
**CANADIAN BROADCAST STANDARDS COUNCIL
PRAIRIE REGIONAL PANEL**

CHRB-AM (AM 1140) re an episode of *Freedom Radio Network*

(CBSC Decision 05/06-1959)

Decided January 9, 2007

R. Cohen (Chair *ad hoc*), V. Cownden, J. Fong, K. Johnston, R. Pagtakhan

THE FACTS

Freedom Radio Network is a talk show broadcast on CHRB-AM (High River) on Saturday evenings. The program's website declares that the program is produced by people who are "freedom fighters for family values" and "socially conservative". It is hosted by Craig Chandler and, on July 29, 2006, was co-hosted by Stephen Chapman. The following is a transcript of material parts of the episode that was broadcast on that date between 6:30 and 7:00 pm (the full text of the transcript can be found in Appendix A).

Chandler: Well, last week some of you might have been shocked when I said we were gonna do a story on the new Nazis. Well, did that shock you, Steve?

Chapman: I was completely shocked. Who are we talking about, Craig?

Chandler: We're talking about the Canadian Human Rights Commission. I want to get everyone caught up to date. [...] 'Cause that's really what this is about. It's about freedom of speech, freedom of religion. Uh, Pastor Stephen Boisson, when he was our Alberta Chairman for Concerned Christians Canada, uh, our Central Alberta Chairman I should say, wrote a letter to the editor. Okay?

Chapman: So, like, freedom of speech, freedom of press. You know, all the rights that, you know, Canadians have died for –

Chandler: Yeah.

Chapman: – in two World Wars to per-, to, to persevere.

Chandler: Yeah, and it wasn't, and it was about homosexuality and it wasn't about homosexuals. It was about homosexual *activists*. There's a difference, right?

Chapman: Yeah, sure.

Chandler: 'Kay. Big difference.

Chapman: Yeah.

Chandler: Uh, between homosexuals and homosexual activists. That's who he was talking about. He's talking about the EGALes of the world. You know, those, those lobby group types and, and the aggressive individuals who take people to human rights commissions and stuff. So, we've, we've, as Concerned Christians Canada, I'm the CEO, we've spent thousands and thousands of dollars and then racking up thousands and thousands of dollars in legal bills, uh, in the Alberta Human, Human Rights Commission 'cause there was a, a charge of a hate crime, which you can do frivolously, by the way, in the Human Rights Commission.

Chapman: So he must've said something that was incredibly vile, incredibly outrageous, incredibly defamatory.

Chandler: You would think. But we'll get to that.

Chapman: 'Kay.

Chandler: But what we did fight, even before we got to the Human Rights Commission charges, is we fought and won in court the right to actually post the information about the ongoing Commission and then the hearings on the website and the courts, the *courts*, the real courts?

Chapman: Mm hm.

Chandler: Not the kangaroo courts. Actually said "yes, you have the freedom to do so".

Chapman: Yes, we could actually give the Canadian people some information to make their own decision.

Chandler: Yeah.

Chapman: What a concept!

Chandler: Absolutely.

Chapman: 'Kay.

Chandler: Now, we were approached by the *Canadian* Human Rights Commission on the same thing!

Chapman: So you'd already been to court, they've already said okay, but now you're getting, go again.

Chandler: Yeah. And we've already got a legal precedent that we can do this, but that's not good enough for another level of government called the Canadian Human Rights Commission, out of Ottawa.

Chapman: Mm hm.

Chandler: Okay? And [clears throat] the latest is that John Chamberlain, Manager of, of Investigations said "The Commission can accept or reject the recommendation in the report. You will be advised of the Commission's decision as soon as it is rendered." I mean –

Chapman: So, so they haven't made a decision. They're just investigating right now?

Chandler: It doesn't matter what we say, it seems. That's basically what I'm gettin' here. But the individual that filed the complaint is [R. W.], uh, oddly enough, of Edmonton, Alberta. And, uh, you know, it's, it's incredible. He's, he, he goes on and on about, uh, our organization and saying that we're hateful and all this stuff. It's, it's absolute, it, it really is rubbish. Because what's happening here is the Human Rights Commissions are attacking Concerned Christians Canada and Stephen Boisson. Let me find you some of the so-called inflammatory, uh, wording, uh, that, that seems to be the problem here. Oh, and here's what I said, you know. These, these, this guy's a problem. I said on *Freedom Radio* before, "We might get charged with a hate crime, Jim, for even being on this show. Wait, wait, hear that, those sirens? Sound effects. Sound of sirens wailing. That's the sound they're coming. Mike, lock the doors, we're finishing the show. Then they can take us. But we're not going until we're done this show." And you know what? Because that's how ridiculous it is, right?

Chapman: Mm hm.

Chandler: You know, that sounds ridiculous, but this is what it is. They, they didn't like, uh, the fact that I said, as well, homosexuals cannot procreate. They can't! I'm not saying they're bad people. We were just stating a fact and our views on religion. Okay, you know, it's procreation, which is why man and women was [sic] made.

Chapman: Mm hm.

Chandler: Simple things like that. Um, uh, Stephen Boisson said, "I, I absolutely don't believe that homosexuality has any value." He's talking about the act of homosexuality from a pastoral perspective.

Chapman: Right.

Chandler: Okay? *He* believes that homosexuality is a sin.

Chapman: Okay.

Chandler: He doesn't hate, okay? Uh, he talks about "a dangerous and degrading lifestyle". Well, it is. You, you can get AIDS, there's medical studies that show that, that, that men who have anal intercourse suffer more, uh, medical issues than, than regular, uh, heterosexual couples. That's fact. It's, it's not hate here. I mean, he talks about, uh, we're "conspiring against society, seeking a disproportionate degree of power and control in the media and government."

Like, I mean, come on. We're just people who, who have a certain views [sic] and –

Chapman: I would say the reverse is actually more likely to be true.

Chandler: Yeah.

Chapman: In that, uh, the gay community is certainly trying to exercise as much power and control as they can.

Chandler: Yeah, and then they, and then the guy, then this, this, uh, uh, Mr. [W.] lies here. He talks about "homosexuals are militant". We never said homosexuals are. And neither did Stephen. He said "homosexual *activists*". Right? You know what I mean? That's what we're talkin' about here and they're trying to say we're saying everything about homosexuals.

Chapman: Well, I find it interesting that the Human Rights Commission can get on the, the bandwagon over this, and yet they say nothing when we bash Liberals every week from this pulpit. You would think they would be, uh, rallying in arms.

Chandler: Yeah, and, you know, he also talks about here, there's a, a "myriad of sexually transmitted disease, even early death". That's fact! That's not hate!

Chapman: Yep.

Chandler: Okay, you know, you guys gotta realize out there that we're, we're, hate's not a family value. But the fact that we're actually before a commission because of our views – and I've said we're in a cultural war – that's true!

Chapman: Mm hm.

Chandler: This is a cultural war. It's true. Doesn't mean arms, doesn't mean anything. It means, it means necessity for debate. It means we fight back for what we believe in. This country was based on Judaeo-Christian principles.

[...]

Chapman: [...] And we do waver on so many things when people come from different cultures, different, why are they coming here? Because they want what we have. They want freedom. They want freedom of speech. Look what's happening in, in Israel right now with the bombings, and Lebanon and the war that's going on there. People are fleeing to Canada because Canada is a safe refuge. But part of that safety is freedom of speech. Freedom of speech is standing there, listening to somebody scream at the top of his lungs something that you would spend a lifetime opposing at the top of yours. But you celebrate that, you celebrate the fact that we have a country that allows you to do that, where you have debate. That's democracy. It's not easy. It's messy. But it works! It works better than any other system in the world. That's why people come here and they're not fleeing to Lebanon.

Chandler: Well, Mister, Mister [W.] can, can hate us all he wants. Which is obviously what he does. He obviously hates us. You know, because to, to, to go

forward and do this when we're, when we're opposing a lifestyle purely based on our beliefs, and I thought we had freedom of religion in this country.

[...]

Chandler: This, this isn't the courts though, Steve. This is what ticks me off. We won in the courts. Okay, who trumps what? Do commissions rule or do courts rule? The Supreme Court of Canada should trump, for example, the Canadian Human Rights Commission. Who's in control here?!

Chapman: Well, I don't think anybody's in control here. [...]

Chandler: And here's the thing. Win or lose, and I'll make this promise to Mister [W.], 'cause I know he downloads our shows and listens. I'll make this promise to ya, [R.]. Win or lose, we're going to sue you. And here's why. Because it's frivolous what you're doing. We will take our fight to the other courts where you don't just write a simple letter, [R.]. And then, and you can just get away with, uh, uh, just doing that and not having to have legal counsel. We will go to court. Uh, we will go to court and we will take it as, as far as the Supreme Court. We will get our monies back if we have any fines or anything of the sort. We won't pay those either. We won't pay those. This is a battle that you've just, uh, you know, it's, uh, you've, you started something which is going to need to be decided at a higher level. [R.], I'm actually glad you did. Because you chose the right organization when you picked on Concerned Christians Canada. You chose the right organization when you're pushin' around *Freedom Radio Network*. Because this is about freedom. Even PGIB supports us on this fight.

Chapman: No question, no question.

Chandler: Because, because it is about freedom of speech. It really has nothing to do with even religion. And this, this debate has to happen in the courts, not the commissions. So, we should almost thank [R.] for bringing this out so we can actually get real debate. And then look at what the politicians do with it.

[...]

Chandler: Like, like, look at this guy too. Number thirty-seven: "I believe that the inflammatory fear-mongering", uh, "hysteria-inciting and paranoid nature of these hate message [*sic*] necess-, necessitates an interim injunction in order to protect the safety of homosexuals." This isn't about going after homosexuals! I don't know what, what these people's problems are! I have friends who are gay, [R.]! [...]

Chandler: Yeah. "It would be discriminatory to withhold an interim injunction protection for the homosexual community and provide it for the Jewish and Black communities. I respectfully submit that all targeted groups are guaranteed equal tr-, protection by Section 15 of the *Charter*." Guess what?! We're in Section 15 of the *Charter*! We're a target group by you! You're a homosexual activist! You're the type of person, [R.], that we are talking about. You are targeting us. We are the victim here. You know, and it's just like Nazi Germany where, instead of going after the Jews, they're going after Christians.

Chapman: Well, pretty much. And it, basically anybody with a pulpit they want to stand upon, we now have government money being spent to allow them to have that voice. And, um.

Chandler: He says that we're inciting, we're paranoid, we're fear-mongering, we're inflammatory. Mr. [R. W.], it is you that is all of this. You know, go look in the mirror and start talking what you're talking about us and you'll be, you'll be lookin' back at yourself 'cause you're the one with the problem here. I feel quite stressed about this. I feel quite afraid. I mean, when, when there's the, the, the Gay Day Parade in Calgary and a person holds up a sign! A simple sign! PGIB member, by the way, but –

Chapman: And got attacked by somebody in the parade.

Chandler: Yeah. And he got beat up! By a gay guy! [Steve laughs] This is what's happening in this society. All he said was sod-, sodomy is not, you know, there's no pride in sodomy.

Chapman: Yeah.

Chandler: The guy's a born-again Christian; that's his view! He's, he humbly stood there. That's the real story, folks.

Chapman: Yeah. I saw the, I saw the video clip and he was just standing there.

Chandler: And then he's on the ground! And then his other friend's tryin' to fight the other guy off. Well, do you know what?! Can you imagine, Mr. [W.]?! If it was a couple of straight guys beating up a homosexual? *You guys* have a double standard. You're *hateful* towards us! You don't believe in freedom. You don't believe in protecting us. You don't believe the same *Charter* that's supposed apply, uh, to you should apply to us as well. *You* are the modern-day Nazis.

[...]

Chandler: All right, we're back. I just want to talk about, uh, number thirty-eight, okay? Here's what he says here. This is unbelievable, okay? "Due to the psychological harm and physical violence caused by these types of discriminatory messages". And we just talked about a gay-on-straight beat, uh, beating that happened.

Chapman: Right. Where the –

Chandler: Where a straight guy got beat up. Wow, interesting. "Due to the respondents' willfulness and continuing to communicate these messages". It's an ongoing, uh, court battle.

Chapman: Mm hm.

Chandler: Once it's over, it'll be taken down 'cause there's no need for us to have it there. "And due to the respondents' utter contempt for the human rights legislation and the Commission, I respectfully submit that a substantial penalty should be imposed in addition to the issuance of a cease-and-desist order." Like, unbelievable.

