
**CANADIAN BROADCAST STANDARDS COUNCIL
QUEBEC REGIONAL PANEL**

TQS re a report on *Le Grand Journal* ("Machine Gun by Mail")

(CBSC Decision 05/06-0785 & -0800)

Decided June 30 2006

G. Bachand (Chair), L. Baillargeon, R. Cohen (*ad hoc*),
G. Moisan, M.-A. Murat

THE FACTS

On December 5, 2005, during its 5:30 pm newscast *Le Grand Journal*, TQS broadcast a report about firearms. The host of the program, Jean-Luc Mongrain introduced the report with the statement (the broadcast was in French; what follows is an English translation):

Despite a program established at the cost of one billion five hundred million dollars, weapons of war can easily be obtained. Tomorrow, the sixth, will mark the 16th anniversary of the massacre of 14 young women by Marc Lépine, armed with a semi-automatic weapon.

That introduction was accompanied by an image from the website of a Canadian firearm company, as well as a clip from the upcoming report of journalist Normand Lester firing a weapon.

At 5:57 pm, Jean-Luc Mongrain conducted a brief interview with reporter Normand Lester:

Mongrain: Normand Lester, your story is distressing. Indeed, it is disturbing to hear those repeating shots from a weapon you were so easily able to acquire, along with its belt holding 250 bullets, and all without a permit.

Lester: Yes. In Canada at the moment, it is possible to obtain, um, a powerful weapon of war with a simple rifle permit that any 14 year-old child can acquire. It is also possible to obtain the bullets required to shoot with this semi-automatic machine-gun by presenting a simple permit that is also available

to a 14 year-old child, as well as the ammunition belts and cartridge clips. As far as that goes, there is absolutely, there are no controls. They can be obtained without even having a hunting licence. Here is my report.

Mongrain: Thank you.

TQS then broadcast the two-minute long report, entitled “Dossier exclusif : Mitrailleur par la poste” [translation: “Exclusive Report: Machine Gun by Mail”]. The segment began with black-and-white footage of soldiers in combat carrying machine guns. Mr. Lester’s narration explained:

The MG-34 is the standard light machine-gun used by the German army during the Second World War. Equipped with a 250 bullet belt, it can be purchased by any Canadian with a simple hunting licence.

Over a close-up of a firearm and images from the firearm vendor, Marstar Canada, Lester provided further details:

You can order this powerful weapon of war by mail, telephone or Internet from Marstar Canada, a well-known firearms vendor located in Vankleek Hill, Ontario near the Quebec border.

That information was followed by a close-up scene of a person loading an ammunition belt into a weapon. Mr. Lester then stated:

This machine-gun with a modified breech fires in semi-automatic mode exactly like the Mini-Ruger 14 used by the serial killer Marc Lépine.

The report then showed a close-up of various firearms, bullets and accessories laid out on a table, followed by a scene of M. Lester firing a gun. A close-up of a cartridge clip was accompanied by Normand Lester’s comment that

After the Marc Lépine massacre at the École polytechnique, the federal Parliament enacted a law prohibiting cartridge clips containing more than five bullets, like this one.

Normand Lester was then shown firing a weapon. His voice-over narration stated:

The purpose of that law was to make it more difficult for a crazed shooter to perpetrate a massacre in a public place by forcing him to continually reload his weapon.

A close-up of a person putting bullets in a clip was followed by a shot of Lester taking an ammunition belt out of a box.

However, the law is deficient in that it allows semi-automatic weapons that are loaded by ammunition belts. While only vintage ammunition belts are allowed in principle, we were able to order a 250 bullet belt made after the war from Marstar

Canada by mail, without having to produce a hunting licence or any form of identification.

The report then showed images from the Marstar company's website.

Clips containing 50 bullets are also available from Marstar with no restrictions.

The report concluded with another close-up of a person loading a clip.

Normand Lester, TQS in Montréal.

The "Machine Gun by Mail" report was followed by an interview conducted by host Jean-Luc Mongrain. Mongrain had as his guest a sister of one of Marc Lépine's victims at the École Polytechnique massacre of 1989. Mongrain and the woman discussed how she had coped with her sister's murder and the gun registration laws in Canada.

The CBSC received 17 complaints about the report in December 2005. All of those individuals were concerned that the report had contained inaccurate information about both the firearms depicted and Canada's firearms regulations. They also expressed concerns that the report had contained unfair and distorted comments intended to make all gun owners look like criminals (particularly the link made in the broadcast to the Marc Lépine killings) and to damage the reputation of a legitimate firearms seller.

Two of the individuals returned their Ruling Requests, which triggered the CBSC's adjudication process. The first complainant's letter, received on December 6, read in pertinent part (the full text of all correspondence can be found in the Appendix):

The reporter, Normand Lester, did a segment about legal semi-auto versions of the German MG34 machine gun. During the broadcast he spoke the following lies:

1. A firearm can be bought by a 14 year old with just a hunting permit. (That is a lie, one must be 18 and have a Firearms Permit).
2. One does not need a permit to buy ammo. (That is also a lie, one must also have a valid Firearms permit to buy ammo).
3. The MG34 is the same as the Ruger-14 used by Marc Lépine. (Again a lie. The MG34 is completely different and shares no common parts).
4. The MG34 he had was full-auto. (Again a lie. While there are still a number of full-auto MG34 [sic] around, he doesn't have the proper permits to have one).

Also if Mr. Lester bought the gun and ammo without the correct permits he has committed an illegal act.

He also slanders the firearms company Marstar by claiming they have acted illegally.

The second complainant's e-mail was received on December 9 and read:

The following was said during *Le Grand Journal* aired at 16:30 [*sic*], December 5 2005 on TQS (Télévision Quatre Saisons). This is an informational broadcast.

Normand Lester presented that day a documentary explaining how supposedly easy it is in Canada to have a heavy machine gun delivered by mail over to your place.

This documentary contains false and misleading information about the legitimate firearms situation in Canada. It also contains a highly political oriented opinion. My right to quality and neutral information has been violated.

That complainant sent the following additional information to the CBSC on December 20:

Reporters are expected to be focused on the facts and expected to give all relevant information about the topics they are dealing with, despite their opinion. It's not what happened at all during the documentary made and presented by Normand Lester that day. My right to have an honest information was definitely not respected, not to say ignored. Please see the details below.

Normand Lester presented that day a documentary explaining how supposedly easy it is in Canada to have a heavy machine gun delivered by mail over to your place. The documentary also showed him operating two firearms. The so-called MG-34 and a Mini14. He was pretending to denounce what he called an unacceptable situation.

What stroke [*sic*] my attention was when Lester said that a 14-year-old teen was capable of buying an MG-34 with a duck hunting license. This is an obvious lie. He's misleading the population while it is clearly stated in the firearm act that nobody under the age of 18 can legally buy any type of firearm. Besides, a hunting permit does not grant anyone the authorisation to buy, possess, use or borough [*sic*] a firearm.

Moreover, to buy a firearm, a Firearm licence is mandatory. This licence is granted after a rather long and meticulous process. First, you need to take a firearm safety course, then you need to complete a form asking for your personal information. You also need two sponsors that will sign and attest that you are not posing any threat to public safety by possessing firearms. If you are separated from your spouse since less than two years [*sic*], she or he needs to give his agreement. If he or she does not, the Canadian firearm centre will automatically notify him or her anyway. She or he will be asked if you might represent a threat to yourself or others. Then a criminal background is run to make sure you don't have any past criminal record. The Canadian Firearm Centre also have a 1-800 line if someone needs to make a complaint or express a concern. M. Lester did not mention anything about this. He was telling something wrong and neglected to give complete and detailed information. This firearm licence process has nothing to do with a hunting permit.

