
**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL PANEL**

CITS-TV (CTS) re *John Hagee Today* (“Diamonds for Successful Living”)

(CBSC Decision 04/05-0177)

Decided April 19, 2005

R. Stanbury (Chair), M. Ziniak (Vice-Chair), H. Hassan, M. Harris (*ad hoc*),
M. Hogarth (*ad hoc*), M. Oldfield

THE FACTS

John Hagee Today is a religious program that features the sermons of American Pastor John Hagee. The episode entitled “Diamonds for Successful Living” aired on CITS-TV (CTS) on September 17, 2004 from 11:00 to 11:30 pm. Pastor Hagee began his sermon by criticizing schools for eliminating all aspects of Christianity. He provided examples, such as banning students from having Bibles at school, referring to “Winter Break” rather than “Christmas Break”, reducing grades for failing to participate in multicultural activities and so on. The portion of his sermon that concerned the complainant began at 11:06. Pastor Hagee stated the following:

If you don't think that a secular humanist teacher doesn't see your child as a ward of the state, listen to this. A public school freshman health text book in Silver Lake, Massachusetts said, quote, testing your ability to function sexually and give pleasure to another person may be less threatening in the early teens with people of your own sex, end of quote. That's a ninth-grade health book *pushing* homosexuality. And then it said, listen, you may come to the conclusion that growing up means rejecting the values of your parents, end of quote.

In Manomet, Massachusetts, an eighth-grade student informed his health instructor that materials he had distributed to the class conflicted with his parents' belief. And the teacher said if you have any trouble with your parents, tell me and I'll handle them. I hope if any teacher calls you, berating your child for their religious stand in Christ, you eat 'em alive and spit out the bones [audience applause].

The pastor discussed other school-related issues, noting insertions in curricula of such subjects as third-grade students making “worry dolls”, Earth Day

ceremonies at which students were told mother is the Earth and father is the Sun, students re-enacting Aztec human sacrifice, death education and so on. Additional parts of the pastor's dialogue included:

When you invite death into your school, when you invite it into your home, when you invite it into your marriage, when you invite it into your *mind*, it will take you over! Because the Bible teaches that death is a spirit. Satan leads the culture of death. Abortion is about death. Suicide is about death. Sexual diseases produce death. Drugs, with all of their beautiful names of ecstasy and so forth, produce death. Rock music with the lyrics of death and suicide and rape and rebellion against all authority is nothing more than the music of the Prince of Darkness. Homosexual marriage is really the death of a society. No children can be born. There is a zero birthrate. It is the death of tomorrow. Homosexuals cannot re, reproduce so they *recruit* your children! [...]

Consider for just a moment how your children are being attacked through sex education. Your child is being bombarded in public schools through Planned Parenthood, which is really nothing but a front for the abortion clinics of America, and something called SIECUS, which is an acronym for Sexual Information and Education Council of the United States. This is a very powerful lobby in Washington, feverishly lobbying Congress to teach every child what they call [Hagee makes quotation marks with his fingers] safe sex training which is nothing but a condom-based education curriculum. Which is *not supported* by the majority of America's students. A recent Zogby poll reports that parents want abstinence education by a margin of five to one. Yet the homosexual lobby with SIECUS and the NEA, uh, are pushing this curriculum.

[...]

Let me give you the gay agenda for public schools: one, start brain-washing your children from day one with their position; two, consider sex education guidelines developed by SIECUS, this powerfully connected Washington lobby. Children ages five to eight are to be taught that it feels good to rub all parts of the human body. Children ages nine to twelve are being taught that homosexuality is as satisfying as heterosexuality. Children fifteen to eighteen are being taught that erotic photographs, porno movies and literature will enhance your sexual fantasies.

After sitting through a week of compulsory school assemblies during Homophobia Week in Beverly, Massachusetts, a fourteen-year old told her dad he was homophobic. What do you expect her to do after being told all of that? Hollywood is in high gear now to produce movies that make homosexuals look good. From Socrates to Shakespeare, from Alexander the Great to Alexander Hamilton, the smart ones, the heroes, the guys who have really the solutions are the homosexuals. Watch it. You'll see it happening on America's screens.