Chapman: Well, there's certainly nothing in here that's substantiated by fact. There's nothing that says that any statements made by this radio station, by the, uh, Concerned Christians or any group has actually led to any type of violence or

discriminatory behaviour. And that's one of the challenges with this, where you don't actually have to *prove* there's been anything wrong –

Chandler: In fact –

Chapman: You just have to talk about it.

Chandler: In fact, let's talk about this, Mr. [W.], as well. Gay militia people were *convicted*. Okay?

Chapman: Yeah.

Chandler: They were convicted in a court of law for bringing balaclavas, bandanas and sticks into a Concerned Christians Canada private, closed-door meeting. And almost gave some old ladies a heart attack, no joke. They came in. You guys were vicious! You were violent! You were aggressive! Mr. [W.], it's you! It, it, it's, it's *your* militant activism. If you weren't an activist, you wouldn't be writing a letter to the Human Rights Commission, so don't try to turn this one around on me either. If regular, everyday homosexuals that are just in love with their partner and all this sort of stuff, don't get involved in human rights commissions fights, do they, Steve?

[...]

Chandler: Have you met anyone in CCC, Concerned Christians Canada, that will tolerate, even for a minute, violence against anybody because of their sexual orientation, race, language or culture.

Chapman: No, it would be against their entire Christian belief to do that.

Chandler: So, so, so, so Christ, let me get this straight, Steve. Christ loved the sinner, but hated the sin. Wasn't that correct?

Chapman: Right.

Chandler: [...] When, when he, uh, draw, drew in the sand "Let he who is without sin cast the first stone".

[...]

Chandler: Well, absolutely. But he also said this, which is key to it: "Go and sin no more."

Chapman: Yes.

Chandler: Go and sin no more. He didn't condone it. He said, Look, you're wrong here. We've all sinned, but you're wrong here.

Chapman: Mm hm.

Chandler: Go and sin no more. And, and I'll tell ya, just because groups like us don't believe in same-sex marriage, but we've even said, you want civil unions, you can have them.

Chapman: Mm hm.

Chandler: You want benefits? And, and it's very unfortunate too that the homosexual community has based legitimate benefits on whether or not there's a sexual act. Really, 'cause that's, they've sexualized benefits. If you're my, if you were my brother, Steve, and I was working and you weren't and you were dependent on me, you should get my benefits.

Chapman: Yeah.

Chandler: Right?

Chapman: Yeah.

Chandler: It should be based on dependency, not based on sex!

Chapman: I would agree.

Chandler: I, I don't understand, you know, why the debate couldn't happen. But marriage is a religious institution. Heck, [R.], I agree with people like you where you say get the church out of the state. Can't agree with you more. But get the state out of the church.

Chapman: Well, that's what the whole –

Chandler: Get the state out of the church.

Chapman: That's what the whole division was about. Protection of religious freedoms so that people could believe what they need to believe. And, like you said, Canada was based on Judaeo-Christian –

Chandler: And, and that's funny. You, you said it correctly. The reason we have a separation of church and state wasn't to protect the state. It was to protect the church.

[...]

Chandler: And here, here's the thing that, that Mr. [W.] doesn't, you know, doesn't seem to get either. Well, I think, no, let me re-, retract that. He gets it. But I don't think it's about him wanting to talk. I think what you sort of alluded to in the beginning is, look, this is about him getting the publicity on this. I'd like to know who put him up to it. He's not just one individual. This guy is articulate. He's manipulative. He, he takes things out of context. And, uh, it's disappointing. But, uh, I'll tell ya, he's part of the well-run homosexual activist machine. For sure.

Chapman: Well, no question. This could've been done by –

Chandler: In my opinion, [R.], and I'm allowed to have one.

Chapman: So far, that, they haven't taken that away from us, Craig. That we are allowed to have opinions.

[...]

Chandler: [...] We're not going to give up on this fight. We will appeal. If we lose the appeal, we'll go to courts. If we lose there, we'll appeal to a higher court. And appeal to a higher court. And if we have to take this to the Supreme

Court of Canada and even lose there, we'll lose, but we'll fight for what is right.
[...]

[...]

Chandler: [...] Don't, don't, don't listen to this show and then not do somethin' about it. 'Cause guess what? It means you don't care. It really does. What, what was that old saying? "They came for the Jews and I wasn't Jewish so did not care."

Chapman: And then they came for the Blacks, but I wasn't Black so I did nothing. Then finally they came for me and there was no one left to help me.

Chandler: And you know what, folks? This is the new Nazis. The Canadian, the Human Rights Commissions don't care. Guarantee you, they're going to rule against us. Wouldn't you say?

Chapman: Well, they're making Canada just this vanilla nation with no differences. And that's not going to happen. That's not what built this country. It's not what's going to keep this country. I mean, our anthem is "standing for Canada, strong and free". Not "strong and bland". And that's what we're making. This Human Rights Commission is simply making us into one huge melting pot and that's not what Canada is. We are a mosaic and we need to keep those individual differences going. We need to have conversation and we need to have freedom, folks. We need to have freedom.

Chandler: And, and, do you know what? When Christians have freedom, everyone does. I don't know if you've noticed that. Any Christian nation that has, you know, God as the supreme has freedom for everybody. We tolerate Muslims. You know, no problem. We tolerate, uh, uh, every denomination you can think of. There's Jehovah's Witnesses, there's this, there's that. There's Buddhists, there's whatever. I mean, there's atheists. It's funny. I can go to a business club and PGIB and guess what? There's a Jew, an evangelical and a Muslim all sittin' together. And, you know, we have no issues with each other. We have the respect that we have differing opinions.

Chapman: Yeah.

Chandler: All we're saying, you guys wanna, you know, if you want to live that lifestyle, that's up to you. Someone else is gonna judge you. Uh, that's fine. But you, what you need to understand is, we need to be able to live our lifestyle too.

Chapman: Yeah.

Chandler: I was born this way, Steve. I was born a heterosexual and I was born with a desire to, to, uh, pray to Jesus and follow his rules. I can't help it. This is the way I was made. Why does that work for them and it can't work for us? It's the truth! If that's what they say, fine. You know, if that's what they say. Well, I'm not even arguing that anymore. We've given up on that argument a long time ago. The argument now is about freedom.

[...]

Chandler: So he wants to get some more movement somewhere else so he writes to Ottawa. See, this is what I mean, folks. These people are brilliant. If

we want to learn how to take over government and stuff, all we need to do is look at the homosexual activists 'cause they can campaign better than anybody.

[...]

The Complaint Documents

A complaint about the episode was sent (by the individual targeted by the co-hosts) via the CBSC website complaint form on August 16. It read as follows (the full text of all correspondence can be found in Appendix B):

Program used to retaliate and threaten retaliation for making a human rights complaint - abusive comments likely to expose persons or group to hatred and contempt on basis of sexual orientation - broadcasting false and misleading news, - violation of *CAB Code of Ethics* - Human Rights - violation of *Code of Ethics* Clause 6 for failure to give full, fair, and proper presentation of news, opinion and comment, and violation of Clause 7 - Controversial Public Issues for failing to treat fairly all subjects of a controversial issue.

On the same date, he sent an e-mail, which reads in pertinent part as follows:

My complaint, in summary, is:

- The radio show host Craig Chandler used his program to threaten retaliation against me for making a Canadian Human Rights Commission complaint about his websites.
- Mr. Chandler retaliated against me for my complaint by using this radio program to broadcast abusive, insulting and derogatory comments about me.
- Mr. Chandler and the other host made abusive comments likely to expose an individual and group or class of individuals to hatred or contempt on the basis of sexual orientation.
- Mr. Chandler used his program to broadcast false and misleading news.
- Mr. Chandler's program violated the *CAB Code of Ethics*, clause 2 - Human Rights, clause 6 - Full and Fair and proper presentation, and Clause 7 - Controversial Public Issues.

Two days earlier, he had forwarded a lengthy document to the CBSC by ordinary mail. In it, he provided a "Background" section, in which he mentioned the complaint sent to the Canadian Human Rights Commission in December 2005. He also provided considerable detail and quotations from the July 2006 episode of the program. Since many of those quotations are cited in the transcript provided in this decision (and its Appendix A), the Panel finds little utility in repeating them in this letter. Accordingly, only the linking portions of the letter are included in this text (the full letter can, however, be found, as noted above, with all other correspondence, in Appendix B):

During the above-noted radio program, the host, Craig Chandler, used his radio program as a platform to threatened [sic] retaliation by making the following statements:

[...]

Mr. Chandler's program further retaliated against me by making other abusive, insulting and derogatory comments about me, including:

[...]

I believe that Mr. Chandler has used his *Freedom Radio Network*, July 29, 2006 program to retaliate against me by publicly attacking and defaming me, and threatened further retaliation of suing me, claiming that my complaint was frivolous (in spite of the fact that the Canadian Human Rights Commission had found merit in my complaint). This is a discriminatory practice proscribed by the Act. This threat of retaliation is an attack on the right of all citizens to file Human Rights complaints. Since retaliation and threats of retaliation are discriminatory acts which is [sic] proscribed by section 14.1 of the *Canadian Human Rights Act*, I submit that the Radio Station AM 1140 has violated the *Broadcasting Act*, Part 1.1, section 3 (a).

ABUSIVE COMMENTS LIKELY TO EXPOSE TO HATRED OR CONTEMPT

I further believe that during this show, Mr. Chandler made abusive comments likely to expose an individual or a group or class of individuals to hatred or contempt on the basis of sexual orientation, in violation of the *Broadcasting Act*, Part 1.1, section 3 (b) and the *CAB Code of Ethics*, Clause 2 (Human Rights). Examples are:

[...]

False or misleading news

I further believe that during this show, Mr. Chandler broadcast false or misleading news. His comments were deliberately misleading and included false statements about my complaint. He appears to have presented a misleading version of events to inflame public opinion against homosexual persons and to promote his political and business interests. I submit that this radio station's program was in violation of the *Broadcasting Act*, Part 1.1, Broadcasting Content, section 3 (d). For example:

A. ALLEGATION OF A CHARGE OF A HATE CRIME

Craig Chandler said: "We've spent thousands and thousands of dollars then racking up thousands and thousands of dollars in legal bills, ah, in the Alberta Human Rights Commission cuz there was a charge of a hate crime, which you can do frivolously, by the way, in the Human Rights Commission."

This statement is clearly untrue. Neither Mr. Chandler nor his organization has been charged with any hate crime. However, complaints have been made to the Alberta Human Rights Commission for a letter published in the *Red Deer Advocate* newspaper, to the Canadian Human Rights Commission about hate messages communicated on the Internet. A charge of a hate crime is made under the *Criminal Code*. Further, I believe both Commissions can and do reject complaints where there is no reasonable grounds. In the complaints discussed

by Mr. Chandler, the commissions have determined that the complaints have merit. In fact, the CHRC investigation report states: ***“Finding – The evidence supports that the material in question is likely to expose a person to hatred or contempt on the basis of sexual orientation.”*** The report also lists excerpts ***“in which the language appears to provoke hatred and violence against an identifiable group.”*** Mr. Chandler and his co-host failed to mention anything about the Commission Investigation findings.

B. HE WON THE RIGHT TO POST SUCH MATERIAL

Craig Chandler said: “Well, what we did fight even before we got to the Human Rights Commission charges, is, we fought and won in court for the right to actually post the information about the ongoing commission and then the hearings on the website, and the courts, courts, the real courts, not the kangaroo courts actually said ‘Yes, you have the freedom to do so’.” Craig Chandler also said: ***“This isn’t the court though, Steve, this is what ticks me off. We won in the court.”*** Okay, who trumps what? Do commissions rule or do Courts rule? The Supreme Court of Canada should trump, for example, the Canadian Human Rights Commission. Who’s in control here?”

These statements are false. The matter was not decided by any court, and no court has ever ruled that Mr. Chandler or his organizations are free to post hate messages. He appears to be misrepresenting an interim motion before the Alberta Human Rights Panel which is reported as follows:

[...]

C. FALSE ALLEGATION THAT I STATED THAT CHANDLER *ET AL* WERE SEEKING DISPROPORTIONATE DEGREE OF POWER AND CONTROL

Craig Chandler states: “I mean, he talks about, ah, we’re conspiring against society seeking a disproportionate degree of power and control in the media and government. I mean, come on. We’re just people who have certain views and, and ...”

This statement is false. It is a deliberate misrepresentation. My complaint alleges that the hate messages have the theme that the target group (homosexuals) are conspiring against society seeking a disproportionate degree of power and control in the media and government.

Human Rights

I also believe that the July 29, 2006 program violated the *CAB Code of Ethics* (revised June 2002) Clause 2 – Human Rights

[...]