Concerning the weapons he showed, he seemed pretending having [sic] bought them. While in fact he could very well have them rented over [sic] a Montreal movies accessories [sic] only for the purpose of his documentary. Here is why:

- 1- When he loaded the mini-14, a zoom-in was done on Lester and it is very clear that he was loading the rifle with blank ammunitions.
- 2- Blank bullets produce huge flashes, as we saw in the video. Real rounds just don't flash like that.
- 3- The recoil is almost null. We clearly see that the weapons are almost still when Lester shoots. It means that these firearms where modified to shoot ONLY blank ammo. If Lester would have used blank ammo with an unconverted one, the firearm would not have operated without a specific device called a Blank Firing Adapter. Such a device WAS NOT on any firearm he used.

[...]

Concerning the firearms themselves, Lester did not mention anything about the fact that the Ontarian-based [sic] company Marstar does not sell MG-34 machine guns. In fact, they are selling what appears to be a simple rifle that shoots ONE bullet at a time and that LOOKS LIKE an MG-34. Which is a big difference. Besides, he did not mention either that this rifle uses ordinary hunting rounds, costs almost 5000\$ and weighs about 25 pounds! He did not question either on how many crimes where committed in Canada using MG-34 (or the rifle sold by Marstar) or similar firearms or if these firearms caused any death or injuries directly or indirectly to the operators or to a bystander. He simply tried to scare everybody by giving only small parts of information and by showing a dramatic, emotional, audio video document obviously designed and directed to forge a very narrow politically oriented opinion about the firearms situation in Canada. Besides, such a dramatic presentation can create some irreparable damage to a legitimate Canadian corporation. Lester seems trying [sic] to make believe that anybody can buy a heavy machine gun over [sic] this company with no questions asked. He does not state if it's really true, because he did not reveal the information I spoke above. To top it all, such a document was aired during a broadcast that pretends to be informational in content. This is not acceptable by any means!

To complete the file, I find it VERY funny to see this fear campaign airing 3 days before the expected gun ban project announcement by the Liberals. Another funny coincidence is the fact that a politically motivated group called the Gun Control Coalition is also making a rather big media operation during this period of the year. So, to me, it is obvious that airing period [sic] normally set for informational content purpose [sic] at TQS was used to pass a highly politically motivated opinion.

No matter what our political views on ANY subject are, if we begin to allow Michael Moore-style false or opinion-oriented documentary or "mockumentary" airing during broadcasts set for quality and rigorous information, the media won't have public thrust anymore. No matter how hard the industry, including regulatory bodies, worked in the past to establish it.

TQS responded to all of the complainants on February 6 with the following letter:

We acknowledge receipt of your letter addressed to the Canadian Broadcast Standards Council (CBSC) concerning your dissatisfaction regarding the

newscast *Le Grand Journal* broadcasted on December the 5th 2005. Your complaint targeted a reportage [sic] from our journalist Mr. Normand Lester, about fire guns [sic].

On this matter, Mr. Lester responds as follows:

“First of all, I would like to briefly recall the information held in my eight different interventions at TQS, some as reports and others as discussions about the machine gun MG-34:

Sixteen years after the massacre at the École polytechnique of Montréal, semi-automatic machine guns with 250 bullets cartridges are available in Canada with a simple firearm permit despite the federal law on the matter of guns.

- *To sell to any Canadian with a simple firearm permit a 8 mm German machine gun MG-34. This powerful war weapon is available through postal, phone or online order to the well-known weapon dealer, Marstar, established in Van Cleek [sic] Hill, Ontario, close to the Québec border (the registered permit number is required by email). The armourer describes himself as a supplier of different services for police and the Canadian army. This machine gun, with a modified breech, fires in semi-automatic mode, exactly like the mini-Ruger of the serial killer Marc Lépine. After the massacre of Marc Lépine in the École Polytechnique, a legislation forbidding the use of chargers [sic] over five bullets has been adopted for preventing a shooter going wild to provoke a massacre in public spaces, forcing him to perpetually reload his weapon. But the legislation is silent about the rifle ammo belt.*

Marstar Canada sells this firearm and presents the MG-34 as a “semi-automatic machine gun”. The fact that it has been modified to shoot in semi-automatic mode was clearly specified in all my interventions on TQS.

For that matter, Marstar sells other types of machine guns like the Browning calibre .50. No one would ever qualify the Browning .50 or MG-34 as rifles! They are big calibre army weapons, whether they have the capacity to shoot in bursting or not. The main purpose of those firearms is not hunting, clay pigeon shooting or competition firing. Their purpose is to kill human beings as efficiently as it [sic] can. It was clearly said in the reportages that the MG-34 was modified to shoot like the Ruger of Marc Lépine. For the people who wouldn't be able to understand what it is about, I completed a firing demonstration with the two firearms. Further to my explanations, the viewers could see that a bullet was shot every time I pulled the trigger as long as there were bullets on the belt.

This is what the reportage wanted to demonstrate: despite the federal legislation on firearms which is limiting the chargers to five bullets for semi-automatic weapons, some powerful army machine guns are available in Canada with ammo belts for 250 bullets with a simple heavy weapon permit. The reportage was showing the relevant pages of Marstar Canada's website where those weapons and their accessories were sold and was describing the sale conditions (NON-RESTRICTED).

I purchased powerful ammunitions Mauser 8 mm with a simple firearm permit at the DANTE, an ironware shop in the neighbourhood of little Italy in Montréal. This demonstrates, to me, that it is extremely easy to get ammunitions for a MG-34.

When I said in a teaser that the MG-34 and its ammo belt was available in Canada with a simple "duck hunting" permit I was just illustrating my topic. I could have said with a simple "squirrel hunting" permit. Duck or squirrel hunting permits don't exist. It is common in journalism to use lapidary and colourful formula in punch lines. In that case it meant the MG-34 is available in Canada with a simple heavy weapon permit. By mentioning a hunting permit, I was underlying the fact that a simple weapon possession permit was in question. Not a restricted weapon permit or a permit for a prohibited weapon. I was referring to heavy weapon, rifles or shotguns that are used for hunting.

The central idea of the report is that 16 years after the drama of Polytechnique, it is easy in Canada, with a simple permit of possession of firearms, to legally buy a powerful weapon of war supplied with a swifter of 250 balls. The fact that one can get a permit at the age of 14 or 18 years old has nothing to do with the subject of the report which did not relate to the age of acquisition of a firearm in Canada.

To sum up, I would like to clarify that even if no crimes were perpetrated with a MG-34 in Canada, I demonstrated that the MG-34 could be used and fired by a middle-sized man standing up, me for instance. This renders the MG-34 with its Ammo-belt a legal weapon that can be a lot more dangerous than the Ruger of Marc Lépine. That was the idea of the reportage."

We hope these precisions responded to your preoccupations.

Both complainants sent back lengthy responses to TQS's and Lester's claims. The first complainant explained the following in a February 13 letter:

While I do appreciate the fact that TQS responded to my concerns, I still feel the need to voice some matters I felt were not addressed to my satisfaction.

