Open Mike* can be found in Appendix A). The first reference occurred in the host's opening monologue when he told a story about "an American rabbi, this is very strange folks, who's now accused of sexually exploiting members of his congregation. [...] So yesterday while the Cardinals were all meeting with the Pope in Rome, the chief rabbis have been called to a hastily arranged meeting at Streisand's house."

The second reference, which involved a set-up early in the program, was part of a conversation between Bullard and the show's resident band leader, Orin Isaacs, who asked Bullard how he had been able to deter some boys from hanging outside the studio and terrorizing guests. The host replied that he "took care of it the best way I know how;" the camera then cut to two young actors dressed up as priests who were standing around outside the television studio. Bullard explained the gag by saying, "I hired a couple of Catholic priests. Good work, fellas. Today I haven't seen a young guy within ten blocks of here."

The actors dressed up as priests are shown again approximately 20 minutes into the program. When a young man walked past them, the actors looked him up and down and smiled approvingly. The third bit with "the priests" was broadcast shortly thereafter. Bullard introduced the clip, saying, "I hear the priests are really working out there. Let's go have

another look.” The scene then showed the two “priests” handing out candy to a young man. Bullard reacted to the scene with the following lines:

Hey, hey, they're handing out candy! No, no, that's not right! Don't hand out candy! No candy! Man, I think these guys have an ulterior motive. No more candy. Pull away, pull away. Pull away.

Later in the program, Bullard interviewed comedian/writer Rick Green, who was then working on a television program that parodied historical events. Bullard asked Green if his program had ever been sued. Green replied that it had not been sued but that it had received a complaint forwarded by the CBSC from a viewer who had complained that a particular skit about the Pope having “social diseases” had promoted hatred against Catholics. Green also suggested to Bullard that he was at risk of receiving complaints due to the actors dressed as priests on *Open Mike*.

In the final scene involving the two “priests”, towards the end of the episode, they were playing musical instruments and singing the well-known folk song “Kumbaya, My Lord”. (More details on the relevant scenes can be found in Appendix A.)

The Correspondence

The CBSC received 14 complaints about the episode. Four of the 14 complainants returned Ruling Requests, the documents which ask that the matter be referred to the National Conventional Television Panel for adjudication. Accordingly, only those four complaints were considered by the Panel. One of those complainants was the Catholic Civil Rights League (CCRL). The CCRL first contacted CTV directly. When it was unsatisfied with CTV's response, it sent its complaint to the CRTC, which forwarded it to the CBSC in due course. The CCRL expressed its concerns about much of the *Open Mike with Mike Bullard* episode (the full text of all the correspondence of the complaints actually considered by the Panel can be found in Appendix B):

[T]he episode of *Open Mike with Mike Bullard* exploited the seriously damaging Boston paedophile priest scandal and the recent Vatican meeting with the American Cardinals to heap further shame on Catholics and to defame Catholic priests. [...]

These two actors mocking priests in public were used many times throughout the show and also prior to going to commercials to depict various scenarios. In one scene they were “luring people in with bags of candy and lollipops”. In another they were shown playing musical instruments for money on the same street corner. The entire effort was in no way humorous and was disgustingly offensive.

[...]

It is beyond our comprehension how CTV could believe this to be acceptable. This stunt was obviously conceived in malice to denigrate and reinforce an abusively discriminatory and negative stereotype of Catholic priests.

To add insult to injury, Bullard told a clergy paedophile joke during the monologue and show guest Rick Green bragged of his Catholic bashing on his “History Bites” television show and the complaints that the show had gotten to broadcast regulators. Was his point to say how proud he was of shoving more in Catholics’ faces?

[...] Why should all clergy suffer and have to be ridiculed and similarly shamed for the actions of a tiny minority, a minority scientifically proven to be no greater than any other faith group or even society at large.

[...]

This may have aired after 11pm at night, but the physical antics of those hired actors mocking the Catholic clergy were taking place on a public street in plain view of rush hour traffic before 7 pm.

[...]

The paedophile-priest stereotype, though baseless, is something that has been reinforced by humorists who came before Bullard.

[...]

We demand an immediate investigation. An immediate apology must be forthcoming. A public display which ridicules an identifiable group borders on a hate crime.

We strenuously urge that this program be removed from the library immediately so that in [sic] can never be rebroadcast.

The CCRL also suggested that comments of this nature about Catholics appeared in other episodes of the program.

As indicated above, other individuals also complained to the CBSC. In general, they described the references to Catholic priests on the program as “vicious attacks against Catholics” and suggested that such comments would not have been acceptable if they had targeted a different religious group.

CTV’s Senior Vice-President of Comedy and Variety Programming responded to all of the complainants. He highlighted the distinction between serious and humorous dialogue made in one of the CBSC’s past decisions and offered the following comments about the *Open Mike* episode:

First, let me say that I am very sorry that you found the episode’s skits and Mr. Bullard’s comments insulting and defamatory to the Catholic clergy. It is never our intention to offend our audience. Mike Bullard’s approach to comedy is to poke fun at the headlines and newsmakers of the day, and to him all topics represent potential material, despite possible controversy. Comedy has always drawn material from all aspects of society including politics, culture – and religion.