[Clauses 6 and 7 were also quoted]

I also believe that the CHRB station management knowingly permitted, or were wilfully blind to this misconduct. I believe that the station management has had numerous complaints regarding the content of Mr. Chandler’s programs. CHRB’s management appears to have been wilfully negligent in failing to properly monitor and control the content of this program which, I believe was pre-recorded, not broadcast live. There was ample opportunity for CHRB to have

taken appropriate action to ensure that the provisions of the legislation and code of conduct were complied with.

The Broadcaster's Correspondence

The CEO of the station's ownership group responded to the complainant, saying in pertinent part:

All of our program providers are required to follow and adhere to strict content and programming standards, as set out by both the CBSC and the CRTC. We ask all of our program producers to stay within these codes. As a broadcasting group, we take this very seriously and want to err on the side of caution.

On July 29, 2006, we were unable to adequately monitor or screen the program in question prior to it going to air. We now will pre-screen all future *Freedom Radio* programs to avoid possible content issues in the future.

We have thoroughly reviewed our monitoring procedures and have taken every precaution to ensure that not only our on-air staff but the providers themselves are fully aware of the provisions of the codes and legislation of the CBSC and CRTC. We also have a commitment and solid assurances from *Freedom Radio* that any of their programs aired on CHRB will not target you in any way.

The Complainant's Ruling Request

On September 23, the complainant filed his Ruling Request via the CBSC website. He said in part:

I request an adjudication and ruling on this complaint as the broadcaster's response was inadequate. It failed to address the specific breaches of the codes, regulations and legislation. It offered no apology to me or to their audience, failed to take steps to correct the false and misleading news and information aired, gave no explanation of the station's inability to properly monitor the program, claimed that mine was the only complaint, and has not taken adequate steps to prevent persistent and ongoing abuses.

The complainant also sent a package of information dated September 22. It included a letter and additional documentation. In it, he said, in pertinent part:

I have received and carefully reviewed the response letter from Golden West Broadcasting Ltd. CEO and Executive Vice President [Mr F]. I regret to inform the CBSC that I find this response letter to be woefully inadequate. Therefore, I request an adjudication and ruling by the CBSC. I am not satisfied with the response for the following reasons:

A. [The CEO] neither admitted nor denied my allegations of breaches of the codes, regulations or legislation, namely:

[...]

- B. [The CEO's] letter failed to apologize for the abuses that were broadcast on his station CHRB.
- C. [The CEO's] station has not apologized to its audience, and to members of the minority group which was the subject of the abusive and discriminatory material broadcast.
- D. [The CEO] has not advised me of any steps taken by his station to correct the false and misleading news presented on the program, or to redress the harm caused.
- E. [The CEO] failed to give any justification or proper explanation for his statement: "On July 29, 2006, we were unable to adequately monitor or screen the program in question prior to it going to air". Why is that station unable to fulfill its regulatory obligations?
- F. [The CEO's] statement "To date, the only complaint brought to our attention is from you" is quite unbelievable, considering the statements published by Mr. Chandler on his websites, alleging that "*the gay lobby has flooded the phone lines of AM 1140. I was told this by 2 separate people there.*" Is the general public too intimidated to make any written complaints for fear of this type of retaliation?
- G. I am not satisfied that the station has taken adequate steps to prevent persistent and ongoing abuse in its programming.

I enclose, for the information of the adjudication, a copy of my complaint to the Canadian Human Rights Commission, the Commission's Investigation Report, and my response. This material will show that the human rights complaint against Mr. Chandler is not frivolous, as claimed on the program, but is well-founded and supported by the Commission's investigation. It will also show the ongoing pattern of repeatedly communicating material likely to expose homosexuals to hatred and contempt, and even promoting violence. I wish to point out that some of these hate messages have also been made on earlier *Freedom Radio Network* shows and broadcast by CHRB AM 1140. The July 29, 2006 program was certainly not the first *Freedom Radio Network* program that CHRB broadcast which contained abusive content. For example:

[Lengthy excerpts were provided from episodes of February and June 2005 and from posts on an Internet discussion forum in August 2005 and August 2006]

It appears that *Freedom Radio Network's* host, Craig Chandler, has little respect for human rights codes. He continues to refer to complainants as "enemies of freedom", and the "gay lobby", and urges the public to "counter attack". It also appears that CHRB have been intimidated by his threat of legal action, and Golden West Broadcasting Ltd. are allowing this program to continue on the air.

The program's comments that referred to homosexuality as "a dangerous and degrading lifestyle"; that referred to "men who have anal intercourse suffer more, ah, medical issues than regular, ah, heterosexual couples, that's a fact"; and "there's a myriad of sexually transmitted diseases, even early death, that's not hate, that's fact" are abusive and discriminatory. These comments incorrectly infer that all gay men engage in anal intercourse, and that heterosexual couples do not. The comments incorrectly suggest that sexually transmitted diseases only affect homosexuals, not heterosexuals. This is clearly misleading, because sexually transmitted diseases affect everyone, male or female, homosexual or

heterosexual. These comments incorrectly imply that AIDS is a homosexual disease caused by men having sex with men, or that it is only spread by homosexuals.

References to homosexuals as: hating Christians, the new Nazis, part of the well-run homosexual machine, brilliantly trying to “take over government”, “just like Nazi Germany where instead of going after the Jews, they’re (homosexuals) going after Christians” violate the Human Rights code, and incites fear and violence against homosexuals.

The mis-use of the public airwaves to broadcast retaliation and threat of retaliation for filing a human rights complaint is an illegal act. It obstructs justice by discouraging victims of discrimination from seeking remedies under Human Rights legislation.

I respectfully submit that abusive and discriminatory conduct can not be excused by the claim that it is directed at a “behaviour” rather than at a “targeted group”. I submit that sexuality and sexual practices are such intimately central aspects of an individual’s identity that it is artificial to suggest that the practices of gays and lesbians in this regard can somehow be separated from those individuals themselves.

The broadcasting of misleading and false news portrayed Mr. Chandler and his friends and websites as victims of a manipulative militant homosexual machine that has conspired to suppress freedom of speech and freedom of religion and will get “just regular grandmothers who say something about their belief system ... there’s no one supporting them, they’ll go to jail cuz they can’t afford to pay for what they said”. Mr. Chandler’s false news also alleges that there was a frivolous charge of a hate crime; that he had won, in court, the right to post his material on the website, yet the Ottawa Human Rights Commission [*sic*] was still persecuting him, and that my human rights complaint alleged that Chandler et al were seeking a disproportionate degree of power and control. I believe that this false news was little more than a fear-mongering scheme to incite hatred or contempt against homosexuals, and to fraudulently solicit donations from a fearful and misinformed public. This was nothing but fear-mongering falsehoods.

CHRB has failed in its obligations to provide accurate, fair and balanced information. Nowhere in the program, or on other programs has this station accurately informed its audience of the purpose and scope of the Alberta and Canada Human Rights Acts. Nowhere has this station shed any light on the harm caused by discrimination and hate messages. The following facts reflect the significant harm caused by these kinds of programs:

- A Calgary study found that gay and bi-sexual males are 14 times more likely to attempt suicide.
- Statistics Canada reports that “Approximately 46% of gay and lesbian victims of hate crime are injured as a result of the incident, almost twice the proportion of 25% among hate crime victims in general.
- Author Douglas Janoff’s book, *Pink Blood – Homophobic Violence in Canada* reports that, in Canada, between 1990 and 2004, there were 350 reported incidents of gay-bashing assaults, with 120 resulting in homicide.

I support the concept of freedom of speech and freedom of religion. However, the Supreme Court has recognized that such freedoms are not absolute, and that any infringement of these rights by Human Rights legislation is justifiable in a free and democratic society. Simply put, these freedoms end when harm is caused to others or to society as a whole.

I respectfully remind the CBSC of the equality provisions of section 15 (1) of the *Charter of Rights*, and the Council's important role in enforcing the *Charter*, the industry codes, the legislation and its regulations. The CBSC has an obligation to ensure equal protection to homosexuals, a group that has historically suffered from precisely the kind of bias underpinning these vile attacks, and the harm will have a long-term impact and will be extremely difficult to repair.

THE DECISION

The Prairie Regional Panel examined the complaint under the following provisions 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 6 – Full, Fair and Proper Presentation

It is recognized that the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of each broadcaster. This principle shall apply to all radio and television programming, whether it relates to news, public affairs, magazine, talk, call-in, interview or other broadcasting formats in which news, opinion, comment or editorial may be expressed by broadcaster employees, their invited guests or callers.

CAB Code of Ethics, Clause 7 – Controversial Public Issues

Recognizing in a democracy the necessity of presenting all sides of a public issue, it shall be the responsibility of broadcasters to treat fairly all subjects of a controversial nature. Time shall be allotted with due regard to all the other elements of balanced program schedules, and the degree of public interest in the questions presented. Recognizing that healthy controversy is essential to the maintenance of democratic institutions, broadcasters will endeavour to encourage the presentation of news and opinion on any controversy which contains an element of the public interest.

The Prairie Regional Panel Adjudicators reviewed all of the correspondence and listened to a recording of the challenged episode. The Panel concludes that the broadcast was in violation of Clauses 6 and 7 but not Clause 2.

Other Statutes

In addition to the *CAB Code of Ethics*, to which the complainant specifically referred, he also mentioned other regulations and pieces of legislation, such as the *Canadian Human Rights Act* and the *Broadcasting Act*. Those laws are administered by the Canadian Human Rights Commission, the Canadian Radio-television and Telecommunications Commission and the courts of the land. The CBSC has no authority to administer or enforce any of those rules. That being said, corresponding principles in the human rights and related areas are enshrined in Clause 2 and other clauses of the *CAB Code of Ethics*, and the CBSC has full authority, indeed responsibility, to render decisions pursuant to that Code.

Two Preliminary Matters

The Panel is conscious of the specific assertions in the complainant's letter of September 22 alleging that abusive comments were made on episodes of the program broadcast in June and September 2005. He also referred to Internet posts that allegedly included offensive material. As to the first issue, no complaints were made to the CBSC on a timely basis relating to the 2005 episodes. Consequently, the Panel is not in a position to deal with those allegations in this decision. As to posts, blogs and Internet websites in general, the CBSC has no jurisdiction. While the CBSC will deal with complaints regarding *streamed* programming, which, by definition, has originally been *broadcast*, it has no jurisdiction over matter exclusively prepared for and delivered over the Internet. Consequently, the CBSC is only in a position to render a decision with respect to the July 29, 2006 episode of *Freedom Radio Network*.

Comments about the Homosexual Community

The complainant, who was also the target of most of the comments during the episode, has alleged the broadcast of abusive comments on the basis of sexual orientation. When dealt with by a CBSC Panel, the issue is characterized in terms of Clause 2, the Human Rights Clause, of the *CAB Code of Ethics*, where it is described as abusive or unduly discriminatory comment. The issue of abusive or unduly discriminatory comment on the basis of sexual orientation has given rise to a significant number of decisions by CBSC Panels, the general principles of which mirror the rules applied in the case of such comments made with respect to any identifiable groups. The fundamental principle is that it is not just *any* discriminatory comment that will be found in breach of Clause 2, but rather those comments that are *abusive* or *unduly* discriminatory. It is also the case that comments that are made by an identifiable group that involve it in

commentary or dialogue about a political subject or matter of current affairs may render that group open to critical commentary by others. In the case of *CJXY-FM re The Scott and Lori Show* (CBSC Decision 96/97-0239, February 20, 1998), for example, the Ontario Regional Panel found a harsh comment (“Wackos”) directed at the Southern Baptists (who had voted at their recent convention to boycott Disney for its relationship with the television series *Ellen* on the grounds that the star of the show, both in real life and her on-air persona, was gay) to be justifiable in the political fray. In the view of the Panel,

the epithet was not directed at the religious group by reason of anything other than the group’s stated boycott of Disney by reason of their association with the television series *Ellen*. That stance by the Baptists was, in the Regional Council’s view, an economic action regarding a political issue. There is, of course, no doubt whatsoever regarding the entitlement of the Southern Baptists to hold and to express its views on controversial matters of a political or publicly controversial nature. The point is only that, if they choose to do so, they render themselves fair game on the public playing field of political controversy. They cannot expect that they have the right to *publicly* express controversial political opinions and to be sheltered by reason of the fact that they are a *religious* group from the resulting fallout from the ideological seeds which they have sown.

In the challenged episode, the Panel considers that the co-hosts’ comments on the subject of the complainant’s sexual orientation were attentively framed. As co-host Chandler said,

[I]t was about homosexuality and it wasn’t about homosexuals. It was about homosexual *activists*. There’s a difference, right?