1. Mr. Lester uses the word machine gun very liberally. He calls a semi-auto-only firearm a machine gun. I feel he many confuse his viewers mixing two terms that are mutually exclusive.
2. Mr. Lester also claims that an MG34 functions in the same way as the Ruger-Mini 14. Despite the fact that both are semi-auto firearms, again this misleads the viewers into thinking that an MG34 is the same as the Ruger-Mini 14. Anyone who knows anything about firearms knows this is simply false.
3. Mr. Lester makes repeated references to the Montreal mass shooting of 1989. He is clearly attempting to link this crime act with the semi-MG34 and maybe all semi-autos. In my view, this is an attempt to suggest that all owners of semi-auto firearms are potential spree killers. This is both false and offensive.
4. Mr. Lester states that the only purpose of the firearms in question is to "kill humans". Again he attempts to pass off his own views as facts. I own a 1919A4 Browning semi-auto, which is a copy of a machine-gun and is like the semi-MG34 in concept. I have never shot anybody and have no plans on doing so. I have also hunted with the Ruger-Mini 14, and it was very effective at hitting groundhogs. By saying these firearms are meant only to kill, Mr. Lester is using cheap emotional tricks to make the viewer see owners of these types of firearms as future killers.

5. Mr. Lester makes repeated comments on how powerful 8mm ammunition (what the semi-MG34 uses) is. 8mm is powerful as compared to what? I know he might say .22 Long Rifle, but this is a cop-out. Comparing 8mm to .22 would be like comparing Baffin Island to Tahiti. Both may be islands, but that is all they have in common. I would like to see Mr. Lester compare the ballistics of 8mm ammunition to other rounds in its class such as .303 Brit, .30-06 and 7.62x54 Russian. Only then would a viewer be able to judge the so-called powerful 8mm rounds for themselves.

6. Mr. Lester also laments that 8mm was very easy to buy. This shows a real lack of understanding the nature of the firearms business in Canada. The reason 8mm is so common is that there are a great number of firearms in Canada that use it. The 8mm round was the standard rifle round of the German military from 1888 to 1956 and was also sold around the world. The round is very popular with hunters and target shooters alike. The firearms that use 8mm cover the entire price scale from \$200 Serbian M24 rifles up to custom-made Krieghoff's that cost over \$5,000 and that is before engraving. I know for a fact that when I buy surplus 8mm I generally will not pay more than \$25 for about 400 rounds. Mr. Lester makes this seem shocking that 8mm ammo is so readily to be had. What does Mr. Lester think the average gun owner uses, BBs? Again he is pandering fear to his viewers by suggesting that they should be shocked that this "army ammo" is around. Why did he not also mention that 7.62x39, the same ammo used in the AK47, is sold for \$150 per 1,500 rounds. He again does not give the viewers the full story.

7. Mr. Lester also states that as a "full-grown man" he was able to fire the MG34 from the hip. Well, since the MG34 only weighs 12 Kg the fact that Mr. Lester could pick it up and shoot it was no feat of super-human strength. The real question should be how accurate was Mr. Lester when he was shooting from the hip. Based on my own experiences shooting the MG34, I would bet that the vast majority of Mr. Lester's shots were high and to the left as to be expected. While accurate shooting from the shoulder while standing with the MG34 is possible, I have only seen it done once, and that was by an actual German veteran who carried the MG34 in combat conditions on the Russian Front from 1941-1945.

In the same vein, it should also be remembered that the MG34 was served by a crew of at least 2 men. One man can't use the firearm effectively; trust me, I know.

In closing, I feel that Mr. Lester was not so much reporting the news, but trying to make it. I feel that his personal bias overshadowed any professional merit in the report. By leaving out important information, Mr. Lester shaped the report to reflect his own view that "guns are bad". He offered no alternate viewpoint by those who own and use these firearms. He was not reporting, but trying to further a personal agenda under the mask of news cast.

I believe that viewers should have all the information to allow them to make up their mind.

I can provide supporting information to prove my accusations if you wish.

The second complainant's letter of February 21 provided similar rebuttals to TQS's position:

After receiving explanations from TQS and Normand Lester, I still consider that my right to a complete and unbiased information was violated by this piece of news. After reading Mr. Lester's answers, I am even more concerned than before.

It appears that Mr. Lester is in favour of more restrictive firearm control measures and is willing to do whatever it takes to make people believe in his message. I do not intend to discuss the merits of the point in question, but rather the way Mr. Lester is dealing with the subject. I don't think there is any cause worth distorting and omitting facts on a public medium, nor creating a smoke screen to make the issue fuzzy.

First, in his answer to my letter, Mr. Lester did not even bother to address the key issue of whether he actually purchased the subject firearms or rented them from a movie prop supplier. Although he attempts to make us believe that he bought them and got them delivered to his place, there is no explanation about this in his answer and the subject firearms could have been obtained from several other sources than Marstar. This is not a trivial point, since this might be a case of deliberately misleading the public and the other facts of his so-called reportage would have been faked.

Answer regarding Marstar advertising as an armourer [which] describes himself [sic] as a supplier of different services for police and the Canadian army: There is no mention of this on their website, <http://www.marstar.ca/> under Marstar Canada, Classic collectibles.

Mr. Lester is also pretending that Marstar is selling firearms over the internet: "This powerful war weapon is available through postal, phone or online order to the well-known weapon dealer, Marstar, established in Van Cleek [sic] Hill." Here again Marstar's website tells a different story and contains the statement "No firearms are sold on line". Source: <http://www.marstar.ca/FAQ-webguns.htm>.

Each firearm sold is registered in accordance the Canadian Firearms Act and every Canadian citizen who wants to legally acquire a firearm must go through a rather complex and intrusive process. Lester did not mention anything of the above in his show. He explicitly stated that anyone with a duck hunting license can buy this rifle!

Regarding the firearm itself, Lester made a number of comments quite out of place in a news broadcast. He did not mention that a collectible MG-34 costs around \$5000, weighs about 25 lb (without the ammo belt) and has NEVER been involved in the perpetration of ANY crime or incident in the whole of Canadian history. Hence, the strangeness of his answer: "To sum up, I would like to clarify that even if no crimes were perpetrated with a MG-34 in Canada, I demonstrated that the MG-34 could be used and fired by a middle-sized man standing up, me for instance. This renders the MG-34 with its ammo-belt a legal weapon that can be a lot more dangerous than the Ruger of Marc Lépine. That was the idea of this reportage." A look at the footage will demonstrate that such a contraption is difficult to carry concealed under a trench coat, not even speaking of the 250-round belt dragging on the ground! Maybe Arnold Schwarzenegger can do this with the help of a special effects crew! But such a statement has nothing to do with news journalism and can hardly be considered objective. The only thing we have here is Lester playing in a scary series! There are no facts whatsoever to prove such a statement, but Mr. Lester may have the same respect for as than [sic] Michael Moore!

In my humble opinion, the purpose of this reportage was simply to scare the public on the eve of the anniversary of the Polytechnique killings! To illustrate this point, let's replace the evil MG-34 with a pickup truck: "To sum up, I would like to clarify that even if no crimes were perpetrated with a pickup truck in Canada, I demonstrated that a pickup truck could be used and driven by a middle-sized man seated up, me for instance. This renders the pickup truck with its 350 horse power engine a legal weapon that can be a lot more dangerous than the Ruger of Marc Lépine." I don't dare imagine a driver going wild in one of our downtown areas It is shocking to see that we can still own such a device in Canada.

"This renders the MG-34 with its ammo-belt a legal weapon". What would be the use of putting this rifle illegal [*sic*]? Was it legal to steal 4 aircraft for a few terrorists on September 11th and to crash them to kill innocent workers? Does Mr Lester know (or care about) how many firearms are stolen from police officers or from the militaries each year?