On January the sixteenth, two oh one [*sic*], Elliot Corbett, a sophomore at Woodbury High School in St. Paul, Minnesota wore a sweat, a sweatshirt with a logo that said "straight pride" [audience applause]. I like that. Straight pride. But the principal told him to take the shirt off because it was offensive to others. His parents, God bless them, filed a federal lawsuit. They won. And Elliot is wearing his sweatshirt [audience applause].

Pastor Hagee went on to complain about the National Educational Association and provided other examples of Christianity being “kicked out” of public schools. His examples included an article that accused Harvard University of being prejudiced against Christianity, “occults [sic]” at schools preaching to another God, and religious scholars being granted less prestige than Marxist ones. He concluded his sermon by asking the congregation to join him in a prayer for the children in the public school system.

On September 18, a viewer sent a complaint to the CRTC, which forwarded it to the CBSC in due course. The material part of that correspondence follows (the full text of this complaint and all other correspondence can be found in the Appendix):

While I certainly believe in free speech, I found an alarming amount of what Mr. Hagee said to be quite hateful toward Homosexuals. Furthermore, this had little to do with religion and was blatantly hate and fear mongering. To my understanding, promoting such hate is now against the law in Canada. Unfortunately I was unable to record this program otherwise a VHS tape would have accompanied this letter. However, I did manage to write down a few quotes that were said by Mr. Hagee. The first: "Homosexuals recruit your children". This is unquestionably an inappropriate statement implying that all gays wish to harm children, be it sexually or by other means. Second: Referring to the "Homosexual Lobby", Mr Hagee says, "They no longer respect us." This statement puts words in others' mouths, and the deliberate intent is to stir negative emotion towards Homosexuals. He went on with more anti-gay comments which I was unable to write down. My description here does little to outline the extent of what was said. I had to turn the TV off. Admittedly, I found the first few minutes of Hagee's overly dramatic presentation to be quite comical, but once the seriousness of his words rang true and the camera panned over the applauding audience I was sickened. It is completely unnecessary to air such hate and ignorance. There is no purpose for it.

[...] That this program airs at such a late time slot is irrelevant, as such hateful propaganda has no place on Canadian television.

The broadcaster's Program Manager replied on October 15. He said in part:

While Pastor Hagee expresses his opinions strongly, we did not find them to contravene our Code of Ethics or any Canadian broadcasting regulation. His comments are all based on quotes and verifiable sources. The program contained two problematic statements, which we find to be strong opinions based in fact and as such, not contraventions of our Code.

1. "...homosexuals can not reproduce so they recruit your children".
2. (the Gay agenda for public schools is to)... “start brainwashing your children from day one with their position”.

Pastor Hagee bases the recruitment comment on often published statements of Gay leaders and US-based organizations, an example of which I list here:

Boston-based *Gay Community News* in its February 1987 issue:

"We shall sodomize your sons, emblems of your feeble masculinity, of your shallow dreams and vulgar lies. ... Your sons shall become our minions and do our bidding. They will be recast in our image. They will come to crave and adore us."

Pastor Hagee's second statement must be taken in [the] context of his comment on the new sexual education curricula in the United States. He cites SIECUS, the organization that acts in an advisory capacity to US schools on matters [of] sexual education – as a source for his information. One can survey the organization's website to confirm that the information it provides promotes sexuality, homosexuality – and rarely promotes abstinence. More often than not, it opposes abstinence education.

The complainant was not satisfied by this response. When he returned his Ruling Request on October 27, he added an additional letter in which he said the following:

Firstly, the letter by CTS TV Program Manager [...] states: "The program contained two problematic statements, which we find to be strong opinions based in fact and as such, not contraventions of our code." I would agree that the two statements outlined are indeed strong opinions, but they are not based in fact.