The co-hosts went on to complain about “those lobby group types and, and the aggressive individuals who take people to human rights commissions and stuff.” And that, as noted in the above-cited CJXY-FM decision, is a legitimate area of discussion and criticism for broadcasters. There were problems with the episode, as will be discussed at greater length below; however, the principle that a broadcaster may be entitled to criticize the political, lobbying, activist tactics of an individual member of an identifiable group without infringing on his or her rights under Clause 2 of the *CAB Code of Ethics* is undoubted. It is even permissible to discuss sensitive areas relating to the identifiable group, provided these do not amount to abusive or unduly discriminatory comment. In the episode under consideration, the co-hosts dealt with homosexuality as though it was sinful. They are entitled to hold and broadcast that opinion, *provided that* they do not overstep the reasonable presentation of their religious and moral viewpoint. In *CHCH-TV re Life Today with James Robison* (CBSC Decision 95/96-0128, April 30, 1996), for example, the Ontario Regional Panel did not find that criticism in a religious program of “the gay lifestyle” constituted abusively discriminatory comment.

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 *CFYI-AM re Focus on the Family* (CBSC Decision 99/00-0724, June 28, 2001), the same Panel dealt with a complaint about an episode in a religious series entitled "Hope for the Homosexual". That 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." The Ontario Panel also 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.

Where, on the other hand, the topic of the day's sermon on a show called *Power Today* was "demon possession" and the televangelist host R.W. Schambach referred to homosexuals as "devils" and "demon possessed", the National Specialty Services Panel found that

many of the host's comments are hostile and vitriolic [...]. He refers to "homosexual devils", a "demon spirit"; in the context of the episode, he isolates and vilifies homosexuals. Moreover, in his evangelical style, he whips up the sentiments of his studio audience against gays and lesbians. The intolerance and bitterness that drip from his lips are extreme; they constitute abusive and unduly discriminatory comment; they have no place on Canadian airwaves [...]

In *OMNI.1 re an episode of the Jimmy Swaggart Telecast* (CBSC Decision 04/05-0097, April 19, 2005), the Ontario Regional Panel dealt with a complaint about comments made by American televangelist Jimmy Swaggart. Swaggart referred to same-sex marriage and complained about legislators who fail to take a definitive stand against it. He then stated "I've never seen a man in my life I wanted to marry. And I'm gonna be blunt and plain; if one ever looks at me like that, I'm gonna kill him and tell God he died." The Panel concluded Swaggart was entitled to state his opposition to same-sex marriage and criticize politicians, but that he crossed the line into abusive commentary when he suggested killing homosexuals. In the Panel's words,

That the Panel agrees with the importance of attacking the political issue should not, however, be interpreted as opening the door to attacking the practitioners of same-sex marriage or those who aspire to become a partner in such a form of union. It is the ideas, the ideology, the arguments, the principles, the policies with which the contrary-minded are entitled to take issue and, on *this* part of the televangelist's position, the Ontario Regional Panel considers that Swaggart stands on *terra firma*. And Swaggart's concluding statement favouring the American President's position is entirely and fairly sustainable as a pure and simple political statement: "And I thank God that President Bush has stated we need a constitutional amendment that states that marriage is between a man and a woman!"

Even when the temperature of the preacher's language rises, as it does in his words, "This utter, absolute, asinine, idiotic stupidity ... of men marrying men" and "These ridiculous, utterly absurd ... district attorneys and ... judges and ... state congress and ... 'well, we don't know'", the Panel sees no breach of the standards it administers. Nor does the Panel see a breach in his personalized statement, "I've never seen a man in my life I wanted to marry." Thereafter, the televangelist is on human rights quicksand.

Despite his statement, "I'm not knocking the poor homosexual, I'm not," he had only set up a straw man, which he quickly demolished with verbal thrusts and parries. He began with the harshest cut of all, by saying "And I'm gonna be blunt and plain; if one [man] ever looks at me like that [i.e. like he wanted to marry me], I'm gonna kill him and tell God he died." That indicates the extent of the hostility Swaggart reserved for any gay man who would regard him with the positive feelings that one naturally associates with marriage. The negativity was so visceral that Swaggart asserted that, despite his own religiosity, he would feel justified in *killing* the man and in *lying* to his God that the victim had simply *died*. [...]

[...]

The problem of Swaggart's language is, in a sense, exacerbated by the fact that he, as a religious figure, can be presumed to set an example for his community. It would, therefore, be easy for someone to infer that this might be the proper way for a Christian of this sect (or possibly of any sect) to respond to homosexuality. Repeating such terminology also contributes to the desensitization of the public with respect to gays and lesbians and even provides the audience with regrettable and negative terms with which to deal with this identifiable part of the community. The language cited in the previous paragraph is, in the view of the Panel, sufficiently abusive and unduly discriminatory to constitute a breach of both of the Code provisions cited above and it is, of course, the broadcaster which assumes responsibility for the conformity to the Canadian codified standards.

There is, simply stated, *nothing* in the comments of Chapman and Chandler that comes at all close to unjustified nastiness, vitriol and callous treatment of individuals on the basis of their sexual orientation. There were clearly efforts by the co-hosts in the currently challenged episode to stay on the permissible side of the discriminatory line. If anything, the comments directed at the success of the activism and militancy of the homosexual community belied a reluctant but grudging admiration for their success. When they referred to the complainant as

articulate and manipulative, they were clearly not trying to flatter him, but there was an admission in those adjectival recognitions that he was achieving certain goals that the co-hosts and those they represented would rather not have encountered. As they observed, “he’s part of a well-run homosexual activist machine. For sure.” In the view of the Prairie Regional Panel, the co-hosts succeeded in avoiding any abusive or unduly discriminatory comments. The Panel finds no breach of Clause 2 of the *CAB Code of Ethics*.

Full, Fair and Proper and Treatment of Controversial Issues

The Panel does not find that the co-hosts fared as well in terms of Clauses 6 and 7 of the Code. To begin, essentially all of the half hour was consumed with a one-sided attack on the complainant, who was a private, not a public, individual. This constituted, in and of itself, an unanswered application of the powerful microphone which broadcasters are *licensed* to use for the purposes laid down in the *Broadcasting Act*. This opportunity creates a disparity of power between the person(s) on the transmitting side of the microphone and those on the receiving end of the radio waves. There is, therefore, a need for those whose transmissions are to all extent untrammelled to exercise their licensed authority with a particular appreciation of the responsibility that that privilege bestows upon them. In the view of the Panel, the co-hosts exceeded reasonable bounds in this episode.

Among other things, they distorted the nature of the acts of the complainant in a *serious* way. They said that they had been accused of a “hate *crime*”. By that, a reasonably informed individual would have understood one of the two crimes under the Hate Propaganda sections of the *Criminal Code*, likely, that entitled “Public Incitement of Hatred”. The reality is that complaints were made to the Alberta Human Rights Commission and to the Canadian Human Rights Commission. Neither complaint, if pursued to its logical conclusion, would be characterized as a *crime*. In an analogous circumstance, in *CITV-TV re “You Paid for It” (Immigration)* (CBSC Decision 95/96-0088, December 16, 1997), this Panel was called upon to assess a feature report by the broadcaster on government largesse in the dispensation of public funds to immigrants. The reporter on the story had utterly confused immigration and refugee policies. This Panel dealt with the issue in the following terms:

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 are “free-loaders”.

The Panel also dealt with some of the issues of attitude of the reporter in the following way:

What the Council finds problematic in this case is the fact that the report was craftily put together to suggest that the government's immigration policy does not stand up to economic scrutiny by including facts concerning refugees but without making this clear in the report. The Council does not consider that the lack of distinction between immigration spending and spending with respect to refugees was inadvertent; rather, the Council is concerned that, in her attempt at investigative reporting, the reporter either deliberately skewed facts to give her story more shock value or had not done sufficient research on the subject to prepare such a report. While the M.P. *may* have deliberately skewed *his* answer for political reasons, the reporter either missed that contortion or was complicit in its effect.

The Council is also concerned with the overall tone of the report and the reporter's gratuitous snide remarks such as "immigrants struggling with *your language*". The Council is of the view that the report preyed on the negative feelings which some Canadians have towards immigrants. This, in the Council's view, is unnecessary, unfair and inappropriate.

In the matter at hand, not only was there no assertion of a *crime* by the complainant, but there was also misinformation provided by the co-hosts regarding the substance of what they had "won" and where. Leaving aside the ill-informed references to the legitimately constituted federal and provincial Human Rights Commissions, the co-hosts said that they "fought and won in court the right to actually post the information about the ongoing Commission and then the hearings on the website and the courts, the *courts*, the real courts [...] not the kangaroo courts." They did not. Unless there is some other decision to which none of the parties had referred in this dossier, the only decision in question was that rendered by the Human Rights Panels of Alberta and issued by the Alberta Human Rights and Citizenship Commission, not a court at all in the sense that the co-hosts had been distinguishing commissions or tribunals from courts. That decision, which entitled the respondent to publish information furnished by the complainant in that matter (not the same complainant as in the present matter), which he preferred to remain confidential, was, as indicated, rendered by an Alberta Human Rights Panel. The original application had been by the complainant for "an order compelling respondent to cease and desist publication and distribution of complainant's personal and confidential information which was submitted in support of a human rights complaint." After canvassing the law on publication bans in Canada, the ruling of the Panel was simply that the two-pronged test of the Supreme Court in *Dagenais v. Canadian Broadcasting Corporation* [1994] 3 S.C.R. 835 had not been met. That test is that

A publication ban should only be ordered when:

- a) Such a ban is necessary in order to prevent a real and substantial risk to the fairness of the trial, because reasonably avoidable alternative measure will not prevent the risk; and

- b) The salutary effects of a publication ban outweigh the deleterious effects to the free expression of those affected by the ban.

The test, which puts considerable weight on the importance of freedom of expression, was not met and the complainant's preference regarding confidentiality of *his* material was not granted. It was not, however, a *court*, as represented by the co-hosts. Nor was the application related to a *hate crime*, as intimated. Nor did the application give the respondent any *entitlement* to post material other than that of the human rights complainant, as also intimated.

There was also a series of comments regarding homosexuality which did not amount to a breach of Clause 2 (as discussed above), but which contributed to the imbalance between those with the microphone and those with the speakers. The comments include: "homosexuals cannot procreate"; "you can get AIDS"; "men who have anal intercourse suffer more, uh, medical issues than, than regular, uh, heterosexual couples"; "myriad of sexually transmitted disease, even early death"; comparing the relative situation of the homosexual activists and Christians to "Nazi Germany where instead of going after the Jews, they're going after Christians"; generalizing that homosexuals ("*you guys*") "have a double standard. You're *hateful* towards us!"; and "You guys were vicious, [...] violent, [...] aggressive".

In *CITS-TV (CTS) re John Hagee Today ("Diamonds for Successful Living")* (CBSC Decision 04/05-0177, April 19, 2005), the Ontario Regional Panel considered a cumulation of comments by Pastor Hagee against gays. Of the assertion regarding procreation, the Panel said:

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.

As to AIDS, it has long since been proved to be an affliction of both heterosexual and homosexual individuals. Anal intercourse is hardly exclusively limited to one of the foregoing communities. Nor, for that matter, is sexually transmitted disease. And "early death" is an excessively dramatic characterization, particularly with the unique focus of the co-hosts. The comparison to Nazi Germany is excessive and inappropriate. That regime's murderous treatment of the Jews, the Poles, the gypsies and other non-Aryan groups bears no comparison with the attempts by the complainant to tone down the criticism by Messrs. Chapman, Chandler and the religious groups they represent. Finally, the generalized accusations of violence, aggression and hatefulness on the part of the homosexual community, while not alone a breach of Clause 2 (as

discussed above), are clearly without merit, just as generalized accusations of similar characteristics of the Christian communities vis-à-vis gays and lesbians would be.

The Panel considers that the cumulative effect of the comments discussed in the previous paragraphs of this section constitutes a breach of the obligation of broadcasters to present opinion, comment and editorial matter fully, fairly and properly, as required by Clause 6 of the *CAB Code of Ethics*.

The Panel is also mindful of the not unrelated obligation established in Clause 7 to treat *fairly* all subjects of a controversial nature. In this respect, it also finds the broadcaster in breach. Not only has *Freedom Radio* stacked the odds against the complainant by directing virtually the entire half hour against the complainant, it has *boasted* that it will not only sue him and take the matter to the Supreme Court if necessary (which is their right to do), but it will not pay any fines that may be levied (in apparent disregard of the anticipated order of the duly constituted judicial authorities). It is rather arrogant to state baldly that “We won’t pay those.” The Panel considers the judicial assertions unfair and an example of electronic bullying, which is precisely the opposite of what is anticipated by the requirement of fairness in Clause 7.