We appreciate that the subject matter of paedophiles in the priesthood is a serious and sensitive one currently causing Catholics great pain. But the skits and comments on *Open*

Mike were in no way conceived with malice to denigrate the Catholic Church nor to reinforce a negative stereotype of Catholic priests. Rather they were simply a comic response to the news headlines of the day, not intended to be taken seriously by the audience or viewers of *Open Mike*.

He concluded with the information that *Open Mike* will not appeal to all comedic tastes, but that “freedom of expression and free speech in this country must nevertheless be safeguarded to allow for all different perspectives on matters of public interest.”

The CCRL found the response inadequate, they explained, because CTV did not offer to apologize despite their admission that the issue was causing Catholics “great pain”. It also pointed out that the “comedic defence” is not absolute even based on CBSC decisions and that “hateful programming and speech are not considered protected speech in any setting.” One of the other complainants also wrote further correspondence expressing his disagreement with CTV’s justification for the episode and emphasizing that ethical codes, rules and laws exist to prevent harmful depictions and stereotyping of particular groups.

THE DECISION

The National Conventional Television Panel considered the complaint under the human rights provision of the Canadian Association of Broadcasters’ (CAB) *Code of Ethics*, which reads as follows:

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

The National Conventional Television Panel read all of the correspondence and viewed a tape of the April 24 episode of *Open Mike with Mike Bullard*. The Panel concludes that it does not disclose a breach of the human rights clause.

Satirical Treatment of Matters of Public Interest

As a general principle, those news issues that are reported in the written and electronic media already are or soon become matters of public interest. They may be political, civic, social, religious, economic, financial, scientific, or sports or entertainment-related, to name only some of the categories or areas that may be said to be of such a nature. In any such categories, they may also be local, provincial, national or international in scope. Some may, by their nature, be humorous, others serious or tragic. Almost all matters of public interest are subject to becoming fodder for the pen, keyboard or microphone of the social commentator or satirist.

The Panel must ask itself when, if at all, such matters of public interest should be immune from satirical observation. In Clause 7 of the *CAB Code of Ethics*, the “necessity of presenting all sides of a public issue” is recognized; however, there is a limitation, namely, “to treat *fairly* all subjects of a controversial nature. [Emphasis added.]” In Clause 2 of the *CAB Code of Ethics*, it is provided that neither abusive nor unduly discriminatory material “based on matters of [...] religion” shall be broadcast. This would, the Panel believes, be another limiting constraint. There may be others; however, there is no need in the circumstances of the present complaint to seek these out. In any case, whether the satirically treated subject is judged to fall on the protected or the unprotected side, the Panel understands that the individuals or groups on the receiving end of the satirical commentary are likely to feel discomfited by the exposure. That is, after all, the nature of satire. The *Shorter Oxford English Dictionary* defines ‘satire’ as:

A work or composition in prose [...] which (usu. humorously) exposes prevailing vices or follies or ridicules an (esp. prominent) individual; a lampoon; a performance or broadcast of a similar nature.

Whether the individual or group exposed or ridiculed has been ashamed of the activity that has given rise to the satire is not generally the concern of the humorist. Indeed, the humorist is entitled to make the comments, subject to the limits noted immediately above, as he or she is the beneficiary of the principle of freedom of expression in his or her satirizing.

The foregoing being said, this Panel does agree with the President of the CCRL when he states that the “comedic defense [*sic*] is not absolute!” The comedic defence will not override the breach of a specific code provision (such as those cited above). The question in every case is whether or not the comedic commentary has done so.

The Application of the Principles of Satire to the Matter at Hand

It thus remains for the Panel to examine the broadcast of April 24 in the light of the foregoing observations. In so doing, it should be noted that, in the view of the Panel, satire is not *per se* unfair. This is especially true when, as in this case (to use the words of another CBSC decision, namely, *CHFI-FM re the Don Daynard Show* (CBSC Decision 94/95-0145, March 26, 1996), “It poked fun but did not bludgeon. It tickled but was not nasty.” Clearly, the complainants were offended by the satire, as were the complainants about the Jewish joke in the *CHFI-FM* decision, the Polish jokes in *CHUM-FM re Sunday Funnies* (CBSC Decision 95/96-0064, March 26, 1996) and the Irish jokes in *CFOX-FM re the Larry and Willie Show* (CBSC Decision 92/93-0141, August 30, 1993). Nor should it be forgotten that the opening monologue made as much fun of the philandering rabbi and the Jewish religious hierarchy answering to Barbra Streisand as of the problems facing the the Catholic priesthood.