The first statement is " ... homosexuals can not reproduce so they recruit your children." While it is a fact that homosexual couples cannot reproduce on their own, it is not a fact that they recruit children. It is important to remember the context in which this statement was said during the broadcast. Pastor Hagee was speaking to an audience and implied that homosexual couples would take children directly from their families, and as such their children are unsafe. This [is] an untrue statement as, should a homosexual couple want to have a family they would adopt a parent-less child in the usual way, through an agency, or make use of current medical technology that would allow for the conception of their own child. Furthermore, the use of the word "recruit" diminishes the role of a homosexual as a parent or guardian figure, and implies that all such individuals have devious or sexual intentions toward children. Therefore, this statement is false and was intended to foster fear and hatred toward homosexuals.

To justify this comment, [the Program Manager] offered a quote from a 1987 issue of the Boston-based *Gay Community News* that reads: "We shall sodomize your sons, emblems of your feeble masculinity, of your shallow dreams and vulgar lies. ... Your sons shall become our minions and do our bidding. They will be recast in our image. They will come to crave and adore us." While I do not know the context in which the quote was used for the article, I would none the less agree that it is quite rude. I would certainly agree that it was morally wrong of the author to publish such a statement and, if not written in jest, I would question the author's sanity. Clearly it is illogical to argue that such a foolish statement would summarize the thoughts or intentions of the general homosexual population. As the newspaper quote is offensive, the correct response would be to target the publisher with a complaint, rather than target all homosexuals by broadcasting a blanket statement. Furthermore, by citing this quote CTS seems to be suggesting the concept "Because they said something bad about us, we have the right to say something bad about them", which is clearly not the position of a responsible broadcaster. Lastly, my complaint is about a broadcast in the year 2004, and as such, a newspaper article from 1987 is irrelevant.

The second statement is: (the Gay agenda for public schools is to) ... “start brainwashing your children from day one with their position.” It is astonishing that in his reply letter [the Program Manager] would claim that this statement is “... based in fact ...”. He suggests that the “ ... statement must be taken in context of (Mr. Hagee’s) comment on the new sexual education curricula in the United States.” Yet, this information does not prove the occurrence of “brainwashing”, nor does it justify that Hagee is correct in describing homosexuals in this manor [*sic*]. Furthermore, if one was to take the comment in context as suggested, and watched the program in question, the hateful tone and manor [*sic*] of Mr. Hagee’s speech would be all too clear. [The Program Manager] seems more concerned about the American organization Hagee discusses, SIECUS, and writes that the organization “ ... rarely promotes abstinence. More often than not, it opposed abstinence education.” I respect his position on that topic, yet, these concerns are irrelevant as nowhere in my initial complaint do I express concern about whether it is right or wrong to promote abstinence. Nor does [the Program Manager]’s characterization of this American organization justify Hagee’s comment about “brainwashing”.

Lastly, [the Program Manager]’s letter does not address the fact that this program originates from the United States, as does the root of Hagee’s concerns along with the support material used to defend them, while CTS is a Canadian broadcaster. I am not satisfied that CTS has the right to import and broadcast such hateful remarks. The origin of a program, whether it is from inside or outside of Canada, does not negate CTS from [*sic*] its responsibility as a broadcaster. Here in Canada, it is wrong to promote hate toward homosexuals, and CTS was wrong to air Mr. Hagee’s comments. [The Program Manager] then furthered this critical error by claiming in his response letter that there was in fact no wrongdoing. Of the comments in question, he writes “ ... we did not find them to contravene our Code of Ethics or any Canadian broadcasting regulation.” I would like [the Program Manager] to be aware of two statements from the *Code of Ethics* page of the CBSC web site:

1. “It is recognized that the most valuable asset of a broadcaster is public respect, which must be earned and can be maintained only by adherence to the highest possible standards of public service and integrity.”
2. “ ... broadcasters shall ensure that their programming contains no abusive or unduly 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 disability.”