"I purchased powerful ammunitions Mauser 8 mm with a simple firearm permit at the DANTE, an ironware shop in the neighbourhood of little Italy in Montréal. This demonstrates, to me, that it is extremely easy to get ammunitions for a MG-34."

For someone who wrote a very documented book about Gerald Bull and his super-cannon developments, Lester should know that a 8mm round is a just another medium game calibre, very popular among hunters and in the same class as the .308 and in fact is sold in hardware stores. We are not talking about a scary, very powerful military type of ammo. Again, I find it disturbing that a reporter would indulge in misleading the public with such biased and deceptive statements.

Another significant excerpt from Mr. Lester's self-justification: "The central idea of the report is that 16 years after the drama of Polytechnique, it is easy in Canada, with a simple permit of possession of firearms to legally buy a powerful weapon of war supplied with a swifter of 250 balls. The fact that one can get a permit at the age of 14 or 18 years old has nothing to do with the subject of the report which did not relate to the age of acquisition of a firearm in Canada." [emphasis mine]

Nevertheless, I still think that age is of the essence and that facts should be set straight, but the Lester show goes on!

"When I said in a teaser that the MG-34 and its ammo belt was available in Canada with a simple duck hunting permit I was just illustrating my topic. I could have said with a simple squirrel hunting permit. Duck or squirrel hunting permits don't exist. It is common in journalism to use lapidary and colourful formula in punch lines!"

Mr. Lester's views about journalism are very interesting and cast a different light on the subject matter. They may be appropriate in a tabloid, but what about an informational news broadcast. I believe that an ethics enforcement agency should carefully consider this issue in the interest of democracy which rests on proper information to the citizen.

Mr. Lester admits distorting the truth (Firearms Bill), deliberately omitting pertinent facts and considering that this is part of investigative journalism. The main issue here is: For what purpose?

Is he pursuing personal grudges against the media? Does he believe that his fame puts him above the most basic journalistic rules, or maybe that ethics are a thing of the past and that lying and distorting facts are normal attributes of reporters? What about ethics and objectivity? No doubt genuine journalists will appreciate! [sic]

To conclude, I would like to stress again that my intention is not to deny Mr. Lester's right to resort to Michael Moore's documentary style to further his agenda, but I strongly object to him doing so during an informational broadcast. There is no place in news bulletins for this philosophy during [sic] and this occurrence clearly violates my right to fair and unbiased information. These are the basic grounds for which I request a ruling from your agency and hope that common sense will prevail.

THE DECISION

The Quebec Regional Panel examined the program under the following Code provisions:

Canadian Association of Broadcasters' (CAB) *Code of Ethics*, Clause 5 - News

- (1) It shall be the responsibility of broadcasters to ensure that news shall be represented with accuracy and without bias. Broadcasters shall satisfy themselves that the arrangements made for obtaining news ensure this result. They shall also ensure that news broadcasts are not editorial.
- (2) News shall not be selected for the purpose of furthering or hindering either side of any controversial public issue, nor shall it be formulated on the basis of the beliefs, opinions or desires of management, the editor or others engaged in its preparation or delivery. The fundamental purpose of news dissemination in a democracy is to enable people to know what is happening, and to understand events so that they may form their own conclusions.
- (3) Nothing in the foregoing shall be understood as preventing broadcasters from analyzing and elucidating news so long as such analysis or comment is clearly labeled as such and kept distinct from regular news presentations. Broadcasters are also entitled to provide editorial opinion, which shall be clearly labeled as such and kept entirely distinct from regular broadcasts of news or analysis.

Radio-Television News Directors Association (RTNDA) *Code of (Journalistic) Ethics*, Article 1 – Accuracy

Broadcast journalists will inform the public in an accurate, comprehensive and fair manner about events and issues of importance.

The Quebec Regional Panel Adjudicators reviewed a tape of the report and read all of the correspondence. It concludes that the report was not in breach of the aforementioned Code provisions.

Inexactitude: Material or Insignificant?

The Panel fully appreciates the expertise of the complainants and does not take issue with them on the accuracy of the points that they make about many of the issues. The question with which the Panel must grapple, however, relates to the materiality of those points. What is their significance, if any, to the general public? Will their view of the story be misunderstood or distorted in an important way on account of the reporter's choice of language? Was the reporter's choice of wording merely a nuance or did it amount to a matter of significance?

In *CHAN-TV re Newscast (Recycling Society)* (CBSC Decision 96/97-0004, March 10, 1997), for example, the reporter, in dealing among many other issues with the financial circumstances of the Society, referred to the monies it received from the Government as "grants" when, according to the complainant, they constituted contractual payments for services rendered. The British Columbia Regional Panel commented on that distinction in the following terms:

The Council is of the view that the reporter's principal failure was with respect to the financial issues raised in the newscasts. There is, for example, a difference between "grants" and "contracts for services rendered". The Council does not agree with the broadcaster's justification of the one term for the other as a "break[ing] out of jargon to properly and directly convey meaning." The word "grant" is *not* jargon. It has a well-known meaning and an implication of government largesse. It provides an inherent justification for cautious oversight of the activities of an entity benefitting from such beneficence. It *appears*, on the other hand, that the Society *worked* for its money, that it rendered services for which it was paid. That does not imply that it can do what it wants; the investigation was not unwarranted. The reporter ought, however, to have been "tighter" in his choice of language. Words are, after all, his work.

Although the Panel found a discrepancy in the choice of descriptive terms, it did not consider it significant enough to amount to a breach of the Code.

All in all, the Council considers that the reporter, the News Director and the station ought to have exercised greater vigilance in the way they chose to tell this story which they were justified in bringing to the attention of the public. It is not, and cannot be, that every inadvertence or inappropriate comment will fall afoul of the various broadcaster Codes. This is a case where they do not but where the Council would have wished that the broadcaster had been further from the edge.

On the other hand, in *CITV-TV re You Paid for It (Immigration)* (CBSC Decision 95/96-0088, December 16, 1997), the Prairie Regional Panel considered that there were important distinctions to be drawn between the words "immigrant" and

“refugee” and that differing legal consequences flowed from the different characterizations. As the Prairie Panel observed,

In this case, the Council considers that CITV’s failure goes further than merely lacking “tightness”. The report on the issue of government spending in the area of immigration confused money spent on *immigrants*, *i.e.* foreigners who are accepted into Canada in the hopes that they will spur economic growth for the country, with money spent on *refugees*, *i.e.* people who are accepted into Canada out of humanitarian compassion. The confusion of money spent with respect to both groups in the context of the statement that a treasury critic “doesn’t believe that many of the bills paid by the Department of Citizenship and Immigration are paying off” was grossly misleading and had the overall effect of portraying *all* newcomers to Canada as “free-loaders”.

Dans *CFTM-TV (TVA) re J.E. (Entreprises Pendragon)* (CBSC Decision 97/98-0390, August 14, 1998), the materiality of the erroneous representation was easier to deal with. In that case, the reporter attempted to calculate “a conservative estimate” of the amount of money Pendragon could have collected from local small businesses in its failed attempt to publish a visitor’s guide. He stated (and the numbers were put up on the screen) that, if 180 clients each paid the minimum of \$200, Pendragon should have collected \$360,000 (when the correct calculation would have been \$36,000). The Panel concluded:

While the Council understands that the addition of the extra zero (making the relatively small sum of \$36,000 the rather huge sum of \$360,000) may have been inadvertent, it was a *reckless* error on a centrally material issue in the report. Moreover, the error was *compounded* by the reporter who relied on the exaggerated number as the basis for his questioning of Pendragon’s president.