The various CBSC Panels have previously understood the sensitivities of the religious or national groups in the foregoing matters. Furthermore, in the case at hand, the National Conventional Television Panel disagrees with the argument of essentially all of the complainants requesting this adjudication to the effect that the reaction would have been different had the comments been directed toward other ethnic or religious groups. As one complainant put it, had “this negative portrayal [...] been directed towards African-Canadians, Protestant ministers, Jewish rabbis or Moslem imams, can you imagine the reaction of the media [...]?” As noted earlier in this paragraph, various CBSC Panels *have* dealt with other such groups which have been the brunt of pointed humour and they have generally sided with the broadcaster’s position. The issue is, after all, not the *identity of the group* but rather the nature of the comments made. Those which are light, rather than heavy, tickling rather than bludgeoning, will, even if distasteful to some (or many) pass muster. As the Ontario Panel further explained in the paragraph concerning the lightness of the humorous touch in the *CHFI-FM* decision, “The CBSC does not expect that the airwaves will be pure, antiseptic and flawless when society is not.” Furthermore, as the Ontario Panel explained in *CFNY-FM re Humble & Fred (“Danger Boy on a Cross”)* (CBSC Decision 97/98-0644, February 3, 1999),

Religion is not, after all, immune from farce, sarcasm or parody. The issue to determine is whether the barb has become a poison arrow, and whether, in other words, the humoristic device has stepped over the farcical threshold and into the bitter and nasty territory of abusively discriminatory comment. Disrespectful and even apparently harsh words *may* be on the safe side of that threshold despite the sensitivity of the listener of the same religious persuasion or even the listener who is sympathetically inclined.

In judging a weekly religious satirical show in *TQS re Dieu reçoit* (CBSC Decision 98/99-0402+, June 23, 1999), the Quebec Panel found

that the humour in *Dieu reçoit* is undeniably irreverent, certainly impious and arguably, at times, in bad taste. It is casual and flippant with respect to certain traditional Catholic practices, even as to the undeified appearance and nature of God. It is not, however, in the Council’s view, at any time, bitter, nasty, disdainful or hateful about Catholicism and certainly *never* about individuals on the basis of their religion. Accordingly, the Council does not find that a breach of Clause 2 of the *CAB Code of Ethics* has occurred in this case.

In *CFYI-AM re Scruff Connors and John Derringer Morning Show* (CBSC Decision 01/02-0279, June 7, 2002), the Ontario Regional Panel was called upon to deal with the use of accents and tasteless commentary affecting the Chinese community. Clearly uncomfortable with the unpleasantness of the “humour”, the Panel nonetheless concluded that the comments did not go so far as to exceed the protection of the principle of freedom of expression.

In the matter before the Panel on this occasion, there are, to be sure, poor taste and that puerile elitism that finds foreign accents, particularly those coupled with halting English, invariably funny. The comments are mocking and jeering but silly; they reflect far worse on the persons who uttered them than those who are their brunt. They are, in the view of the Panel, unpleasant, desensitizing and unreflective of the public responsibility that those

seated at the microphone ought to carry but not so hateful, demeaning or degrading as to be considered to be abusive or unduly discriminatory.

Once again, the Panel distinguished between audience expectations in a comedic and a non-comedic environment.

The Council has also pointed out that different considerations may well be at play when the broadcast commentary is *clearly intended* to be humorous. In such circumstances, there will be a different level of audience expectation and it is entirely fair for the broadcaster to expect that it should have *some* leeway. The question is, “How much is some?” or, correspondingly put, “How much is too much?” While fraught with difficulty, *this* is the question which the CBSC Panels must put and to which they must, from case to case, find a reply. Moreover, the problem is exacerbated by the likelihood, if not the certainty, that some one or more members of the affected identifiable group will be offended by the type of ethnically-pointed “humour” as is present in the case at hand.

Despite that plethora of CBSC decisions supporting specific examples of the broadcast of ethnic humour, it should not be assumed that, simply, *any* ethnic humour will be acceptable to CBSC Panels. When it bludgeons, it will not be. When it is nasty, it will fail the test. When Newfoundlanders were described as “assholes” in *CKTF-FM re Voix d’Accès* (CBSC Decision 93/94-0213, December 6, 1995), it was considered seriously excessive. As the Quebec Regional Panel said,

Whether intended seriously or in jocular fashion, the use of that term in reference to this or any ethnic, racial, national or other discernible group was derogatory, abusive and discriminatory and in violation of clause 2 of the *CAB Code of Ethics*.

More recently, in *CKTF-FM re comments made on Les méchants matins du monde* (CBSC Decision 00/01-0705, April 5, 2002), the dialogue concerned the allegedly humorous but barbaric notion of *hunting* Hindus. Not stopping there, the comments targeted that ethnic community’s “alleged habits, practices and conventions.” The Quebec Panel concluded:

The jokesters [...] did not joke *with* Hindus; they laughed *at* Hindus; they made fun *of* Hindus. They demeaned and denigrated the objects of their “humour”. This was “grit your teeth”, “cringe in discomfort” mockery; it had no cuteness or levity to offer. It did not belong on the public airwaves of Canada. The broadcast of this sketch constituted abusively or unduly discriminatory comment, in breach of the human rights clause of the *CAB Code of Ethics*.