THE DECISION

The Ontario Regional Panel reviewed all of the correspondence and viewed a tape of the challenged episode. It considered the complaint under the following clauses of the Canadian Association of Broadcasters (CAB) *Code of Ethics*:

CAB Code of Ethics, Clause 2 – Human Rights

Recognizing that every person has the right to full and equal recognition and to enjoy certain fundamental rights and freedoms, broadcasters shall ensure that their programming contains no abusive or unduly 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 disability.

CAB Code of Ethics, Clause 8 – Religious Programming

Broadcasters should endeavour to make available to the community adequate opportunity for presentation of religious messages and should also endeavour to assist in all ways open to them the furtherance of religious activities in the community. Recognizing the purpose of the religious broadcast to be that of promoting the spiritual harmony and understanding of humanity and of administering broadly to the varied religious needs of the community, it shall be the responsibility of each broadcaster to ensure that its religious broadcasts, which reach persons of all creeds and races simultaneously, shall not be used to convey attacks upon another race or religion.

The Panel concludes that the broadcast of certain of the comments of Pastor Hagee were in breach of the foregoing provisions.

The Relevance of Tone in Religious and Other Programming

The Ontario Regional Panel accepts the principle that there are comments that although discriminatory, may be acceptable in the context of religious programming. In one of this Panel's older decisions, namely, *CHCH-TV re Life Today with James Robison* (CBSC Decision 95/96-0128, April 30, 1996), the Panel did not find that criticism of "the gay lifestyle" constituted abusive or unduly discriminatory comment. They drew an important distinction on the basis of the style of presentation of the host's commentary.

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

Similarly, in the second of the CBSC decisions relating to the American radio host Laura Schlessinger, namely, *CJCH-AM re the Laura Schlessinger Show* (CBSC Decision 99/00-0652, February 14, 2001), the Atlantic Regional Panel found that the comments in that broadcast were not in breach of the Code. The Panel noted that in the second case, "while some of the words used are similar to those spoken on the previous occasion, the way in which they are used is totally different here". According to the Panel:

the host has not gone too far, indeed, [...] she has not gone nearly as far as she had in the earlier CJCH decision [...]. As she said at one point in her monologue here, "if you call me for a moral framework, I can only give you the ultimate moral

framework, as best I understand it.” She elaborated, but carefully, and in a fashion limited to reproductive issues.

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

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

In the case of yet another broadcast, namely, *CFYI-AM re Focus on the Family* (CBSC Decision 99/00-0724, June 28, 2001), this Panel dealt with a complaint about an episode in a religious series entitled “Hope for the Homosexual”. The program featured discussions about “lifestyle” issues, “root causes of homosexuality”, the morality of single gender sexual relationships, the “distinction between homosexual and gay”, the raising of children in gay or lesbian households, the relationship between homosexuality and Christianity, and so on. Although the program contained references to homosexuality being a “condition”, “problem” and “disorder”, the Panel found that such words were “so incidental to the entire issue and so far from the centre of any portion of the dialogue that they are, in terms of this decision, irrelevant.” It additionally determined that

there is no place in this entire episode where discriminatory comment about persons in a group identifiable on the basis of their sexual orientation can be found. There is discussion about homosexuality but not about homosexuals and then it consists of legitimate points of discussion or debate. It was not, in the view of the Panel, “bigoted in its characterization of gays and lesbians,” as argued by the complainant. It did not even go there. It was not “hate propaganda”. It was a point of view on a lifestyle subject, not on its practitioners.

In another line of Panel decisions, CBSC Adjudicators have found that broadcasters have gone too far. In *CJRQ-FM re Opinion Poll* (CBSC Decision 94/95-0135, March 26, 1996), the on-air host asked the question “Should taxpayers pick up the tab for sex-change operations that are deemed medically necessary?” A selection of listeners’ views were later broadcast. One such call contained the following phraseology: “some sick demented obviously mentally disturbed homosexual”, “minces into a hospital or clinic” and “this misfit of the natural order”. This Panel found that the language of that caller was “blatantly homophobic,” abusive and discriminatory, contrary to the provisions of the Human Rights Clause of the *CAB Code of Ethics*. In the case of another broadcast, which bears a closer relationship to the facts of the matter at hand, namely, *CKRD-AM re Focus on the Family* (CBSC Decision 96/97-0155,

December 16, 1997), the Prairie Regional Panel referred to the CRTC's *Religious Broadcasting Policy* and ruled that a religious program dealing with the topic of homosexuality had crossed over the line by broadcasting unduly discriminatory comment on the basis of sexual orientation. The Panel also made the point that

Religious programming does not, after all, have any inherent entitlement to say *whatever* it wants in the name of religion.