Broadcaster Responsiveness

In all CBSC decisions, the Council’s Panels assess the broadcaster’s responsiveness to the complainant. In the present instance, the Panel finds that the response of Golden West’s CEO was brief but sincere. While it did not deal with the many issues raised by the complainant, it provided a concrete response to the issue by making a commitment to “pre-screen all future *Freedom Radio* programs to avoid possible content issues in the future.” It also described its monitoring procedure changes and commitments to its on-air staff, the program providers and *Freedom Radio* specifically. The Panel concludes that CHRB-AM has fulfilled its obligation of responsiveness on this occasion.

ANNOUNCEMENT OF THE DECISION

CHRB-AM is required to: 1) announce the 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 *Freedom Radio* was broadcast; 2) within the fourteen days following the broadcasts of the announcements, to provide written confirmation of the airing of the statement to the complainant who filed the Ruling Request; and 3) at that time, to provide the CBSC with a copy of that written confirmation and with air check copies of the broadcasts of the two announcements which must be made by CHRB-AM.

The Canadian Broadcast Standards Council has found that CHRB-AM breached provisions of the *Canadian Association of Broadcasters Code of Ethics* in its broadcast of an episode of *Freedom Radio* on July 29, 2006. Because of the cumulative effect of a series of incorrect, distorted or exaggerated comments about a private individual, the CBSC has found that CHRB breached Clause 6 of the *CAB Code of Ethics*, which requires the full, fair and proper presentation of opinion, editorial or other comment. Because of the one-sided commitment of nearly an entire episode of the program against that private figure and boasting that it would disregard any court decisions rendered in his favour, the CBSC has found that CHRB breached Clause 7 of the *CAB Code of Ethics*, which requires the fair treatment of all subjects of a controversial nature.

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

APPENDIX A

CBSC Decision 05/06-1959 CHRB-AM (AM 1140) re an episode of *Freedom Radio Network*

Freedom Radio Network is a talk show broadcast on CHRB (1140 AM, High River) on Saturday evenings. It is hosted by Craig Chandler and, on the date in question, was co-hosted by Stephen Chapman. The following is a transcript of the episode that was broadcast on July 29, 2006 from 6:30 to 7:00 pm.

male announcer: Now, on Southern Alberta's community radio station, AM 1140, *Freedom Radio Network*.

female announcer: This program may not reflect the views or opinions of AM 1140.

2nd male announcer: Welcome to the *Freedom Radio Network* produced by Mike Lepitre of G Productions and hosted by Craig Chandler of the Progressive Group for Independent Business, Calgary's largest business organization, and Erik Gregson of the Canadian Conservative Assembly. Warning, fasten your seatbelts. The following program is hard-hitting and contains the truth with talent on loan from God.

Chandler: Well, last week some of you might have been shocked when I said we were gonna do a story on the new Nazis. Well, did that shock you, Steve?

Chapman: I was completely shocked. Who are we talking about, Craig?

Chandler: We're talking about the Canadian Human Rights Commission. I want to get everyone caught up to date. Everyone, uh, can go if you want to go get the whole background on all of this, go to FreeToSpeak.ca. 'Cause that's really what this is about. It's about freedom of speech, freedom of religion. Uh, Pastor Stephen Boisson, when he was our Alberta Chairman for Concerned Christians Canada, uh, our Central Alberta Chairman I should say, wrote a letter to the editor. Okay?

Chapman: So, like, freedom of speech, freedom of press. You know, all the rights that, you know, Canadians have died for –

Chandler: Yeah.

Chapman: – in two World Wars to per-, to, to persevere.

Chandler: Yeah, and it wasn't, and it was about homosexuality and it wasn't about homosexuals. It was about homosexual *activists*. There's a difference, right?

Chapman: Yeah, sure.

Chandler: 'Kay. Big difference.

Chapman: Yeah.

Chandler: Uh, between homosexuals and homosexual activists. That's who he was talking about. He's talking about the EGALEs of the world. You know, those, those lobby group types and, and the aggressive individuals who take people to human rights commissions and stuff. So, we've, we've, as Concerned Christians Canada, I'm the CEO, we've spent thousands and thousands of dollars and then racking up thousands and thousands of dollars in legal bills, uh, in the Alberta Human, Human Rights Commission 'cause there was a, a charge of a hate crime, which you can do frivolously, by the way, in the Human Rights Commission.

Chapman: So he must've said something that was incredibly vile, incredibly outrageous, incredibly defamatory.

Chandler: You would think. But we'll get to that.

Chapman: 'Kay.

Chandler: But what we did fight, even before we got to the Human Rights Commission charges, is we fought and won in court the right to actually post the information about the ongoing Commission and then the hearings on the website and the courts, the *courts*, the real courts?

Chapman: Mm hm.

Chandler: Not the kangaroo courts. Actually said "yes, you have the freedom to do so".

Chapman: Yes, we could actually give the Canadian people some information to make their own decision.

Chandler: Yeah.

Chapman: What a concept!

Chandler: Absolutely.

Chapman: 'Kay.

Chandler: Now, we were approached by the *Canadian* Human Rights Commission on the same thing!

Chapman: So you'd already been to court, they've already said okay, but now you're getting, go again.

Chandler: Yeah. And we've already got a legal precedent that we can do this, but that's not good enough for another level of government called the Canadian Human Rights Commission, out of Ottawa.

Chapman: Mm hm.

Chandler: Okay? And [clears throat] the latest is that John Chamberlain, Manager of, of Investigations said "The Commission can accept or reject the recommendation in the report. You will be advised of the Commission's decision as soon as it is rendered." I mean

Chapman: So, so they haven't made a decision. They're just investigating right now?

Chandler: It doesn't matter what we say, it seems. That's basically what I'm gettin' here. But the individual that filed the complaint is [R. W.], uh, oddly enough, of Edmonton, Alberta. And, uh, you know, it's, it's incredible. He's, he, he goes on and on about, uh, our organization and saying that we're hateful and all this stuff. It's, it's absolute, it, it really is rubbish. Because what's happening here is the Human Rights Commissions are attacking Concerned Christians Canada and Stephen Boissoin. Let me find you some of the so-called inflammatory, uh, wording, uh, that, that seems to be the problem here. Oh, and here's what I said, you know. These, these, this guy's a problem. I said on *Freedom Radio* before, "We might get charged with a hate crime, Jim, for even being on this show. Wait, wait, hear that, those sirens? Sound effects. Sound of sirens wailing. That's the sound they're coming. Mike, lock the doors, we're finishing the show. Then they can take us. But we're not going until we're done this show." And you know what? Because that's how ridiculous it is, right?

Chapman: Mm hm.

Chandler: You know, that sounds ridiculous, but this is what it is. They, they didn't like, uh, the fact that I said, as well, homosexuals cannot procreate. They can't! I'm not saying they're bad people. We were just stating a fact and our views on religion. Okay, you know, it's procreation, which is why man and women was [*sic*] made.

Chapman: Mm hm.

Chandler: Simple things like that. Um, uh, Stephen Boissoin said, "I, I absolutely don't believe that homosexuality has any value." He's talking about the act of homosexuality from a pastoral perspective.

Chapman: Right.

Chandler: Okay? *He* believes that homosexuality is a sin.

Chapman: Okay.

Chandler: He doesn't hate, okay? Uh, he talks about "a dangerous and degrading lifestyle". Well, it is. You, you can get AIDS, there's medical studies that show that, that, that men who have anal intercourse suffer more, uh, medical issues than, than regular, uh, heterosexual couples. That's fact. It's, it's not hate here. I mean, he talks about, uh, we're "conspiring against society, seeking a disproportionate degree of power and control in the media and government." Like, I mean, come on. We're just people who, who have a certain views [*sic*] and –

Chapman: I would say the reverse is actually more likely to be true.

Chandler: Yeah.

Chapman: In that, uh, the gay community is certainly trying to exercise as much power and control as they can.

Chandler: Yeah, and then they, and then the guy, then this, this, uh, uh, Mr. [W.] lies here. He talks about "homosexuals are militant". We never said homosexuals are. And neither did Stephen. He said "homosexual *activists*". Right? You know what I mean? That's what we're talkin' about here and they're trying to say we're saying everything about homosexuals.

Chapman: Well, I find it interesting that the Human Rights Commission can get on the, the bandwagon over this, and yet they say nothing when we bash Liberals every week from this pulpit. You would think they would be, uh, rallying in arms.

Chandler: Yeah, and, you know, he also talks about here, there's a, a "myriad of sexually transmitted disease, even early death". That's fact! That's not hate!

Chapman: Yep.

Chandler: Okay, you know, you guys gotta realize out there that we're, we're, hate's not a family value. But the fact that we're actually before a commission because of our views – and I've said we're in a cultural war – that's true!

Chapman: Mm hm.

Chandler: This is a cultural war. It's true. Doesn't mean arms, doesn't mean anything. It means, it means necessity for debate. It means we fight back for what we believe in. This country was based on Judaeo-Christian principles.

Chapman: Mm hm.

Chandler: Whether you're a believer or not's irrelevant. That's what it was. Like, I don't think we give out at the, uh, at immigration a bumper sticker, Steve, that says "Welcome to Canada. If you don't like it, we'll change it for you." Do, do, do they or?

Chapman: [laughs] Well, it almost seems like they should, right? 'Cause we do not seem to have a clearly conscious value system in Canada. And we do waver on so many things when people come from different cultures, different, why are they coming here? Because they want what we have. They want freedom. They want freedom of speech. Look what's happening in, in Israel right now with the bombings, and Lebanon and the war that's going on there. People are fleeing to Canada because Canada is a safe refuge. But part of that safety is freedom of speech. Freedom of speech is standing there, listening to somebody scream at the top of his lungs something that you would spend a lifetime opposing at the top of yours. But you celebrate that, you celebrate the fact that we have a country that allows you to do that, where you have debate. That's democracy. It's not easy. It's messy. But it works! It works better than any other system in the world. That's why people come here and they're not fleeing to Lebanon.

Chandler: Well, Mister, Mister [W.] can, can hate us all he wants. Which is obviously what he does. He obviously hates us. You know, because to, to, to go forward and do this when we're, when we're opposing a lifestyle purely based on our beliefs, and I thought we had freedom of religion in this country.

Chapman: Actually, I don't think it's hate. It's the fact that this gives him power. This gives *him* media. This gives *his* cause more attention.

Chandler: Yeah.

Chapman: Let's face it. People use the courts to simply put their cause in front of the media.

Chandler: This brings up a good point!

Chapman: And that's what's happening.

Chandler: This, this isn't the courts though, Steve. This is what ticks me off. We won in the courts. Okay, who trumps what? Do commissions rule or do courts rule? The Supreme Court of Canada should trump, for example, the Canadian Human Rights Commission. Who's in control here?!

Chapman: Well, I don't think anybody's in control here. The downside is whatever they can do to get media, it's less costly to attack somebody than to defend themselves.

Chandler: But here –

Chapman: That's the challenge with our legal system in Canada right now.

Chandler: And here's the thing. Win or lose, and I'll make this promise to Mister [W.], 'cause I know he downloads our shows and listens. I'll make this promise to ya, [R.]. Win or lose, we're going to sue you. And here's why. Because it's frivolous what you're doing. We will take our fight to the other courts where you don't just write a simple letter, [R.]. And then, and you can just get away with, uh, uh, just doing that and not having to have legal counsel. We will go to court. Uh, we will go to court and we will take it as, as far as the Supreme Court. We will get our monies back if we have any fines or anything of the sort. We won't pay those either. We won't pay those. This is a battle that you've just, uh, you know, it's, uh, you've, you started something which is going to need to be decided at a higher level. [R.], I'm actually glad you did. Because you chose the right organization when you picked on Concerned Christians Canada. You chose the right organization when you're pushin' around *Freedom Radio Network*. Because this is about freedom. Even PGIB supports us on this fight.

Chapman: No question, no question.

Chandler: Because, because it is about freedom of speech. It really has nothing to do with even religion. And this, this debate has to happen in the courts, not the commissions. So, we should almost thank [R.] for bringing this out so we can actually get real debate. And then look at what the politicians do with it.

Chapman: Well, my question is what are the politicians doing about it? What are, what, what's the government saying? This is, this Human Rights Commission is a product of the last Liberal government. They're running on stuff that was, was generated five, six years ago. So what's the new government saying about this?