This Panel considers the humour in the challenged episode of *Open Mike* as sufficiently gently satirical (and related to a very publicly debated controversy) to be acceptable. No breach of the provision of the human rights clause of the *CAB Code of Ethics* is disclosed.

“Priests” on the Street

The complainant League also expresses its concern regarding the presence of the actors dressed as priests in the street. The President of the CCRL put this aspect of his complaint in the following terms:

Nor did he [the broadcaster’s Vice-President] address the extremely public nature of the defamation that took place on a public intersection in a very busy area of Toronto during rush hour. It is a pre-watershed hour visually offensive presentation which has been reported to the police. No care was taken to protect children walking by the building from the depiction. These men dressed as ‘Catholic priests’ were outside the building for more than an hour while the show was being taped for a later rebroadcast.

While there is no doubt that people passing by would, as the complainant’s President has observed, have seen the events in the street; however, there are two points to note. First, there would have been a fraction only of the people who might have seen the broadcast. Second, it is unlikely that people would have known what was going on in the absence of the accompanying on-screen dialogue. In the light of the complainant’s reference to the Watershed hour, it should be noted that, unlike sexual content and certain types of violent content broadcasts containing abusively or unduly discriminatory comment are unacceptable at *any* time of day; the question for the CBSC is not whether such content is acceptable (whether before or after the Watershed hour), but rather if it reaches the level of abuse that constitutes a breach of the Code. In any event, the street scene raises no broadcast issue. The CBSC has no jurisdiction to deal with the non-broadcast aspects of the complaint.

An Incidental Misunderstanding: Majorities and Minorities

In the CCRL letter, the President states, *inter alia*:

Why is it that anti-Catholic anti-clericalism remains so broadly acceptable and is defended by Canadian broadcast regulators. The defense [*sic*] argument that [the] CBSC chair [...] uses is that Christians are the ‘largest identifiable group’ and is itself a Charter violation.

The CCRL President has taken a statement of the Ontario Regional Panel in an earlier decision out of context and distorted its import. In *CFNY-FM re Humble & Fred (“Danger Boy on a Cross”)* (CBSC Decision 97/98-0644, February 3, 1999), that Panel was reviewing a broadcast which, the complainant alleged, had targeted the Catholic Church. In its analysis, the Panel noted that, in almost all CBSC files involving the “parodying of religious practices or icons, if not religion itself,” the “religion in question has been a Christian religion, whether Protestant or Catholic.” It was a simple empirical observation, not a value judgment. In asking why this might be the case, the Panel added, as a possible explanation:

This may result from the case that Christianity in its broadest sense is the dominant religion in Canada, therefore, the religion best known to the population and the one which would be likeliest to be publicly parodied. Quite simply, the parodying of less representative religions may not reach the lowest familiarity level of a broad enough segment of the population to “work” with the target audience.

In other words, the speculative reasoning of the Panel was that humorous reflection on any unknown subject might fall on deafer ears than on a better-known subject. There was not a smidgeon of a suggestion that this would render it *acceptable*; it was only an attempt to understand *why* it might have occurred thus. In any event, the most critical part of that explanation was that Code-unacceptable humour would *not* be rendered acceptable if aimed at the larger religious group than at smaller communities. In the very next sentences, the Panel explained this point:

It does not in the end matter *why* this is the case since the principles established in the various CBSC decisions on the subject would be as applicable to *any* religious group. What matters ultimately relates to the clash of the right of freedom of speech and the right of broadcast audiences to be free from abusively discriminatory comment on the basis of religion, as well as other grounds enumerated in Clause 2 of the *CAB Code of Ethics*.

In *TQS re Dieu reçoit* (CBSC Decision 98/99-0402+, June 23, 1999), the Quebec Regional Panel, in reviewing a weekly religious parody, said:

In light of some of the comments made in the complaints, the Council considers it appropriate to note that, in coming to the above conclusion, the Council has *not* considered the mocking of certain attitudes, traditions or practices of the Christian faith, and Catholicism in particular, as any less serious than the mocking of any other faith or religion. [...] Any careful review of the jurisprudence of the Canadian Broadcast Standards Council will immediately reveal that it has been as substantively protective of any religious, ethnic, linguistic, national or cultural group as any other or, when appropriate in the other direction, as willing to permit justifiable (that is, non-abusive) discriminatory comment regarding any religious, ethnic, linguistic, national or cultural group as any other. The CBSC’s issues are always treated at the underlying macro level and not at a micro level associated with any religious, ethnic, linguistic, national or cultural group.

The CBSC is, and will be, as protective of majority communities as of minorities. In order for it to render such decisions, though, there must be a Code breach. Merely feeling offended is insufficient grounds to impinge on freedom of expression. Being an identifiable group (envisaged by the human rights clause) which becomes the brunt of abusive or unduly discriminatory comment is sufficient.

Broadcaster Responsiveness

In addition to assessing the relevance of the Codes to the complaint, the CBSC always assesses the *responsiveness* of the broadcaster to the substance of the complaint. In the present matter, it is clear that the broadcaster’s Senior Vice-President of Comedy and Variety Programming provided an extensive and thoughtful letter to each of the

complainants, varying those letters to be responsive to the individual concerns of the various complainants. Nothing more could be asked of the broadcaster, which is in full compliance with the obligation of responsiveness in connection with the present file.