[...]

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

In what is the CBSC's leading decision on the issue of abusive or unduly discriminatory comments on the basis of the sexual orientation of identifiable groups, namely, *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 February 15, 2000), the Atlantic and Ontario Regional Panels jointly considered complaints concerning the daily call-in show hosted by Laura Schlessinger out of California. Some of the Panels' findings on her consistent characterization of the sexual behaviour of gays and lesbians as "abnormal", "aberrant", "deviant", "disordered", "dysfunctional", "an error" or the like, as well as other related issues, follow.

The host's perspective is clear and unambiguous. Whether the terms she uses are "abnormal", "aberrant", "dysfunctional", "disordered", "deviant", "an error" or the like, her terminology is *clearly* pejorative. She is unhesitatingly critical, negative and unambiguous and her words are as critical and unrelenting as she can make them.

[...]

While there may be uses of the terms "abnormal", "aberrant", "dysfunctional", "disordered", "deviant", "an error" and so on which could, in some circumstances, be reasonable, their sheer weight in these programs and the host's unremittingly heavy-handed and unambiguously negative characterisation of those sexual practices is abusively discriminatory and in breach of the Code.

In *Vision TV re Power Today* (CBSC Decision 01/02-0617, September 13, 2002), the National Specialty Services Panel dealt with a religious program hosted by evangelist R.W. Schambach. The topic of the broadcast's sermon was "demon possession" and Rev. Schambach referred to homosexuals as "devils" and

"demon possessed". The Panel elaborated on the CBSC's position with respect to religious programming and extended the Religious Programming clause to include other protected groups rather than just "race and religion" as mentioned in the provision. The Panel concluded that Schambach's comments were abusive and unduly discriminatory against gays and lesbians. They referred to the fact that the Religious Broadcasting Clause states

the purpose of the religious broadcast "to be that of promoting the spiritual harmony and understanding of humanity." In other words, whatever recognition is provided for religious programming in Canada, there is an underlying expectation that principles of tolerance and harmony will prevail. Moreover, the Code provides no special dispensations from the need for such programming to respect the right of identifiable groups to be free from abusive or unduly discriminatory 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 Panel considers that intolerant comment can find no salvation by wrapping itself in religious garb. Broadcasters of religious programming must be as vigilant with respect to the other societal values (such as the human rights of identifiable groups) as broadcasters of all other types of programming.

[...]

It should be noted that the Panel does not consider that the concluding words in the Clause, namely, "another race or religion", should be read as limitative. The point of the provision is a positive one relating to ensuring the presence of religious messages in local communities. The final words, "shall not be used to convey attacks upon another race or religion" are clearly intended to suggest that even such positive messages should not be used to abuse other groups. The examples given of race and religion are only examples; the Panel considers it unlikely, if not inconceivable, that broadcasters would intend that attacks on persons on the basis of their nationality, gender, skin colour or other personal characteristics would be tolerable. The Panel assumes that it is reasonable to interpret that provision in such a way that all of the identifiable groups envisaged in Clause 2 will be understood as being included here.