Chandler: Yeah.

Chapman: Have we, do we have anything back from, uh, from Harper's government saying what are they going to do about changing the Human Rights Commission to actually deal with rights and responsibilities and not frivolousness about people who just don't like Canada.

Chandler: Like, like, look at this guy too. Number thirty-seven: "I believe that the inflammatory fear-mongering", uh, "hysteria-inciting and paranoid nature of these hate message [sic] necess-, necessitates an interim injunction in order to protect the safety of homosexuals." This isn't about going after homosexuals! I don't know what, what these people's problems are! I have friends who are gay, [R.]! Maybe you should also see that I was in a documentary called *God Only Knows: Same-Sex Marriage* where I went to live with a couple of gay guys. We have no issues here with homosexuals. Okay? God does not

make junk, like I said with Dylan. Maybe you should go and listen to the show that Dylan was on.

Chapman: Yep.

Chandler: On *Freedom Radio*.

Chapman: I thought it was a show that explored both sides of a complex issue.

Chandler: Yeah. "It would be discriminatory to withhold an interim injunction protection for the homosexual community and provide it for the Jewish and Black communities. I respectfully submit that all targeted groups are guaranteed equal tr-, protection by Section 15 of the *Charter*." Guess what?! We're in Section 15 of the *Charter*! We're a target group by you! You're a homosexual activist! You're the type of person, [R.], that we are talking about. You are targeting us. We are the victim here. You know, and it's just like Nazi Germany where, instead of going after the Jews, they're going after Christians.

Chapman: Well, pretty much. And it, basically anybody with a pulpit they want to stand upon, we now have government money being spent to allow them to have that voice. And, um.

Chandler: He says that we're inciting, we're paranoid, we're fear-mongering, we're inflammatory. Mr. [R. W.], it is you that is all of this. You know, go look in the mirror and start talking what you're talking about us and you'll be, you'll be lookin' back at yourself 'cause you're the one with the problem here. I feel quite stressed about this. I feel quite afraid. I mean, when, when there's the, the, the Gay Day Parade in Calgary and a person holds up a sign! A simple sign! PGIB member, by the way, but –

Chapman: And got attacked by somebody in the parade.

Chandler: Yeah. And he got beat up! By a gay guy! [Steve laughs] This is what's happening in this society. All he said was sod-, sodomy is not, you know, there's no pride in sodomy.

Chapman: Yeah.

Chandler: The guy's a born-again Christian; that's his view! He's, he humbly stood there. That's the real story, folks.

Chapman: Yeah. I saw the, I saw the video clip and he was just standing there.

Chandler: And then he's on the ground! And then his other friend's tryin' to fight the other guy off. Well, do you know what?! Can you imagine, Mr. [W.]?! If it was a couple of straight guys beating up a homosexual? *You guys* have a double standard. You're *hateful* towards us! You don't believe in freedom. You don't believe in protecting us. You don't believe the same *Charter* that's supposed apply, uh, to you should apply to us as well. *You* are the modern-day Nazis.

Chapman: And on that note, we'll give Craig a Valium and calm him down.

Chandler: Argh.

Chapman: And take a commercial break and help pay for this, uh, for this rant.

Chandler: That's true!

Chapman: Anyway.

Chandler: That's true. We'll be back.

Chapman: We'll be right back.

- commercial break

Chandler: All right, we're back. I just want to talk about, uh, number thirty-eight, okay? Here's what he says here. This is unbelievable, okay? "Due to the psychological harm and physical violence caused by these types of discriminatory messages". And we just talked about a gay-on-straight beat, uh, beating that happened.

Chapman: Right. Where the –

Chandler: Where a straight guy got beat up. Wow, interesting. "Due to the respondents' willfulness and continuing to communicate these messages". It's an ongoing, uh, court battle.

Chapman: Mm hm.

Chandler: Once it's over, it'll be taken down 'cause there's no need for us to have it there. "And due to the respondents' utter contempt for the human rights legislation and the Commission, I respectfully submit that a substantial penalty should be imposed in addition to the issuance of a cease-and-desist order." Like, unbelievable.

Chapman: Well, there's certainly nothing in here that's substantiated by fact. There's nothing that says that any statements made by this radio station, by the, uh, Concerned Christians or any group has actually led to any type of violence or discriminatory behaviour. And that's one of the challenges with this, where you don't actually have to *prove* there's been anything wrong –

Chandler: In fact –

Chapman: You just have to talk about it.

Chandler: In fact, let's talk about this, Mr. [W.], as well. Gay militia people were *convicted*. Okay?

Chapman: Yeah.

Chandler: They were convicted in a court of law for bringing balaclavas, bandanas and sticks into a Concerned Christians Canada private, closed-door meeting. And almost gave some old ladies a heart attack, no joke. They came in. You guys were vicious! You were violent! You were aggressive! Mr. [W.], it's you! It, it, it's, it's *your* militant activism. If you weren't an activist, you wouldn't be writing a letter to the Human Rights Commission, so don't try to turn this one around on me either. If regular, everyday homosexuals that are just in love with their partner and all this sort of stuff, don't get involved in human rights commissions fights, do they, Steve?

Chapman: Well, generally it's, it's a question of bringing it out to the topic, but, yes, human rights commission is generally for real issues that are affecting people's safety. And

this is not the case.

Chandler: Tell you what –

Chapman: You are certainly not affecting the safety of this organization or this group of people in any way that I can determine.

Chandler: Have you met anyone in CCC, Concerned Christians Canada, that will tolerate, even for a minute, violence against anybody because of their sexual orientation, race, language or culture.

Chapman: No, it would be against their entire Christian belief to do that.

Chandler: So, so, so, so Christ, let me get this straight, Steve. Christ loved the sinner, but hated the sin. Wasn't that correct?

Chapman: Right.

Chandler: So, he, he still, you know, he, he said, look, you know, it's like the, the, the prostitute, Mary. When, when he, uh, draw, drew in the sand "Let he who is without sin cast the first stone".

Chapman: Well, it wasn't Mary but it was a woman who –

Chandler: It wasn't Magdalene?

Chapman: No. It was a woman who was accused of adultery and –

Chandler: Wasn't that Magdalene?

Chapman: No, it *wasn't*.

Chandler: Are you sure?

Chapman: Mary Magdalene was, she, he drove some, uh, devils and demons out of her.

Chandler: Oh, okay.

Chapman: And she was not a prostitute. However –

Chandler: There you go.

Chapman: "He without sin cast the first stone" and everybody melted away. The concept being is that we are all sinners, but we do the best we can and we do not condemn other people. If you believe in Christ, and you believe in forgiveness –

Chandler: But he said this, remember.

Chapman: 'Cause he said, "How often do I forgive my brother? Seven times seventy."

Chandler: Yeah.

Chapman: Not just seven times.

Chandler: Well, absolutely. But he also said this, which is key to it: "Go and sin no more."

Chapman: Yes.

Chandler: Go and sin no more. He didn't condone it. He said, Look, you're wrong here. We've all sinned, but you're wrong here.

Chapman: Mm hm.

Chandler: Go and sin no more. And, and I'll tell ya, just because groups like us don't believe in same-sex marriage, but we've even said, you want civil unions, you can have them.

Chapman: Mm hm.

Chandler: You want benefits? And, and it's very unfortunate too that the homosexual community has based legitimate benefits on whether or not there's a sexual act. Really, 'cause that's, they've sexualized benefits. If you're my, if you were my brother, Steve, and I was working and you weren't and you were dependent on me, you should get my benefits.

Chapman: Yeah.

Chandler: Right?

Chapman: Yeah.

Chandler: It should be based on dependency, not based on sex!

Chapman: I would agree.

Chandler: I, I don't understand, you know, why the debate couldn't happen. But marriage is a religious institution. Heck, [R.], I agree with people like you where you say get the church out of the state. Can't agree with you more. But get the state out of the church.

Chapman: Well, that's what the whole –

Chandler: Get the state out of the church.

Chapman: That's what the whole division was about. Protection of religious freedoms so that people could believe what they need to believe. And, like you said, Canada was based on Judaeo-Christian –

Chandler: And, and that's funny. You, you said it correctly. The reason we have a separation of church and state wasn't to protect the state. It was to protect the church.

Chapman: Yes.

Chandler: That's the *whole* reason it existed. And right now people are forgetting that. The church is being attacked. Those of us who are believers are being attacked. We are, you know, [R.], if you ever met us, you'd realize, oh, okay, they're not that bad. They sincerely believe. I, you know, I'm actually gonna send you a video, so can loo-, you can watch it and go, you know what? I guess, I guess I was wrong about these people. And,

Steve, yeah, you know, we, we use words like “war” and stuff like that, be, because we’re talking about a cultural war. You know, you use that type of language.

Chapman: Well, better yet, send them an invite to come on *Freedom Radio* and actually have a conversation about it.

Chandler: Yeah.

Chapman: Point is, we need to have a conversation about it. We do not need to mask it behind litigation and, and, and court-ordered sanctions. That’s not what communication is all about. We will never address the differences in our culture and in our life unless we can talk about it openly, honestly and from the heart.

Chandler: And here, here’s the thing that, that Mr. [W.] doesn’t, you know, doesn’t seem to get either. Well, I think, no, let me re-, retract that. He gets it. But I don’t think it’s about him wanting to talk. I think what you sort of alluded to in the beginning is, look, this is about him getting the publicity on this. I’d like to know who put him up to it. He’s not just one individual. This guy is articulate. He’s manipulative. He, he takes things out of context. And, uh, it’s disappointing. But, uh, I’ll tell ya, he’s part of the well-run homosexual activist machine. For sure.

Chapman: Well, no question. This could’ve been done by –

Chandler: In my opinion, [R.], and I’m allowed to have one.

Chapman: So far, that, they haven’t taken that away from us, Craig. That we are allowed to have opinions.

Chandler: It, it all depends on how this progresses. Uh, we might still talk a bit about, uh, a bit about this as well. You know, we’re, we’re gonna be updating FreeToSpeak, so, you know, for those of you who’ve heard this, you need to go to the FreeToSpeak website. You also need to pull out a chequebook and send it to us, okay? We’re, we’re –

Chapman: Not a chequebook. Actually a cheque.

Chandler: Yes, sorry.

Chapman: Written out, with a certain amount would be nice.

Chandler: Yeah, I don’t want you to fill out all your cheques. One cheque’d just be fine. But, folks, we gotta put our money where our mouth is on this one. This is, uh, and let me find the one, uh, the exact statement that, that, that, uh, Mr. [W.] had a, had a problem with. Here we go. Number thirty-five in his thing. I’ll just read what I said before: “You know, folks, if we don’t fight back on this one it’s only going to get worse. It comes to a point where you have an organization like Concerned Christians Canada. We’re willing soldiers in this fight and ready to fight for your belief systems. When it starts happening to people who have no structure around them, what do you think the results are going to be?” And what I mean by that is, just regular grandmothers who say something about their belief system. What, you know, they’re, they’re, no one’s supporting them, they’re going to go to jail because they can’t afford to pay for what they said. “We’re not going to give up on this fight. We will appeal. If we lose the appeal, we’ll go to courts. If we lose there, we’ll appeal to a higher court. And appeal to a higher court. And if we have to take this to the Supreme Court of Canada and even lose there, we’ll lose, but we’ll fight for what is right. Christ did not say sit on the hill and wait for me to come back, do nothing. We are the salt and light of the earth.”

So, folks, you gotta get your, you gotta, you gotta support us in this one. And here's the thing. Here's the great thing. You can do one of two ways. Or you can do both. You know, if you say, "Okay, well, how do I know this is all going just to the lawyer?" Write your cheque out.

Chapman: To the law firm.

Chandler: Okay? To the law firm.

Chapman: Yeah.

Chandler: Uh, Gerald Chipeur and Associates, okay? Or Chipeur, Chipeur and Associates. Or give us a call, okay? You know, and we'll tell you who –

Chapman: Well, it's probably on the website.

Chandler: Yeah. And, and, and –

Chapman: What's the website again?

Chandler: Uh, www.FreeToSpeak.ca.

Chapman: Well, there's the information and we'll be updating that regularly, won't we, Craig?

Chandler: Yeah, absolutely. And then the other thing is, Concerned Christians Canada needs money too. It takes a lot of our time to fight this fight, folks. And, and this is what we do. Right? So we could use some donations, so if you want to write a cheque out to Concerned Christians Canada, you can. And you can send it to P.O. Box 44068, Southcentre, RPO, Calgary, Alberta, T2J 7C5. Again, that's Concerned Christians Canada, P.O. Box 44068, Southcentre, RPO, Calgary, Alberta, T2J 7C5. And you can even send cheques to Chipeur and Associates, to there too. But, folks, we need this. Don't, don't, don't listen to this show and then not do somethin' about it. 'Cause guess what? It means you don't care. It really does. What, what was that old saying? "They came for the Jews and I wasn't Jewish so did not care."