This Panel referred, in that decision, to “the use of an utterly unwarranted and exaggerated figure by the reporter” and concluded “that the inexplicable sloppiness surrounding the information relating to potential revenues collected by Pendragon created an unfair report.”

There are numerous other examples in the jurisprudence of the CBSC on this very issue; however, the Panel considers that it may draw conclusions on the basis of the foregoing references.

The Intention of the Report: The Forest

Before dealing with the issue of materiality, though, the Panel considers that it must make a general comment about the report itself. That comment relates, first, to the *impression* that, in its view, the reporter was trying to leave (at close to the time of the anniversary of the massacre of female students at the École polytechnique of the Université de Montréal). The Panel considers that that message was that *anyone* can get a serious, heavy-duty, dangerous, military firearm (with the associated bullets or cartridge clips) with great ease, that even a 14-year old could do so.

In order to create that impression, the Panel considers that the reporter was fairly fast and loose with his facts. His information was woolly, not sharply defined. The trick was how he knitted together the fabric of his argument. Technically speaking, most of the components were, if considered in isolation, either accurate or, at best, not inaccurate. By juxtaposing elements that were not intended to be so conjoined, Lester was able to leave an impression that was, in a composite or overall sense, somewhat distorted.

Moreover, the entire matter is further complicated by two issues. One is the interpretation of the complainants of what was actually said *on air*. The other is the clarifying arguments raised in the exchange of correspondence between Normand Lester and the complainants. Points made in Lester's explanation (which was included in the letter from the broadcaster's Vice-President, Communications) and the responses to those explanations muddy the waters *in terms of what was actually broadcast*. It must be remembered that the *broadcast* content is the only issue for the Quebec Regional Panel to consider.

The Complainants' Issues: The Trees

The first complainant outlined a number of broadcast points with which he disagreed. First, he alleged that Normand Lester had stated that "A firearm can be bought by a 14 year old with just a hunting permit." In fact, he did not say that. The reporter stated that [translation] "it is possible to obtain, um, a powerful weapon of war with a simple rifle permit that any 14 year-old child can acquire." In other words, the reporter did not use the verb "buy", which would most directly and unequivocally have been represented by "acheter"; he said "se procurer", which is more consistent with "acquire", "get" or "procure" and, in this respect, it is undisputed that a 14-year old may obtain a Minor's Licence, which will permit that young person to use or borrow, although not to buy or own, non-restricted firearms. Although the Panel considers that the reporter was attempting to leave the impression that a 14-year old could unreservedly obtain such a weapon without difficulty, it is not what he actually said. While it takes careful analysis to achieve that understanding, the Panel does not find a breach of the Code on this account.

Second, the first complainant asserted that Lester had informed the audience that "One does not need a permit to buy ammo." He did not say that. To the contrary. He made the point that [translation] "It is also possible to obtain the bullets required to shoot with this semi-automatic machine-gun by presenting a simple permit". Again, the reporter wished to underscore the issue of facility and he said that such a permit was also available to a child of 14. To this he added that [translation] "They can be obtained without even having a hunting licence." This was a red herring, in the sense that issues of hunting permits are matters for

provincial governments, not for the federal government, which seemed to be the substance and direction of the Lester report.

Third, the complainant alleged that Lester said that “The MG34 is the same as the Ruger-14 used by Marc Lépine.” Not so. He said [translation] “This machine-gun with a modified breech fires in semi-automatic mode exactly like the Mini Ruger-14 used by the serial killer Marc Lépine.” The weapons were not described as “the same”; the modification to the one was made so that it would fire in semi-automatic mode “exactly like” the weapon used by Marc Lépine on his murderous rampage.

Last, in the first complaint, was the allegation that “[t]he MG34 he had was full-auto.” Lester did not say that and there is no indication in the video clip why anyone should have drawn such a conclusion. At most, the reporter might be said to have used the term [translation] “machine-gun” loosely during the segment. Indeed, he used it alone twice and once as [translation] “semi-automatic machine-gun”. The report was not aimed at an audience of specialists in weaponry and, consequently, this interchangeability of words was not, in the view of the Panel, intentionally or materially misleading.

The issues are, in the case of the second complainant, somewhat similar. In the first place, he referred a couple of times to Lester’s alleged reference to “a heavy machine gun” when the reporter was quite careful to refer to a [translation] “standard light machine-gun used by the German army during the Second World War.” There was also a reference to the issues of a hunting licence and the *buying* of a firearm by a person under 18. Both of these issues were dealt with above. The second complainant also discussed a series of technical issues related to whether the weapon shown was a stock weapon or one modified to shoot only blank ammunition. This was simply not a point that would resonate with most viewers, who would be at a loss to understand it. It was not, in the view of the Panel, a relevant issue to the TQS audience watching that segment. Finally, the complainant asserted that the Marstar company that was referred to in the report “does not sell MG-34 machine guns.” In fact, a quick check by the Panel indicates that that weapon is prominently advertised on the Marstar website (under the overall heading “Semi-Auto Machine Guns”; it should also be noted that the technical specifications associated with the weapon are listed under the heading “Semi-Auto MG-34 Machine Gun Specifications”).

The Panel’s Conclusion

As noted above, the Panel readily understands the goal of Normand Lester in his report. As he himself said in the letter of response from the Vice President, Communications, of TQS, “despite the federal legislation on firearms [...], some powerful army machine guns are available in Canada with ammo belts for 250 bullets with a simple heavy weapon permit.” That being said, the Panel regrets

the rather liberal or loose use of accurate terminology used by Normand Lester to illustrate his point. As he admitted in the TQS letter, duck and squirrel hunting permits do not exist in Canada. He then explained that an apparently material part of his story, relating to the age at which one can obtain a permit “has nothing to do with the subject of the report which did not relate to the age of acquisition of a firearm in Canada.” His explanation for the use of such terms: “I was just illustrating my topic.” His justification: “It is common in journalism to use lapidary [*sic*] and colourful formula in punch lines.” The Panel disagrees. Colourful is fine. Terse and succinct are fine. Illustrative is fine. Irrelevant and misleading are not. They are a regrettable usage and suggest sloppier practices than are customary in the exercise of serious journalism. That being said, for the reasons discussed in detail above, the Panel is not of the view that any of the statements is materially incorrect or that the overall perspective left is materially misleading. The Panel wishes that the reporter had been more thoughtful in his presentation but, in conclusion, it finds no breach of the codified standards cited above.

Broadcaster Responsiveness

The CBSC considers, as a part of every decision, whether the broadcaster has complied with its obligation to respond appropriately to the complainant’s concerns. That dialogue is not only a part of every broadcaster’s CBSC membership obligations, it also represents the public’s sense of security in the process of self-regulation. While broadcasters are always involved with the reaction of their audiences to what they put on air, this dialogue with a listener is the manifestation to the complainant of that involvement. In this case, the broadcaster took the trouble to include the detailed response of the reporter who had done the research for the news segment. It reflected his expertise and was a very useful response, especially considering the apparent level of expertise of the complainants. The Panel considers that the response by the Vice-President of Communications at TQS was thorough and appropriate.

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.

ANNEXE

Décision du CCNR 05/06-0785 et -0800 TQS concernant un reportage diffusé dans le cadre du *Grand Journal* (« Mitrailleuse par la poste »)

Les plaintes

Le CCNR a reçu 17 plaintes portant sur ce reportage pendant le mois de décembre 2005. Seulement deux des 17 plaignants ont remis leurs Demandes de décision. Le texte de ces deux plaintes est reproduit ci-dessous :

Dossier du CCNR 05-06-0785, (plainte en date du 6 décembre)

My complaint is about a segment aired on TQS TV on the night of Dec. 5 during the 6:30 pm newscast.