This decision is a public document upon its release by the Canadian Broadcast Standards Council. It may be reported, announced or read by the station against which the complaint had originally been made; however, in the case of a favourable decision, the station is under no obligation to announce the result.

APPENDIX A

CBSC File 01/02-0783+ CTV re an episode of *Open Mike with Mike Bullard*

Notes and Transcripts of the April 24, 2002 episode of *Open Mike with Mike Bullard*

Joke during Bullard's opening monologue

You won't believe this. There's an American rabbi, this is very strange folks, who's now accused of sexually exploiting members of his congregation. I guess we're now going to hear about every religion's sex scandals. Next we'll find out the young suicide bombers were despondent because they were inappropriately touched by a horny mullah. So yesterday while the Cardinals were all meeting with the Pope in Rome, the chief rabbis have been called to a hastily arranged meeting at Streisand's house.

Conversation between Bullard and his band leader Orin Isaacs:

Isaacs: Hey tell me somethin'

Bullard: What?

Isaacs: How did you get rid of those guys that were hanging out in front of the building?

Bullard: Oh yes, yes. Well, it was easy. We had these guys, a lot like these two [points to two young boys in the audience that he had been teasing earlier] who were hanging around the building terrorizing guests, you know.

Isaacs: Uh huh.

Bullard: And terrorizing audience members on the way in and on the way out.

Isaacs: Uh huh.

Bullard: Well, actually you don't have to terrorize audience members on the way out because we take care of that while they're here. [Isaacs laughs]. But these guys were trouble, they were big trouble. So, I guess, well, we saw it as a problem so I took care of it the best way I know how. Let's go outside and take a look. Here's what I did. [Camera outside shows two young men dressed up in priests' robes with crosses around their necks.] [Audience laughs.] That's right. I hired a couple of Catholic priests. Good work fellas [the two "priests" form the sign of the cross and gives the thumbs up sign]. Today I haven't seen a young guy within ten blocks of here. Good job.

Approximately 20 minutes into the episode:

Scene of the two actors outside the studio. A young man walks past them; they look him up and down and smile approvingly.

Approximately 30 minutes into the episode:

Bullard: I hear the priests are really working out there. Let's go have another look. [Scene of the "priests" giving candy to a young man.] Hey, hey, they're handing out candy! No, no, that's not right! Don't hand out candy! No candy! Man, I think these guys have an ulterior motive. No more candy. Pull away, pull away. Pull away. Hey, we gotta tell these guys to stop doing their own comedy. They're just supposed to stand there. We do the comedy, not the hired actors. Just tell them to do what they're told next time. Those priests are on their way out.

Interview with Rick Green who works on a television program called *History Bites* that parodies historical events. Bullard asks Green if the program has ever been sued. Green says they have never been sued, but that they did receive a complaint from the CBSC from a viewer who felt an skit had promoted hatred against Catholics.

Green: Now you've got two priests outside here so you're in trouble.

Bullard: That's right. Any time you have two priests outside, you're in trouble.

Green: And, the episode was, I think the one that they complained about was "The Bubonic Plague" and we had a line where the Pope's, the Pope at the time, there were rumours the Pope had the plague and so we had him played as Bill Clinton saying "I do not have bubonic plague. I merely have a series of social diseases." Right. Now, okay, sounds awful. The Pope, hey, this Pope died of syphilis. So, and the popes back then had mistresses and wives –

Bullard: Which to me is proof positive you can get it off the toilet seat.

Green: Yeah, exactly.

Bullard: If the pope dies of syphilis, it's through the use of a public washroom.

Green: So we answered back and said you know what, it's not really hatred of Catholics because it's facts and because until Luther came along there was no Catholic Church, there was The Church and it split later. This was in 1347 or something.

Near end of episode:

Scene of the "priests" outside: one is playing guitar, the other is playing the spoons and they are singing "Kumbaya, My Lord".

APPENDIX B

CBSC File 01/02-0783+ CTV re an episode of *Open Mike with Mike Bullard*

The Complaints

The CBSC received 14 complaints about the April 24, 2002 episode of *Open Mike with Mike Bullard* in the days following the broadcast. Four of the complainants requested that the matter be referred to the National Conventional Television Panel for adjudication. Some of these complaints were originally sent to the CRTC and then forwarded to the CBSC in due course. The letters from those four complainants are reproduced below.

The Catholic Civil Rights League first sent a copy of the following letter to CTV:

The matter described in the attached letter is so grave we felt that we should give you an opportunity to save CTV further embarrassment by promising an adequate public apology to the Catholics of Canada.

Unless we hear from you by 5 pm with details of when and how an apology will be made, this will be sent to the CRTC and those copied. It will be fully followed up.

We do not lack a sense of humour but as you are full aware there are some things that are not funny.