Chapman: And then they came for the Blacks, but I wasn't Black so I did nothing. Then finally they came for me and there was no one left to help me.

Chandler: And you know what, folks? This is the new Nazis. The Canadian, the Human Rights Commissions don't care. Guarantee you, they're going to rule against us. Wouldn't you say?

Chapman: Well, they're making Canada just this vanilla nation with no differences. And that's not going to happen. That's not what built this country. It's not what's going to keep this country. I mean, our anthem is "standing for Canada, strong and free". Not "strong and bland". And that's what we're making. This Human Rights Commission is simply making us into one huge melting pot and that's not what Canada is. We are a mosaic and we need to keep those individual differences going. We need to have conversation and we need to have freedom, folks. We need to have freedom.

Chandler: And, and, do you know what? When Christians have freedom, everyone does. I don't know if you've noticed that. Any Christian nation that has, you know, God as the supreme has freedom for everybody. We tolerate Muslims. You know, no problem. We

tolerate, uh, uh, every denomination you can think of. There's Jehovah's Witnesses, there's this, there's that. There's Buddhists, there's whatever. I mean, there's atheists. It's funny. I can go to a business club and PGIB and guess what? There's a Jew, an evangelical and a Muslim all sittin' together. And, you know, we have no issues with each other. We have the respect that we have differing opinions.

Chapman: Yeah.

Chandler: All we're saying, you guys wanna, you know, if you want to live that lifestyle, that's up to you. Someone else is gonna judge you. Uh, that's fine. But you, what you need to understand is, we need to be able to live our lifestyle too.

Chapman: Yeah.

Chandler: I was born this way, Steve. I was born a heterosexual and I was born with a desire to, to, uh, pray to Jesus and follow his rules. I can't help it. This is the way I was made. Why does that work for them and it can't work for us? It's the truth! If that's what they say, fine. You know, if that's what they say. Well, I'm not even arguing that anymore. We've given up on that argument a long time ago. The argument now is about freedom.

Chapman: Yeah.

Chandler: That's all it's about.

Chapman: There's no question. And contact your MLA, contact your MP and find out what they're going to do about this because, again, once you start losing freedom, once you start losing your rights, you know, if you, uh, people who don't exercise their rights or don't know what their rights are may as well not have them. And we do not want government to control the, our people. And that's essentially what every nation that has slipped into socialism has done.

Chandler: Yeah. I mean, it's, uh, the way this country is going is, is, is very disappointing. I mean, Erik, you know, isn't on stuff a lot anymore because he doesn't even really want to fight for, uh, this anymore because he's at a different place. He's at, uh, he's at a place that the Republic of Alberta is the only option. [Steve snickers] Well, you know what? And I'm startin' to lean that way a lot lately. Especially when I get something from Ottawa. And I'm, like, come on, this is ridiculous. Why would an Edmontonian write Ottawa?

Chapman: Well, don't we have, like, an Alberta – ?

Chandler: We do, that's the point. This is why this is, this is strategic. He knows there's already an Alberta Human Rights Commission going on.

Chapman: Mm hm.

Chandler: So he wants to get some more movement somewhere else so he writes to Ottawa. See, this is what I mean, folks. These people are brilliant. If we want to learn how to take over government and stuff, all we need to do is look at the homosexual activists 'cause they can campaign better than anybody.

Chapman: And the Liberals will do the exact same thing. It's a question of going for fear as opposed to going for what's right.

Chandler: Well, folks, you know, we're going to be, uh, talking to ya soon next week.

And, uh, probably gonna be, uh, discussing a little more on something we haven't talked about on *Freedom Radio* and I think we should address briefly: Lebanon.

Chapman: 'Kay.

Chandler: What's goin' on there. And, uh, --

Chapman: That's certainly in the news and I think that also boils down to expectations of Canadians who are living in other places. What do we really expect from our government and what are we willing to contribute back?

Chandler: And that's why it's gotta be a whole show almost on its own because, I'll tell ya, there's a lot of these people that are coming over who are not Canadians, but are friends of the Canadians. Like, they're, they're coming on the ships. You're startin' to see this. Uh, so it's, it's, it's unfortunate. But, uh, at least Israel gave them a warning and said "get out 'cause we're about to take them out".

Chapman: Yeah.

Chandler: So, I mean, thanks to Israel for at least having the respect to get people out. Appreciate that. So we'll get our people home and, uh, next --

Chapman: Anyway, next week.

Chandler: Next week. Take care.

Chandler's recorded conclusion: The *Freedom Radio Network* has been brought to you by the Progressive Group for Independent Business, the Canadian Conservative Assembly and is produced by Mike G of G Productions. To advertise on the *Freedom Radio Network*, call 403-720-2143, extension 3. That's 403-720-2143, extension 3. God bless us and our fight for a conservative Canada.

APPENDIX B

CBSC Decision 05/06-1959 CHRB-AM (AM 1140) re an episode of *Freedom Radio Network*

The Complaint

The CBSC received the following complaint via its website form on August 16, 2006:

station: CHRB
program: Freedom Radio Network - Craig Chandler and host
date: July 29, 2006
time: 6:30pm
concern: Program used to retaliate and threaten retaliation for making a human rights complaint - abusive comments likely to expose persons or group to hatred and contempt on basis of sexual orientation - broadcasting false and misleading news, - violation of *CAB Code of Ethics* - Human Rights - violation of *Code of Ethics* Clause 6 for failure to give full, fair, and proper presentation of news, opinion and comment, and violation of Clause 7 - Controversial Public Issues for failing to treat fairly all subjects of a controversial issue.

PLEASE ENSURE THAT THE TAPES ARE RETAINED

The complainant also sent the following e-mail on August 16:

Subject: *Freedom Radio Network* program 6:30 pm July 29th on CHRB AM 1140

Dear Sir or Madam:

This is an advance summary of my complaint regarding this radio program. I am attempting to attach my my complaint letter and transcript of the program. I am forwarding a written, signed copy in the mail.

My complaint, in summary, is:

- The radio show host Craig Chandler used his program to threaten retaliation against me for making a Canadian Human Rights Commission complaint about his websites.
- Mr. Chandler retaliated against me for my complaint by using this radio program to broadcast abusive, insulting and derogatory comments about me.
- Mr. Chandler and the other host made abusive comments likely to expose an individual and group or class of individuals to hatred or contempt on the basis of sexual orientation.
- Mr. Chandler used his program to broadcast false and misleading news.

- Mr. Chandler's program violated the *CAB Code of Ethics*, clause 2 - Human Rights, clause 6 - Full and Fair and proper presentation, and Clause 7 - Controversial Public Issues.

I request that the CBSC take steps to have the tapes of this program retained, and to ensure that they are retained indefinitely until this complaint is resolved.

The complainant then sent a lengthy document dated August 14 (bold, underline, italics and full caps are complainant's original):

Dear Sir or Madam:

This is a complaint regarding a *Freedom Radio Network* program which was broadcast at 6:30 pm on Saturday, July 29, 2006 on AM 1140 Radio Station CHRB from High River, Alberta.

BACKGROUND

On December 7, 2005, I complained to the Canadian Human Rights Commission about hate messages on Internet sites linked to Craig Chandler. The investigation report summary states "The evidence shows that the material which forms the basis of this complaint was observed on the Internet. Further, the respondent was living in Canada and was communicating or causing to be communicated material which is likely to expose persons to hatred or contempt based on the ground of sexual orientation." The CHRC's report also stated: "Further excerpts in which the language appears to provoke hatred and violence against an identifiable group are as follows: ..." (my emphasis added)

RETALIATION

During the above-noted radio program, the host, Craig Chandler, used his radio program as a platform to threatened [*sic*] retaliation by making the following statements:

"And here's the thing, win or lose, and I'll make this promise to Mr. [W.], cuz I know he downloads our shows and listens, I'll make this promise to you, [R.], win or lose, we're going to sue you. And here's why; because it's frivolous what you're doing. We will take our fight to the other courts where you don't just write a simple letter, [R.], and then, and you can get away with, ah, just doing that and not having to have legal counsel. We will go to court, ah, we will go to court and we will take it as far as the Supreme Court. We will get our moneys [*sic*] back if we have any fines or anything of the sort. We won't pay those either! We won't pay them! This is a battle that you just, ah, you know, you, you started something which is going to need to be decided at a higher level. [R.], I'm actually glad you did, because you chose the right organization when you picked on Concerned Christians Canada, you picked the right organization when you're pushing around Freedom Radio Network because this is about freedom."

Mr. Chandler's program further retaliated against me by making other abusive, insulting and derogatory comments about me, including:

- "Mr. [W.] lies here".

- "Mr. [W.] can hate us all he wants, which is obviously what he does. He obviously hates us."

- "We're a target group by you! You are a **HOMOSEXUAL ACTIVIST**. The type of person, [R.], that we are talking about. You are targeting us. We are the victim here. You know, and **it's just like Nazi Germany where instead of going after the Jews, they're going after Christians.**"

- "He said that we're inciting, we're paranoid, we're fear-mongering, we're inflammatory; Mr. [R. W.], **it is YOU that is all of this**".

- "Mr. [W.], it's YOU. It's ... **It's your militant activism**. If you weren't an activist, you wouldn't be writing a letter to the Human Rights Commission, so don't try to turn this one around on me either."

- "Look, this is about him getting the publicity. I'd like to know who put him up to it! He's not just one individual. This guy is articulate; he's manipulative, he takes things out of context, and, ah, ... it's disappointing, but I'll tell ya, he's part of the well-run homosexual activist machine."

- "You know, folks! **This is the new Nazis**. The Human Rights Commissions don't care."

- "We do, that's the point! This is why this is strategic. He knows there's already an Alberta Human Rights Commission going on. So, he wants to get some more movement somewhere else so he writes to Ottawa. See, this is what I mean, folks. These people are brilliant! If we want to learn how to take over government and stuff, all we need to do is look at the homosexual activists cuz they can campaign better than anybody."

The other host, only identified as Steve, insinuated that my CHRC complaint was "frivolousness" and I was one of the "people who just don't like Canada".

Section 14.1 of the **Canadian Human Rights Act** reads as follows:

Retaliation

14.1 *It is a discriminatory practice for a person against whom a complaint has been filed under Part III, or any person acting on their behalf, to retaliate or threaten retaliation against the individual who filed the complaint or the alleged victim.*

I believe that Mr. Chandler has used his *Freedom Radio Network*, July 29, 2006 program to retaliate against me by publicly attacking and defaming me, and threatened further retaliation of suing me, claiming that my complaint was frivolous (in spite of the fact that the Canadian Human Rights Commission had found merit in my complaint). This is a discriminatory practice proscribed by the Act. This threat of retaliation is an attack on the right of all citizens to file Human Rights complaints. Since retaliation and threats of retaliation are discriminatory acts which is proscribed by section 14.1 of the *Canadian Human Rights Act*, I submit that the Radio Station AM 1140 has violated the *Broadcasting Act*, Part 1.1, section 3 (a).