While there is a fine line to be drawn in the case of broadcasts that have the effect of making comments that can be understood as discriminatory vis-à-vis identifiable groups, the Panel appreciates the importance of its role in defining that line when called upon to do so. In effect, the Panel must balance the competing societal rights of freedom of expression, on the one hand, and freedom from the broadcast of discriminatory comment, on the other. Thus, Pastor Hagee's comments about abortion, suicide, sexual disease, drugs, rock music, sex education textbook content and so on fell clearly on the freedom of expression side of the great divide. So, too, the simple expression of an unfavourable opinion against homosexual marriage. It is, on the other hand, up to the Panel to determine if that line has been crossed when it considers whether a challenged comment is not *merely* discriminatory, but *unduly* so. It is hardly necessary to observe that there is no mathematical formula to that measurement.

The evaluation is made by Adjudicators representing both the public and the industry, meeting, reviewing and reflecting on the substance of the programming on the basis of the tapes of the broadcast.

In the present matter, the Panel understands the bias of Pastor Hagee. It is obvious to any viewer of the program. He stands resolutely against homosexuality. That is clearly his right but he does not stop there. As in the above-cited CKRD-AM *Focus on the Family* decision, he pins on gays and lesbians a “gay agenda” and the “brain-washing” of children in the schools. He accuses the “homosexual lobby [... of] pushing this curriculum.” In other words, he has attributed to gays and lesbians “a malevolent, insidious and conspiratorial purpose, a so-called ‘agenda’”, to use the terminology of the Prairie Panel in the CKRD-AM decision. In this case, as in that, the Panel finds that such an attribution constitutes a breach of the Human Rights and Religious Broadcasting Clauses of the *CAB Code of Ethics*.

Pastor Hagee raised a second issue as a part of his case against homosexuality. On the basis of the argument that “Homosexuals cannot reproduce,” he alleges that “they *recruit* your children!” As a further supplement to his reproduction argument, he unfairly posits that

Homosexual marriage is really the death of a society. No children can be born.
There is a zero birthrate. It is the death of tomorrow.

Not only is the argument unfair, but it is also inaccurate and particularly discriminatory. It takes no account of the fact that many individual gays and lesbians already have children from previous heterosexual relationships, that other homosexual couples adopt children, and that lesbian mothers become pregnant and carry their own children to term. Moreover, the same argument that he makes about non-reproduction could also be raised against heterosexual families which are either unable to conceive or choose never to have either natural or adoptive progeny. Needless to say, he does not raise *that* issue. Nor does he provide a full picture of the child-enriched homosexual families, since either of these points would interfere with his discriminatory perspective.

The Panel concludes that the broadcast of that quoted series of cumulative comments that clearly target gays and lesbians inaccurately, unfairly and inappropriately includes abusive and unduly discriminatory comment about an identifiable group on the basis of sexual orientation, contrary to the provisions of the *CAB Code of Ethics*.

Broadcaster Responsiveness

There is a CBSC membership requirement that emphasizes the importance of the broadcaster’s role in dialoguing with the complainant. When an individual takes the time to put pen to paper or fingers to keyboard, the CBSC recognizes

the effort and considers that it merits the time and thoughtfulness of a broadcaster in replying. In this case, the CTS Program Manager provided a letter with a strong point-of-view in support of the pastor. In any event, the letter was responsive and fully meets CTS's membership obligations in this regard on this occasion.

CONTENT OF THE ANNOUNCEMENT OF THE DECISION

CITS-TV is required to: 1) announce this decision, in the following terms, once during prime time within three days following the release of this decision and once more within seven days following the release of this decision during the time period in which *John Hagee Today* was broadcast; 2) within fourteen days following the broadcast of the announcements, to provide written confirmation of the airing of the statement to the complainant; 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 CITS-TV.

The Canadian Broadcast Standards Council has found that CITS-TV's September 17, 2004 broadcast of the episode of *John Hagee Today* breached the Human Rights and Religious Programming provisions of the *CAB Code of Ethics*. By airing abusive or unduly discriminatory comments about gays and lesbians, it breached the provisions of the Human Rights Clause of the *Code of Ethics*. By so doing, CITS-TV also broadcast material which had the effect of conveying an attack on gays and lesbians, contrary to the terms of the Religious Programming Clause of that Code.