The reporter, Normand Lester, did a segment about legal semi-auto versions of the German MG34 machine gun. During the broadcast he spoke the following lies:

1. A firearm can be bought by a 14 year old with just a hunting permit. (That is a lie, one must be 18 and have a Firearms Permit).
2. One does not need a permit to buy ammo. (That is also a lie, one must also have a valid Firearms permit to buy ammo).
3. The MG34 is the same as the Ruger-14 used by Marc Lepine. (Again a lie. The MG34 is completely different and shares no common parts).
4. The MG34 he had was full-auto. (Again a lie. While there are still a number of full-auto MG34 [*sic*] around, he doesn't have the proper permits to have one).

Also if Mr. Lester bought the gun and ammo without the correct permits he has committed an illegal act.

He also slanders the firearms company Marstar by claiming they have acted illegally.

Here is a link to the report (In French)

<http://www2.canoe.com/infos/societe/archives/2005/12/20051206-101900.html>

Dossier du CCNR 05-06-0800 (plainte en date du 9 décembre)

The following was said during *Le Grand Journal* aired at 16:30 [*sic*], December 5 2005 on TQS (Television Quatre Saisons). This is an informational broadcast.

Normand Lester presented that day a documentary explaining how supposedly easy it is in Canada to have a heavy machine gun delivered by mail over to your place.

This documentary contains false and misleading information about the legitimate firearms situation in Canada. It also contains a highly political oriented opinion. My right to quality and neutral information has been violated.

Please see the attached file for details.

Le 20 décembre, ce plaignant a envoyé le courriel suivant au CCNR :

In my complaint there were two attached files. One that was only a brief statement that I typed over your site and the other was the complaint itself. I wrote it in Word format. In the email I received and that TQS apparently received there was only one document, the one that was containing only a very short statement. I am resending you the files. Please make sure all people concerned with this complaint receive everything so that they can be aware of what's going on and act accordingly. Please confirm me that they received everything.

Le plaignant a joint le document suivant à ce courriel-là :

Respondent:
TQS Television Station
Le Grand Journal, 12/5/2005 -16:30
Reporter: Normand Lester

The following was said during *Le Grand Journal* aired at 16:30 [*sic*], December 5, 2005 on TQS (Television Quatre Saisons). This is an informational broadcast. Reporters are expected to be focused on the facts and expected to give all relevant information about the topics they are dealing with, despite their opinion. It's not what happened at all during the documentary made and presented by Normand Lester that day. My right to have an honest information was definitely not respected, not to say ignored. Please see the details below.

Normand Lester presented that day a documentary explaining how supposedly easy it is in Canada to have a heavy machine gun delivered by mail over to your place. The documentary also showed him operating two firearms. The so-called MG-34 and a Mini14. He was pretending to denounce what he called an unacceptable situation.

What stroke [*sic*] my attention was when Lester said that a 14-year-old teen was capable of buying an MG-34 with a duck hunting license. This is an obvious lie. He's misleading the population while it is clearly stated in the firearm act that nobody under the age of 18 can legally buy any type of firearm. Besides, a hunting permit does not grant anyone the authorisation to buy, possess, use or borrow [*sic*] a firearm.

Moreover, to buy a firearm, a Firearm licence is mandatory. This licence is granted after a rather long and meticulous process. First, you need to take a firearm safety course, then you need to complete a form asking for your personal information. You also need two sponsors that will sign and attest that you are not posing any threat to public safety by possessing firearms. If you are separated from your spouse since less than two years [*sic*], she or he needs to give his agreement. If he or she does not, the Canadian firearm centre will automatically notify him or her anyway. She or he will be asked if you might represent a threat to yourself or others. Then a criminal background is run to make sure you don't have any past criminal record. The Canadian Firearm Centre also have a 1-800 line if someone needs to make a complaint or express a concern. M. Lester did not mention anything about this. He was telling something wrong and neglected to give complete and detailed information. This firearm licence process has nothing to do with a hunting permit.

Concerning the weapons he showed, he seemed pretending having [sic] bought them. While in fact he could very well have them rented over [sic] a Montreal movies accessories [sic] only for the purpose of his documentary. Here is why:

- 1- When he loaded the mini-14, a zoom-in was done on Lester and it is very clear that he was loading the rifle with blank ammunitions.
- 2- Blank bullets produce huge flashes, as we saw in the video. Real rounds just don't flash like that.
- 3- The recoil is almost null. We clearly see that the weapons are almost still when Lester shoots. It means that these firearms were modified to shoot ONLY blank ammo. If Lester would have used blank ammo with an unconverted one, the firearm would not have operated without a specific device called a Blank Firing Adapter. Such a device WAS NOT on any firearm he used.

These points bring me to strongly believe that these firearms are simply movies accessories. So there is some serious doubts over the whole thing, because Lester did not demonstrate clearly if he actually bought these firearms and really had them delivered over to his place like he wants us to believe. So how can he testify in such a way, during an information broadcast, if he did not CLEARLY demonstrate that he really bought these firearms!?

Concerning the firearms themselves, Lester did not mention anything about the fact that the Ontarian-based [sic] company Marstar does not sell MG-34 machine guns. In fact, they are selling what appears to be a simple rifle that shoots ONE bullet at a time and that LOOKS LIKE an MG-34. Which is a big difference. Besides, he did not mention either that this rifle uses ordinary hunting rounds, costs almost 5000\$ and weighs about 25 pounds! He did not question either on how many crimes were committed in Canada using MG-34 (or the rifle sold by Marstar) or similar firearms or if these firearms caused any death or injuries directly or indirectly to the operators or to a bystander. He simply tried to scare everybody by giving only small parts of information and by showing a dramatic, emotional, audio video document obviously designed and directed to forge a very narrow politically oriented opinion about the firearms situation in Canada. Besides, such a dramatic presentation can create some irreparable damage to a legitimate Canadian corporation. Lester seems trying [sic] to make believe that anybody can buy a heavy machine gun over [sic] this company with no questions asked. He does not state if it's really true, because he did not reveal the information I spoke above. To top it all, such a document was aired during a broadcast that pretends to be informational in content. This is not acceptable by any means!

To complete the file, I find it VERY funny to see this fear campaign airing 3 days before the expected gun ban project announcement by the Liberals. Another funny coincidence is the fact that a politically motivated group called the Gun Control Coalition is also making a rather big media operation during this period of the year. So, to me, it is obvious that airing period [sic] normally set for informational content purpose [sic] at TQS was used to pass a highly politically motivated opinion.

No matter what our political views on ANY subject are, if we begin to allow Michael Moore-style false or opinion-oriented documentary or "mockumentary" airing during broadcasts set for quality and rigorous information, the media won't have public thrust anymore. No matter how hard the industry, including regulatory bodies, worked in the past to establish it.

La réponse du télédiffuseur

TQS a répondu aux plaignants le 6 février 2006 avec la lettre suivante :

Dear Sir,

We acknowledge receipt of your letter addressed to the Canadian Broadcast Standards Council (CBSC) concerning your dissatisfaction regarding the newscast *Le Grand Journal* broadcasted on December the 5th 2005. Your complaint targeted a reportage [sic] from our journalist Mr. Normand Lester, about fire guns [sic].