Last evening (6:15 on April 24th) a Catholic Civil Rights League member and his wife were driving past the corner of Yonge and Davenport streets in Toronto, when they noticed two men in their mid 20's dressed up as Catholic priests jumping around outside the old Masonic temple building that now houses the CTV studios for the *Mike Bullard show*.

Later that night, the episode of *Open Mike with Mike Bullard* exploited the seriously damaging Boston pedophile priest scandal and the recent Vatican meeting with the American Cardinals to heap further shame on Catholics and to defame Catholic priests. The actors spied earlier were part of the show.

These two actors mocking priests in public were used many times throughout the show and also prior to going to commercials to depict various scenarios. In one scene they were "luring people in with bags of candy and lollypops". In another they were shown playing musical instruments for money on the same street corner. The entire effort was in no way humorous and was disgustingly offensive.

The exchange between Orin (band leader) and Mike Bullard went as follows at the beginning of the show:

ORIN: How did you get rid of those guys who were hanging around outside?

BULLARD: Oh you mean those guys who were terrorizing people coming in and going out of the building?

ORIN: Yeah.

BULLARD: They were trouble, I mean trouble ... But I got rid of them the best way I know how.

(Camera cuts to outside and standing looking around all alone on the corner of Yonge and Davenport are what appear to be two Catholic priests wearing large crosses around their necks.)

BULLARD: I hired a couple of Catholic priests and there hasn't been a kid around for ten blocks. (Audience laughter and applause.)

It is beyond our comprehension how CTV could believe this to be acceptable. This stunt was obviously conceived in malice to denigrate and reinforce an abusively discriminatory and negative stereotype of Catholic priests.

To add insult to injury, Bullard told a clergy pedophile joke during the monologue and show guest Rick Green bragged of his Catholic bashing on his 'History Bites' television show and the complaints that the show had gotten to broadcast regulators. Was his point to say how proud he was of shoving more in Catholics' faces?

What is it going to take to get the CRTC to realize that lines are being crossed and an identifiable group of Canadians, mainly Catholic clergy, is being defamed by this type of degrading programming?

If it were a depiction of other visible religious groups, such as a Jewish Rabbi or a Muslim Imam, it would immediately be held up for scorn by other broadcasters and media. This must end, and it is your fiducial obligation as regulators of the airwaves to act in accordance with Canadian Broadcast Regulations.

Post September 11th, we were all repeatedly warned that actions that ridiculed Muslims, even though Muslims were responsible for the attack, would not be tolerated. Why should all clergy suffer and have to be ridiculed and similarly shamed for the actions of a tiny minority, a minority scientifically proven to be no greater than any other faith group or even society at large.

The scandal that has rocked the Church is a serious problem. But recent surveys have shown that the public is entirely misinformed about the real percentage of priests involved. The total number of pedophiles in the priesthood is less than 2 percent – comparable to the rate among married men (Jenkins, "Pedophiles and Priests".)

This may have aired after 11pm at night, but the physical antics of those hired actors mocking the Catholic clergy were taking place on a public street in plain view of rush hour traffic before 7 pm. Public displays of this nature have been reported to the Det. S. [S] of the Toronto Hate Crime Squad for investigation. An example of disparagement by the media like this we have never witnessed.

The acceptability of "black face" comedy like Al Jolsen's, which mocked mere appearances, went out with anti-racism campaigns. Why is it that anti-Catholic anti-clericalism remains so broadly acceptable and is defended by Canadian broadcast regulators. The defense [*sic*] argument that CBSC chair Ron Cohen uses is that Christians are the 'largest identifiable group' and is itself a Charter violation. You will understand why the CCRL will not waste its time any longer sending complaints to Mr. Cohen.

The pedophile-priest stereotype, though baseless, is something that has been reinforced by humorists who came before Bullard. Like his racist predecessors, his discrimination and blatant bigotry should be no more acceptable than Jolson's.

The CCRL is doubly concerned because last night's display comes in addition to an exchange that occurred between Mike Bullard and the rock musician Moby on February 27th:

BULLARD: Fourteen years old when you started your first band. Do you recall the name of the band?

MOBY: Well that band we never actually had a name. I think we eventually became the Vatican Commandos.

BULLARD: The Vatican Commandos.

MOBY: Yeah, in keeping with –

BULLARD: I heard you would throw communion waivers at people while singing? I love that.

MOBY: In keeping with what – you said the Pope is coming here?

BULLARD: Yes, the Pope is coming, yeah.

MOBY: But I didn't get what he's coming here for beef jerky?

BULLARD: He's coming here for Caribana.

MOBY: What's Caribana?

BULLARD: It's a festival.

MOBY: Like a beef jerky festival.

BULLARD: Canada is a very multi-cultural country. It's a festival, there's a big parade and the Pope will be expected to lead it and he will have a very surprised look on his face the entire time. We are very, very excited about it, the Pope only comes once a year or as we call him Santa.

MOBY: I didn't – because he's Catholic I didn't think he was allowed to come even once a year.

BULLARD: Oh yeah, yeah. [Cheers & applause] Just to caution you please, Moby no Dick jokes.