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

APPENDIX

CBSC Decision 04/05-0177 CITS-TV (CTS) re *John Hagee Today* ("Diamonds for Successful Living")

The Complaint

The following complaint dated September 18, 2004 was sent to the CRTC and forwarded to the CBSC in due course:

To whom it may concern

I am writing regarding a program on channel 25, CTS, which broadcasts to London, Ottawa and Toronto. At 11:30 on Friday evening, Sept 17th, this station aired a program featuring Pastor John Hagee who was preaching to a large audience. If I am not mistaken, the program was called "Diamonds for Successful Living" and is an American production.

While I certainly believe in free speech, I found an alarming amount of what Mr. Hagee said to be quite hateful toward Homosexuals. Furthermore, this had little to do with religion and was blatantly hate and fear mongering. To my understanding, promoting such hate is now against the law in Canada. Unfortunately I was unable to record this program otherwise a VHS tape would have accompanied this letter. However, I did manage to write down a few quotes that were said by Mr. Hagee. The first: "Homosexuals recruit your children". This is unquestionably an inappropriate statement implying that all gays wish to harm children, be it sexually or by other means. Second: Referring to the "Homosexual Lobby", Mr Hagee says, "They no longer respect us." This statement puts words in others' mouths, and the deliberate intent is to stir negative emotion towards Homosexuals. He went on with more anti-gay comments which I was unable to write down. My description here does little to outline the extent of what was said. I had to turn the TV off. Admittedly, I found the first few minutes of Hagee's overly dramatic presentation to be quite comical, but once the seriousness of his words rang true and the camera panned over the applauding audience I was sickened. It is completely unnecessary to air such hate and ignorance. There is no purpose for it.

I certainly hope that the CRTC will contact CTS to investigate this matter. That this program airs at such a late time slot is irrelevant, as such hateful propaganda has no place on Canadian television. Thank you for your assistance in this matter. I look forward to your reply.

Broadcaster Response

The broadcaster responded to the complainant's letter on October 15 with the following:

I am in receipt of your complaint through the Canadian Broadcast Standards Council file # 04/05-177 regarding *John Hagee Today* episode "Diamonds For Successful Living" broadcast date Sept. 17/04.

My colleagues and I have closely reviewed the program in question a few times. While Pastor Hagee expresses his opinions strongly, we did not find them to contravene our Code of Ethics or any Canadian broadcasting regulation. His comments are all based on quotes and verifiable sources. The program contained two problematic statements, which we find to be strong opinions based in fact and as such, not contraventions of our Code.

1. "...homosexuals can not reproduce so they recruit your children".
2. (the Gay agenda for public schools is to)... "start brainwashing your children from day one with their position".

Pastor Hagee bases the recruitment comment on often published statements of Gay leaders and US-based organizations, an example of which I list here:

Boston-based *Gay Community News* in its February 1987 issue:

"We shall sodomize your sons, emblems of your feeble masculinity, of your shallow dreams and vulgar lies. ... Your sons shall become our minions and do our bidding. They will be recast in our image. They will come to crave and adore us."

Pastor Hagee's second statement must be taken in [the] context of his comment on the new sexual education curricula in the United States. He cites SIECUS, the organization that acts in an advisory capacity to US schools on matters [of] sexual education – as a source for his information. One can survey the organization's website to confirm that the information it provides promotes sexuality, homosexuality – and rarely promotes abstinence. More often than not, it opposes abstinence education.

It is never our intention to spread hate on CTS TV at an hour of our programming day. Thank you for your comments, we continue to monitor this program closely.

Additional Correspondence

The complainant returned his Ruling Ruling on October 27, along with the following letter:

Thank you for your assistance regarding my complaint about CITS-TV. With this letter, I wish to express why I am unsatisfied with the reply from CITS and have chosen to proceed with the ruling request.

Firstly, the letter by CTS TV Program Manager [...] states: "The program contained two problematic statements, which we find to be strong opinions based in fact and as such, not contraventions of our code." I would agree that the two statements outlined are indeed strong opinions, but they are not based in fact.