On this matter, Mr. Lester responds as follows:

“First of all, I would like to briefly recall the information held in my eight different interventions at TQS, some as reports and others as discussions about the machine gun MG-34:

Sixteen years after the massacre at the École polytechnique of Montréal, semi-automatic machine guns with 250 bullets cartridges are available in Canada with a simple firearm permit despite the federal law on the matter of guns.

To sell to any Canadian with a simple firearm permit a 8 mm German machine gun MG-34.

This powerful war weapon is available through postal, phone or online order to the well-known weapon dealer, Marstar, established in Van Cleek [sic] Hill, Ontario, close to the Québec border (the registered permit number is required by email). The armourer describes himself as a supplier of different services for police and the Canadian army. This machine gun, with a modified breech, fires in semi-automatic mode, exactly like the mini-Ruger of the serial killer Marc Lépine. After the massacre of Marc Lépine in the École Polytechnique, a legislation forbidding the use of chargers over five bullets has been adopted for preventing a shooter going wild to provoke a massacre in public spaces, forcing him to perpetually reload his weapon. But the legislation is silent about the rifle ammo belt.

Marstar Canada sells this firearm and presents the MG-34 as a “semi-automatic machine gun”. The fact that it has been modified to shoot in semi-automatic mode was clearly specified in all my interventions on TQS.

For that matter, Marstar sells other types of machine guns like the Browning calibre .50. No one would ever qualify the Browning .50 or MG-34 as rifles! They are big calibre army weapons, whether they have the capacity to shoot in bursting or not. The main purpose of those firearms is not hunting, clay pigeon shooting or competition firing. Their purpose is to kill human beings as efficiently as it [sic] can. It was clearly said in the reportages that the MG-34 was modified to shoot like the Ruger of Marc Lépine. For the people who wouldn't be able to understand what it is about, I completed a firing demonstration with the two firearms. Further to my explanations, the viewers could see that a bullet was shot every time I pulled the trigger as long as there were bullets on the belt.

This is what the reportage wanted to demonstrate: despite the federal legislation on firearms which is limiting the chargers to five bullets for semi-automatic weapons, some powerful army machine guns are available in Canada with ammo belts for 250 bullets with a simple heavy weapon permit. The reportage was showing the relevant pages of Marstar Canada's website where those weapons and their accessories were sold and was describing the sale conditions (NON-RESTRICTED).

I purchased powerful ammunitions Mauser 8 mm with a simple firearm permit at the DANTE, an ironware shop in the neighbourhood of little Italy in Montréal. This demonstrates, to me, that it is extremely easy to get ammunitions for a MG-34.

When I said in a teaser that the MG-34 and its ammo belt was available in Canada with a simple “duck hunting” permit I was just illustrating my topic. I could have said with a simple

“squirrel hunting” permit. Duck or squirrel hunting permits don’t exist. It is common in journalism to use lapidary and colourful formula in punch lines. In that case it meant the MG-34 is available in Canada with a simple heavy weapon permit. By mentioning a hunting permit, I was underlying the fact that a simple weapon possession permit was in question. Not a restricted weapon permit or a permit for a prohibited weapon. I was referring to heavy weapon, rifles or shotguns that are used for hunting.

The central idea of the report is that 16 years after the drama of Polytechnique, it is easy in Canada, with a simple permit of possession of firearms, to legally buy a powerful weapon of war supplied with a swifter of 250 balls. The fact that one can get a permit at the age of 14 or 18 years old has nothing to do with the subject of the report which did not relate to the age of acquisition of a firearm in Canada.

To sum up, I would like to clarify that even if no crimes were perpetrated with a MG-34 in Canada, I demonstrated that the MG-34 could be used and fired by a middle-sized man standing up, me for instance. This renders the MG-34 with its Ammo-belt a legal weapon that can be a lot more dangerous than the Ruger of Marc Lépine. That was the idea of the reportage.”

We hope these precisions responded to your preoccupations.

Correspondance additionnelle

Le plaignant du Dossier 05-06-0785 a remis sa Demande de décision avec le note suivante en date du 13 février :

Dear Sir or Ma'am,

I am writing this as my answer to the letter sent to me by TQS on Feb. 13. While I do appreciate the fact that TQS responded to my concerns, I still feel the need to voice some matters I felt were not addressed to my satisfaction.

1. Mr. Lester uses the word machine gun very liberally. He calls a semi-auto-only firearm a machine gun. I feel he many confuse his viewers mixing two terms that are mutually exclusive.
2. Mr. Lester also claims that an MG34 functions in the same way as the Ruger-Mini 14. Despite the fact that both are semi-auto firearms, again this misleads the viewers into thinking that an MG34 is the same as the Ruger-Mini 14. Anyone who knows anything about firearms knows this is simply false.
3. Mr. Lester makes repeated references to the Montreal mass shooting of 1989. He is clearly attempting to link this crime act with the semi-MG34 and maybe all semi-autos. In my view, this is an attempt to suggest that all owners of semi-auto firearms are potential spree killers. This is both false and offensive.
4. Mr. Lester states that the only purpose of the firearms in question is to "kill humans". Again he attempts to pass off his own views as facts. I own a 1919A4 Browning semi-auto, which is a copy of a machine-gun and is like the semi-MG34 in concept. I have never shot anybody and have no plans on doing so. I have also hunted with the Ruger-Mini 14, and it was very effective at hitting groundhogs. By saying these firearms are meant only to kill, Mr. Lester is using cheap emotional tricks to make the viewer see owners of these types of firearms as future killers.

5. Mr. Lester makes repeated comments on how powerful 8mm ammunition (what the semi-MG34 uses) is. 8mm is powerful as compared to what? I know he might say .22 Long Rifle, but this is a cop-out. Comparing 8mm to .22 would be like comparing Baffin Island to Tahiti. Both may be islands, but that is all they have in common. I would like to see Mr. Lester compare the ballistics of 8mm ammunition to other rounds in its class such as .303 Brit, .30-06 and 7.62x54 Russian. Only then would a viewer be able to judge the so-called powerful 8mm rounds for themselves.

6. Mr. Lester also laments that 8mm was very easy to buy. This shows a real lack of understanding the nature of the firearms business in Canada. The reason 8mm is so common is that there are a great number of firearms in Canada that use it. The 8mm round was the standard rifle round of the German military from 1888 to 1956 and was also sold around the world. The round is very popular with hunters and target shooters alike. The firearms that use 8mm cover the entire price scale from \$200 Serbian M24 rifles up to custom-made Krieghoff's that cost over \$5,000 and that is before engraving. I know for a fact that when I buy surplus 8mm I generally will not pay more than \$25 for about 400 rounds. Mr. Lester makes this seem shocking that 8mm ammo is so readily to be had. What does Mr. Lester think the average gun owner uses, BBs? Again he is pandering fear to his viewers by suggesting that they should be shocked that this "army ammo" is around. Why did he not also mention that 7.62x39, the same ammo used in the AK47, is sold for \$150 per 1,500 rounds. He again does not give the viewers the full story.

7. Mr. Lester also states that as a "full-grown man" he was able to fire the MG34 from the hip. Well, since the MG34 only weighs 12 Kg the fact that Mr. Lester could pick it up and shoot it was no feat of super-human strength. The real question should be how accurate was Mr. Lester when he was shooting from the hip. Based on my own experiences shooting the MG34, I would bet that the vast majority of Mr. Lester's shots were high and to the left as to be expected. While accurate shooting from the shoulder while standing with the MG34 is possible, I have only seen it done once, and that was by an actual German veteran who carried the MG34 in combat conditions on the Russian Front from 1941-1945.