We demand an immediate investigation. An immediate apology must be forthcoming. A public display which ridicules an identifiable group borders on a hate crime.

We strenuously urge that this program be removed from the library immediately so that in [sic] can never be rebroadcast.

CTV responded to that letter (its response it reproduced under "Broadcaster's Response" below). The CCRL was not satisfied and sent all correspondence with the following introductory letter to the CRTC (which forwarded it to the CBSC in due course):

The Catholic Civil Rights League offered a copy of the attached complaint to the office of [the President] at CTV yesterday (April 25th) as a courtesy and an opportunity to properly apologize and resolve this situation in an amicable fashion.

The CTV office requested an extra day to reply to our serious concerns about the abusively discriminatory depictions of Catholic clergy in their programming which we granted.

[The] senior vice president of Comedy and Variety Programming for CTV has now responded to this complaint and we have attached it so that you will immediately rule on this complaint. The Catholic Civil Rights League finds his response inadequate for the following reasons:

1. [The Vice-President] does not offer an apology to the defamed clergy nor an admission that such this group was maligned. Nor was a public apology made to the serious Catholics of Canada, as per our request, who as he admits are already experiencing "great pain". Acknowledging that there was an awareness of pain, proved that there should have been a heightened concern of further offense [*sic*] that was not heeded by [the Vice-President]'s programmers.
2. Nor did he address the extremely public nature of the defamation that took place on a public intersection in a very busy area of Toronto during rush hour. It is a pre-watershed hour visually offensive presentation which has been reported to the police. No care was taken to protect children walking by the building from the depiction. These men dressed as 'Catholic priests' were outside the building for more than an hour while the show was being taped for a later rebroadcast.
3. [The Vice-President] attempts to use the Canadian Broadcast Standards Council comedic defense [*sic*] for the defamatory depiction and negative stereotype. The comedic defense [*sic*] is not absolute! This example at issue is like Al Jolson type 'black-face' humour, visually demeaning to an identifiable group that is abhorrent and indefensible. Humour is not a justification for racist and bigoted abuse.

To refer to the CBSC's own words:

In *CKTF-FM re Voix d'Accès* (CBSC Decision 93/94-0213, December 6, 1995), the on-air host told a "Newfie" joke in which Newfoundlanders were described as "trous de cul" ("assholes" in English) which the Council found totally unacceptable. The question, of course, is to determine which "ethnic" jokes or comments will be understood as crossing the boundary of acceptability. There are those which are sanctionable and those which, even if tasteless or painful to some, are not. It would be unreasonable to expect that the airwaves be pure, antiseptic and flawless. Society is not. Nor are individuals in their dealing with one another. Nonetheless, the airwaves are a special and privileged place and those who occupy that territory are expected to play a more restrained and respectful social role. What may constitute the limits of acceptability in each challenged case will need to be appreciated in its context. Certain cases will clearly fall on one side or the other of the boundary. Others will lie uncomfortably on the line. The matter at hand was, however, free of doubt; the depiction of "Newfies" as "assholes" was clearly unacceptable. Whether intended seriously or in jocular fashion, the use of that term in reference to this or any other ethnic, racial, national or other discernible group was derogatory, abusive and discriminatory and in violation of clause 2 of the *CAB Code of Ethics*.

The use of 'Catholic priests' as villains of 'pedophilic' tendency, however topical is also clearly unacceptable. There are few crimes more abhorrent in society than pedophilia. This is a hateful stereotype which is heaped on ALL Catholic priests by the 'Open Mike' show. It is truly a violation of clause 2 of the *CAB Code of Ethics*.

The myth and discriminatory stereotype of the 'pedophilic Catholic priest' has only been reinforced by the current media frenzy in the United States. There is no evidence that Catholic clergy are more likely to be pedophiles than Protestant ministers, Jewish leaders, physicians, or any other institution in which adults are in a position of authority and power over children.

- 4. [CTV's Senior Vice-President of Comedy and Variety Programming] states in his closing that "Open Mike does not appeal to all comedic tastes." However, hateful programming and speech are not considered protected speech in any setting, public or private, on-air or off in Canada. In failing to take our initial polite invitation to a swift and just resolution of this situation, combined with [the Vice-President's inability to admit fault in any way, there is a clear indication that a problem exists at CTV that needs close scrutiny by the Commission.

Please hear this complaint immediately now that the broadcaster has exhausted its right of reply.

The CBSC also received complaints from individuals.

Dear Madam,

I write to object in the strongest terms to the vicious attacks on Catholics that was aired on the Mike Bullard show the evening of April 24th, 2002.

Why is it that your Commission nonchalantly accepts as normal attacks on Catholics while at the same time you would be outraged were similar treatment to be inflicted on members of a Protestant religion or on Jews? I truly wonder what punishment your office would mete out to a radio or television station that dared attack Protestants or Jews the way we Catholics were insulted by Mike Bullard on April 24th.

Do you not realize that there are more Catholics in this country than there are members of any other religion? It follows that we Catholics pay more taxes to finance the cost of your salary than do all other citizens.