The first statement is "... homosexuals can not reproduce so they recruit your children." While it is a fact that homosexual couples cannot reproduce on their own, it is not a fact that they recruit children. It is important to remember the context in which this statement was said during the broadcast. Pastor Hagee was speaking to an audience and implied that homosexual couples would take children directly from their families, and as such their children are unsafe. This [is] an untrue statement as, should a homosexual couple want to have a family they would adopt a parent-less child in the usual way, through an agency, or make use of current medical technology that would allow for the conception of their own child. Furthermore, the use of the word "recruit" diminishes the role of a homosexual as a

parent or guardian figure, and implies that all such individuals have devious or sexual intentions toward children. Therefore, this statement is false and was intended to foster fear and hatred toward homosexuals.

To justify this comment, [the Program Manager] offered a quote from a 1987 issue of the Boston-based *Gay Community News* that reads: “We shall sodomize your sons, emblems of your feeble masculinity, of your shallow dreams and vulgar lies. ... Your sons shall become our minions and do our bidding. They will be recast in our image. They will come to crave and adore us.” While I do not know the context in which the quote was used for the article, I would none the less agree that it is quite rude. I would certainly agree that it was morally wrong of the author to publish such a statement and, if not written in jest, I would question the author’s sanity. Clearly it is illogical to argue that such a foolish statement would summarize the thoughts or intentions of the general homosexual population. As the newspaper quote is offensive, the correct response would be to target the publisher with a complaint, rather than target all homosexuals by broadcasting a blanket statement. Furthermore, by citing this quote CTS seems to be suggesting the concept “Because they said something bad about us, we have the right to say something bad about them”, which is clearly not the position of a responsible broadcaster. Lastly, my complaint is about a broadcast in the year 2004, and as such, a newspaper article from 1987 is irrelevant.

The second statement is: (the Gay agenda for public schools is to) ... “start brainwashing your children from day one with their position.” It is astonishing that in his reply letter [the Program Manager] would claim that this statement is “... based in fact ...”. He suggests that the “... statement must be taken in context of (Mr. Hagee’s) comment on the new sexual education curricula in the United States.” Yet, this information does not prove the occurrence of “brainwashing”, nor does it justify that Hagee is correct in describing homosexuals in this manor [*sic*]. Furthermore, if one was to take the comment in context as suggested, and watched the program in question, the hateful tone and manor [*sic*] of Mr. Hagee’s speech would be all too clear. [The Program Manager] seems more concerned about the American organization Hagee discusses, SIECUS, and writes that the organization “... rarely promotes abstinence. More often than not, it opposed abstinence education.” I respect his position on that topic, yet, these concerns are irrelevant as nowhere in my initial complaint do I express concern about whether it is right or wrong to promote abstinence. Nor does [the Program Manager]’s characterization of this American organization justify Hagee’s comment about “brainwashing”.

Lastly, [the Program Manager]’s letter does not address the fact that this program originates from the United States, as does the root of Hagee’s concerns along with the support material used to defend them, while CTS is a Canadian broadcaster. I am not satisfied that CTS has the right to import and broadcast such hateful remarks. The origin of a program, whether it is from inside or outside of Canada, does not negate CTS from [*sic*] its responsibility as a broadcaster. Here in Canada, it is wrong to promote hate toward homosexuals, and CTS was wrong to air Mr. Hagee’s comments. [The Program Manager] then furthered this critical error by claiming in his response letter that there was in fact no wrongdoing. Of the comments in question, he writes “... we did not find them to contravene our Code of Ethics or any Canadian broadcasting regulation.” I would like [the Program Manager] to be aware of two statements from the *Code of Ethics* page of the CBSC web site:

1. “It is recognized that the most valuable asset of a broadcaster is public respect, which must be earned and can be maintained only by adherence to the highest possible standards of public service and integrity.”
2. “... broadcasters shall ensure that their programming contains no abusive or unduly 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

disability.”

Thank you for your time and assistance in this matter. I look forward to hearing from you.