In the same vein, it should also be remembered that the MG34 was served by a crew of at least 2 men. One man can't use the firearm effectively; trust me, I know.

In closing, I feel that Mr. Lester was not so much reporting the news, but trying to make it. I feel that his personal bias overshadowed any professional merit in the report. By leaving out important information, Mr. Lester shaped the report to reflect his own view that "guns are bad". He offered no alternate viewpoint by those who own and use these firearms. He was not reporting, but trying to further a personal agenda under the mask of news cast.

I believe that viewers should have all the information to allow them to make up their mind.

I can provide supporting information to prove my accusations if you wish.

Le plaignant du Dossier 05-06-0800 a envoyé la note suivante le 15 février :

I just received the answer from TQS, it took them a great deal of time to answer me. After reading M. Lester's answer, I am even more concerned than before. So the form to keep going with the process and explain my position regarding this matter will be sent. I will also take the liberty to inform you more deeply about my position and why I am so concerned.

Le plaignant a ensuite remis sa Demande de décision le 21 février avec la note suivante :

I received the email from TQS the 2006-02-13. The letter was written on the 2006-02-6th. It took them a great while to answer me.

St-Jean-sur-Richelieu, 20 February 2006

I am hereby requesting a ruling from the CBSC concerning the docket #C05/06-0800.

Background: On December 5, 2005 the subject feature was aired on TQS during the newscast *Le Grand Journal*. After receiving explanations from TQS and Normand Lester, I still consider that my right to a complete and unbiased information was violated by this piece of news. After reading Mr. Lester's answers, I am even more concerned than before.

It appears that Mr. Lester is in favour of more restrictive firearm control measures and is willing to do whatever it takes to make people believe in his message. I do not intend to discuss the merits of the point in question, but rather the way Mr. Lester is dealing with the subject. I don't think there is any cause worth distorting and omitting facts on a public medium, nor creating a smoke screen to make the issue fuzzy.

First, in his answer to my letter, Mr. Lester did not even bother to address the key issue of whether he actually purchased the subject firearms or rented them from a movie prop supplier. Although he attempts to make us believe that he bought them and got them delivered to his place, there is no explanation about this in his answer and the subject firearms could have been obtained from several other sources than Marstar. This is not a trivial point, since this might be a case of deliberately misleading the public and the other facts of his so-called reportage would have been faked.

Answer regarding Marstar advertising as an armourer [which] describes himself as a supplier of different services for police and the Canadian army: There is no mention of this on their website, <http://www.marstar.ca/> under Marstar Canada, Classic collectibles.

Mr. Lester is also pretending that Marstar is selling firearms over the internet: "This powerful war weapon is available through postal, phone or online order to the well-known weapon dealer, Marstar, established in Van Cleek [*sic*] Hill." Here again Marstar's website tells a different story and contains the statement "No firearms are sold on line". Source: <http://www.marstar.ca/FAQ-webguns.htm>.

Each firearm sold is registered in accordance the Canadian Firearms Act and every Canadian citizen who wants to legally acquire a firearm must go through a rather complex and intrusive process. Lester did not mention anything of the above in his show. He explicitly stated that anyone with a duck hunting license can buy this rifle!

Regarding the firearm itself, Lester made a number of comments quite out of place in a news broadcast. He did not mention that a collectible MG-34 costs around \$5000, weighs about 25 lb (without the ammo belt) and has NEVER been involved in the perpetration of ANY crime or incident in the whole of Canadian history. Hence, the strangeness of his answer: "To sum up, I would like to clarify that even if no crimes were perpetrated with a MG-34 in Canada, I demonstrated that the MG-34 could be used and fired by a middle-sized man standing up, me for instance. This renders the MG-34 with its ammo-belt a legal weapon that can be a lot more dangerous than the Ruger of Marc Lépine. That was the idea of this reportage." A look at the footage will demonstrate that such a contraption is difficult to carry concealed under a trench coat, not even speaking of the 250-round belt dragging on the ground! Maybe Arnold Schwarzenegger can do this with the help of a special effects crew! But such a statement has nothing to do with news journalism and can hardly be considered objective. The only thing we have here is Lester playing in a scary series! There are no facts whatsoever to

prove such a statement, but Mr. Lester may have the same respect for as than [sic] Michael Moore!

In my humble opinion, the purpose of this reportage was simply to scare the public on the eve of the anniversary of the Polytechnique killings! To illustrate this point, let's replace the evil MG-34 with a pickup truck: "To sum up, I would like to clarify that even if no crimes were perpetrated with a pickup truck in Canada, I demonstrated that a pickup truck could be used and driven by a middle-sized man seated up, me for instance. This renders the pickup truck with its 350 horse power engine a legal weapon that can be a lot more dangerous than the Ruger of Marc Lépine." I don't dare imagine a driver going wild in one of our downtown areas It is shocking to see that we can still own such a device in Canada.

"This renders the MG-34 with its ammo-belt a legal weapon". What would be the use of putting this rifle illegal [sic]? Was it legal to steal 4 aircraft for a few terrorists on September 11th and to crash them to kill innocent workers? Does Mr Lester know (or care about) how many firearms are stolen from police officers or from the militaries each year?

"I purchased powerful ammunitions Mauser 8 mm with a simple firearm permit at the DANTE, an ironware shop in the neighbourhood of little Italy in Montréal. This demonstrates, to me, that it is extremely easy to get ammunitions for a MG-34."

For someone who wrote a very documented book about Gerald Bull and his super-cannon developments, Lester should know that a 8mm round is a just another medium game caliber, very popular among hunters and in the same class as the .308 and in fact is sold in hardware stores. We are not talking about a scary, very powerful military type of ammo. Again, I find it disturbing that a reporter would indulge in misleading the public with such biased and deceptive statements.

Another significant excerpt from Mr. Lester's self-justification: "The central idea of the report is that 16 years after the drama of Polytechnique, it is easy in Canada, with a simple permit of possession of firearms to legally buy a powerful weapon of war supplied with a swifter of 250 balls. The fact that one can get a permit at the age of 14 or 18 years old has nothing to do with the subject of the report which did not relate to the age of acquisition of a firearm in Canada." [emphasis mine]

Nevertheless, I still think that age is of the essence and that facts should be set straight, but the Lester show goes on!

"When I said in a teaser that the MG-34 and its ammo belt was available in Canada with a simple duck hunting permit I was just illustrating my topic. I could have said with a simple squirrel hunting permit. Duck or squirrel hunting permits don't exist. It is common in journalism to use lapidary and colourful formula in punch lines!"

Mr. Lester's views about journalism are very interesting and cast a different light on the subject matter. They may be appropriate in a tabloid, but what about an informational news broadcast. I believe that an ethics enforcement agency should carefully consider this issue in the interest of democracy which rests on proper information to the citizen.

Mr. Lester admits distorting the truth (Firearms Bill), deliberately omitting pertinent facts and considering that this is part of investigative journalism. The main issue here is: For what purpose?

Is he pursuing personal grudges against the media? Does he believe that his fame puts him above the most basic journalistic rules, or maybe that ethics are a thing of the past and that lying and distorting facts are normal attributes of reporters? What about ethics and

objectivity? No doubt genuine journalists will appreciate! [*sic*]

To conclude, I would like to stress again that my intention is not to deny Mr. Lester's right to resort to Michael Moore's documentary style to further his agenda, but I strongly object to him doing so during an informational broadcast. There is no place in news bulletins for this philosophy during [*sic*] and this occurrence clearly violates my right to fair and unbiased information. These are the basic grounds for which I request a ruling from your agency and hope that common sense will prevail.