I urge you to do your duty as head of your Commission to ensure that broadcasters adhere to some code of decency and good taste.

I object to the skit on April 24th Mike Bullard show concerning the priesthood. In this skit Mike Bullard and his attack humour smeared the Catholic priesthood because of the criminal actions of a minority of priests.

If this negative portrayal had been directed towards African-Canadians, Protestant ministers, Jewish rabbis or Moslem imams, can you imagine the reaction of the media to this situation?

CTV has refused to apologize to the Catholic Civil Rights League in the person of President [T.L.]. CTV believes that it can get away with this smear because anti-Catholicism is the last acceptable prejudice in our society, and the media is its major sponsor.

The CRTC should look into the matter and take CTV to task because if they get away with this you can be sure that the rest of media will jump on the bandwagon of anti-Catholicism.

I strongly object to Mike Bullard's show on April 24 when he mocked Catholic priests. The fact that there is a small number of offenders does not justify an offensive stereotype to all.

Broadcaster Response

CTV's Senior Vice-President of Comedy and Variety Programming responded to all complainants with the following letter:

The Canadian Broadcast Standards Council (CBSC) has forwarded to us a copy of your letter regarding the program "*Open Mike With Mike Bullard*" which was broadcast on CTV 12:04 a.m., on Thursday, April 25.

First, let me say that I am very sorry that you found the episode's skits and Mr. Bullard's comments insulting and defamatory to the Catholic clergy. It is never our intention to offend our audience. Mike Bullard's approach to comedy is to poke fun at the headlines and newsmakers of the day, and to him all topics represent potential material, despite possible controversy. Comedy has always drawn material from all aspects of society including politics, culture – and religion.

We appreciate that the subject matter of pedophiles in the priesthood is a serious and sensitive one currently causing Catholics great pain. But the skits and comments on *Open Mike* were in no way conceived with malice to denigrate the Catholic Church nor to reinforce a negative stereotype of Catholic priests. Rather they were simply a comic response to the news headlines of the day, not intended to be taken seriously by the audience or viewers of *Open Mike*.

According to the Broadcast Standards Council, there is "an essential distinction to be drawn between serious and humorous dialogue." In CBSC Decision 95/96-0064, *CHUM-FM re Sunday Funnies*, it said:

"Where the audience is given no reason to expect that the substance of the comments made is serious, their attitude could reasonably be expected to be different. A remark which might reasonably be assessed as abusive in a serious context, and thus in breach of the Code of Ethics, may not be so viewed in a comedic environment."

Mr. [complainant], I hope that you can appreciate that this *Open Mike* episode was not intended to offend. Rather it was presented in the context of a comedy program. Again, I emphasize: no part of the show is expected to be taken seriously by the audience or viewers.

In conclusion, the context of *Open Mike* does not always appeal to all comedic tastes. Humour is extremely subjective, relative to the point of view of each individual. There's no question that his topics are sometimes controversial and not to everyone's tastes. And although CTV does not endorse the events of this *Open Mike* episode, we do believe that freedom of expression and free speech in this country must nevertheless be safeguarded to allow for all different perspectives on matters of public interest.

Once again, we are very sorry you were offended by the show and assure you that was not our intent.

Thank you for taking the time to write and express your concerns.

Additional Correspondence

The President of the Catholic Civil Rights League filed his Ruling Request on May 30. The other complainants returned their Ruling Request forms in June. One complainant sent additional correspondence to CTV and copied the CBSC on that e-mail:

Re Open Mike with Mike Bullard, April 25

I object to your defense [*sic*] (May 28) of the above program for two reasons.

First of all, your comment, "We appreciate that the subject matter of pedophiles in the priesthood is a serious and sensitive one ..." implies that your network was justified in portraying Catholic priests as the main perpetrators of such crimes in your Mike Bullard show. However, there is no justification for that kind of stereotyping. Just the opposite. For example, a feature article on the subject in Time, April 29, 2002, informs us that, "The flood of reports could almost make you think that everyone who sexually abuses a child is a Roman Catholic priest. In fact, the perpetrators are a disturbingly diverse lot Recent allegations show that sex abuse defies any kind of easy stereotype."

Secondly, your comment that "this Open Mike episode was not intended to offend. Rather it was presented in the context of a comedy program," implies that the comedians on your payroll – be they producers, writers or actors – are not bound by any ethical code or rules of law and are therefore free to treat those they dislike in any way they choose. But that's not true. For example, in the nineteen twenties there was a radio comedy show called Amos and Andy. It made its listeners laugh by portraying black people as lazy and stupid. The network got away with it because at that time there were no laws or ethical standards to protect those people from that kind of cruel stereotyping. In this day and age, I doubt if your network would air a show that would exploit black people for the sake of comedy. However, that's what you are doing to Catholics. You stereotype us and make us the butt of jokes – at least on the Mike Bullard show – all for a few laughs from the audience. I am afraid that this kind of exploitation will continue unless an organization like the Canadian Broadcast Standards Council, for example, comes to our defense [*sic*].

I rest my case.