ABUSIVE COMMENTS LIKELY TO EXPOSE TO HATRED OR CONTEMPT

I further believe that during this show, Mr. Chandler made abusive comments likely to expose an individual or a group or class of individuals to hatred or contempt on the basis of sexual orientation, in violation of the *Broadcasting Act*, Part 1.1, section 3 (b) and the *CAB Code of Ethics*, Clause 2 (Human Rights). Examples are:

1. Craig Chandler stated: "Now that sounds ridiculous, but this is what it is. They, they didn't like, ah, the fact that I said as well that homosexuals cannot procreate. They can't!"
2. Craig Chandler stated: "Ah, he talks about a dangerous and degrading lifestyle. Well, it is! You can get AIDS, there's medical studies that men who have anal intercourse suffer more, ah, medical issues than regular, ah, heterosexual couples. That's a fact!"
3. Craig Chandler said: "Yeah, and he also talks about here, there's a myriad of sexually transmitted disease, even early death. That's not hate, that's fact. That's not hate."
4. Craig Chandler said: "Yah, 'it would be discriminatory to withhold an interim injunction protection from the homosexual community and provide it for the Jewish and Black communities. I respectfully submit that all target groups are guaranteed equal protection under section 15 of the *Charter*.' Guess what? We're in section 15 of the *Charter*! We're a target group by you! You're a HOMOSEXUAL ACTIVIST. You're the type of person, [R.], that we are talking about. You are targeting us. We are the victim here. You know, and it's just like Nazi Germany where instead of going after the Jews, they're going after Christians."
5. Craig Chandler said: "He said that we're inciting, we're paranoid, we're fear-mongering, we're inflammatory, Mr. [R. W.], it is you that is all of this. You know, go look in the mirror and start talking what you're talking about us and you, you'll be looking back at yourself cuz you're the one with the problem."
6. Craig Chandler said: "You are the modern day Nazis."
7. Craig Chandler said: "They came in ... you guys were vicious, you were aggressive. Mr. [W.], it's YOU ... it's, it's your militant activism. If you weren't an activist, you wouldn't be writing a letter to the Human Rights Commission, so don't try to turn this one around on me either! It's just regular everyday homosexuals that are in love with their partners and all this sort of stuff, don't get involved in Human Rights Commissions fights, do they, Steve?"
8. Craig Chandler said: "And here's ... here's the thing that Mr. [W.] doesn't, you known, doesn't seem to get it either, ah nah, let me retract that. He gets it. But I don't think it's about him wanting to talk. I think what you sort of alluded to in the beginning, look this is about him getting the publicity. I'd like to know who put him up to it. He's not just one individual. This guy is articulate, he's manipulative, he takes things out of context, and, ah, it's disappointing, but I'll tell ya, he's part of the well-run homosexual activist machine."
9. Craig Chandler implied that the homosexual machine is conspiring to have grandmothers arrested and jailed for saying something about their belief system. He said: "Yah, I don't want you to fill all your cheques, one cheque would be just fine. But, folks, we've got to put our money where our mouth is on this one. This is ... ah, and let me find, ah, the exact statement that Mr. [W.] had a problem with. Here we go ... number 35 in this thing. I'll just read what I said before. 'You know, folks, if we don't fight back on this one, it's only going to get worse. It comes to a point where you have an organization like Concerned Christians Canada who are willing soldiers in this fight, and ready to fight for your belief systems. When it starts happening to people who have no structure around them, then what do you think the results are going to be?' And what I believe by that is, just regular

grandmothers who say something about their belief system, will we ... you know ... there's no one supporting them, they'll go to jail cuz they can't afford to pay for what they said."

10. Craig Chandler said: "You know what, folks? **This is the new Nazis. The Human Rights Commissions don't care.** Guaranteed, they're going to rule against us. Wouldn't you say??"

11. Craig Chandler said: "We do, that's the point! This is why this is strategic. He knows there's already an Alberta Human Rights Commission going on. So, he wants to get some more movement somewhere else so he writes to Ottawa. **See, this is what I mean, folks! These people are brilliant! If we want to learn how to take over government and stuff, all we need to do is look at the homosexual activists cuz they can campaign better than anybody.**" This is a clear implication that homosexual activists are taking over the government to attach [sic] Christians.

False or misleading news

I further believe that during this show, Mr. Chandler broadcast false or misleading news. His comments were deliberately misleading and included false statements about my complaint. He appears to have presented a misleading version of events to inflame public opinion against homosexual persons and to promote his political and business interests. I submit that this radio station's program was in violation of the *Broadcasting Act*, Part 1.1, Broadcasting Content, section 3 (d). For example:

A. ALLEGATION OF A CHARGE OF A HATE CRIME

Craig Chandler said: "We've spent thousands and thousands of dollars then racking up thousands and thousands of dollars in legal bills, ah, in the Alberta Human Rights Commission cuz **there was a charge of a hate crime**, which you can do frivolously, by the way, in the Human Rights Commission."

This statement is clearly untrue. Neither Mr. Chandler nor his organization has been charged with any hate crime. However, complaints have been made to the Alberta Human Rights Commission for a letter published in the *Red Deer Advocate* newspaper, to the Canadian Human Rights Commission about hate messages communicated on the Internet. A charge of a hate crime is made under the *Criminal Code*. Further, I believe both Commissions can and do reject complaints where there is no reasonable grounds. In the complaints discussed by Mr. Chandler, the commissions have determined that the complaints have merit. In fact, the CHRC investigation report states: "***Finding – The evidence supports that the material in question is likely to expose a person to hatred or contempt on the basis of sexual orientation.***" The report also lists excerpts "***in which the language appears to provoke hatred and violence against an identifiable group.***" Mr. Chandler and his co-host failed to mention anything about the Commission Investigation findings.

B. HE WON THE RIGHT TO POST SUCH MATERIAL

Craig Chandler said: "Well, what we did fight even before we got to the Human Rights Commission charges, is, we fought and won in court for the right to actually post the information about the ongoing commission and then the hearings on the website, and the courts, courts, the real courts, not the kangaroo courts actually said 'Yes, you have the freedom to do so'." Craig Chandler also said: "**This isn't the court though, Steve, this is what ticks me off. We won in the court.** Okay, who trumps what? Do commissions rule

or do Courts rule? The Supreme Court of Canada should trump, for example, the Canadian Human Rights Commission. Who's in control here?"

These statements are false. The matter was not decided by any court, and no court has ever ruled that Mr. Chandler or his organizations are free to post hate messages. He appears to be misrepresenting an interim motion before the Alberta Human Rights Panel which is reported as follows:

Darren Lund v. Stephen Boissoin and the Concerned Christians Coalition Inc. (Prehearing May 4, 2006; Lori G. Andreachuk, Q.C., Panel Chair)

Practice – Preliminary Applications – Complainant's application for an order compelling respondent to cease and desist publication and distribution of complainant's personal and confidential information which was submitted in support of a human rights complaint – Publication bans when ordered – A publication ban in these proceedings is not necessary to prevent serious risk to the proper administration of justice – Application dismissed.

This decision was by an Alberta Human Rights Panel, not a court. The application was for an order banning the publication of the complainant's personal and confidential information. It does not authorize the communication of hate messages in the Internet.

C. FALSE ALLEGATION THAT I STATED THAT CHANDLER ET AL WERE SEEKING DISPROPORTIONATE DEGREE OF POWER AND CONTROL

Craig Chandler states: "I mean, he talks about, ah, we're conspiring against society seeking a disproportionate degree of power and control in the media and government. I mean, come on. We're just people who have certain views and, and ..."

This statement is false. It is a deliberate misrepresentation. My complaint alleges that the hate messages have the theme that the target group (homosexuals) are conspiring against society seeking a disproportionate degree of power and control in the media and government.

Human Rights

I also believe that the July 29, 2006 program violated the *CAB Code of Ethics* (revised June 2002) 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**, or age [*sic*] or mental or physical disability."

and also violated Clause 6 – Full, Fair and Proper Presentation

"It is recognized that the **full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of each broadcaster**. This principle shall apply to all radio and television programming, whether it relates to news, public affairs, magazine, talk, call-in, interview or other broadcasting formats in which news, opinion, comment or editorial may be expressed by broadcaster

employees, their invited guests or callers.”

and Clause 7 – Controversial Public Issues

“Recognizing in a democracy the necessity of presenting all sides of a public issue, **it shall be the responsibility of broadcasters to treat fairly all subjects of a controversial nature.** Time shall be allotted with due regard to all the other elements of balanced program schedules, and the degree of public interest in the questions presented. Recognizing that healthy controversy is essential to the maintenance of democratic institutions, broadcasters will endeavor to encourage the presentation of news and opinion on any controversy which contains an element of the public interest.”

I also believe that the CHRb station management knowingly permitted, or were wilfully blind to this misconduct. I believe that the station management has had numerous complaints regarding the content of Mr. Chandler’s programs. CHRb’s management appears to have been wilfully negligent in failing to properly monitor and control the content of this program which, I believe was pre-recorded, not broadcast live. There was ample opportunity for CHRb to have taken appropriate action to ensure that the provisions of the legislation and code of conduct were complied with.

Attached to that letter was a complete transcript of the program prepared by the complainant in which he used yellow highlighter to highlight the portions that concerned him.

Broadcaster’s Response

The station sent the following reply to the complainant on September 20:

This is in response to your complaint to the CBSC about the *Freedom Radio* program aired on CHRb AM 1140 on July 29, 2006.

All of our program providers are required to follow and adhere to strict content and programming standards, as set out by both the CBSC and the CRTC. We ask all of our program producers to stay within these codes. As a broadcasting group, we take this very seriously and want to err on the side of caution.

On July 29, 2006, we were unable to adequately monitor or screen the program in question prior to it going to air. We now will pre-screen all future *Freedom Radio* programs to avoid possible content issues in the future.

We have thoroughly reviewed our monitoring procedures and have taken every precaution to ensure that not only our on-air staff but the providers themselves are fully aware of the provisions of the codes and legislation of the CBSC and CRTC. We also have a commitment and solid assurances from *Freedom Radio* that any of their programs aired on CHRb will not target you in any way.

To date, the only complaint brought to our attention is from you.

Thank you for expressing your concerns ... we appreciate you bringing this forward so that

we may improve the quality of our programming.

Additional Correspondence

The complainant submitted his Ruling Request via website form on September 23 along with the following note:

I request an adjudication and ruling on this complaint as the broadcaster's response was inadequate. It failed to address the specific breaches of the codes, regulations and legislation. It offered no apology to me or to their audience, failed to take steps to correct the false and misleading news and information aired, gave no explanation of the station's inability to properly monitor the program, claimed that mine was the only complaint, and has not taken adequate steps to prevent persistent and ongoing abuses.

I am forwarding a full written response by mail. This is only a summary of my response.

I have been advised by members of the Edmonton Police Service's Hate and Bias Crimes Unit to guard my personal information to reduce the possibility of being victimized or attached [*sic*] for making human rights complaints. I also request that the CBSC take all necessary precautions to protect my personal information such as address, phone number, and e-mail due to the retaliation and threat of retaliation for making human rights complaints. Of course, I do not object to the disclosure of my name.

He then sent a package of information dated September 22. The covering letter is reproduced below.

Dear Sir or Madam:

REQUEST FOR RULING

Re: CBSC File # 05/06-1959 – Complaint regarding a *Freedom Radio Network* program which was broadcast at 6:30 pm on Saturday, July 29, 2006 on AM 1140 Radio Station CHRB from High River, Alberta.

I have received and carefully reviewed the response letter from Golden West Broadcasting Ltd. CEO [*sic*] and Executive Vice President Mr. [L. F.]. I regret to inform that CBSC that I find this response letter to be woefully inadequate. Therefore, I request an adjudication and ruling by the CBSC. I am not satisfied with the response for the following reasons:

A. [The COO & Executive Vice President] neither admitted nor denied my allegations of breaches of the codes, regulations or legislation, namely:

1. Section 14.1 of the **Canadian Human Rights Act**
Retaliation
14.1 It is a discriminatory practice for a person against whom a complaint has been filed under Part III, or any person acting on their behalf, to retaliate or threaten retaliation against the individual who filed the complaint or the alleged victim.
2. *Broadcasting Act*, Part 1.1, section 3 (a).

3. *Broadcasting Act*, Part 1.1, section 3 (b).
 4. *CAB Code of Ethics*, Clause 2 (Human Rights)
 5. False or misleading news – *Broadcasting Act* – Part 1.1 – Broadcasting Content, section 3 (d).
 - a. Allegation of a charge of a Hate Crime
 - b. He won the right to post such material
 - c. False Allegation that I stated that Chandler et al were seeking disproportionate degree of power and control
 6. Clause 6 – Full, Fair and Proper Presentation of news, opinion, comment and editorial
 7. Clause 7 – Controversial Public Issues – the responsibility of broadcasters to treat fairly all subjects of a controversial nature.
- B. [The COO & Executive Vice President]’s letter failed to apologize for the abuses that were broadcast on his station CHRB.
 - C. [The COO & Executive Vice President]’s station has not apologized to its audience, and to members of the minority group which was the subject of the abusive and discriminatory material broadcast.
 - D. [The COO & Executive Vice President] has not advised me of any steps taken by his station to correct the false and misleading news presented on the program, or to redress the harm caused.
 - E. [The COO & Executive Vice President] failed to give any justification or proper explanation for his statement: “On July 29, 2006, we were unable to adequately monitor or screen the program in question prior to it going to air”. Why is that station unable to fulfill its regulatory obligations?
 - F. [The COO & Executive Vice President]’s statement “To date, the only complaint brought to our attention is from you” is quite unbelievable, considering the statements published by Mr. Chandler on his websites, alleging that “*the gay lobby has flooded the phone lines of AM 1140. I was told this by 2 separate people there.*” Is the general public too intimidated to make any written complaints for fear of this type of retaliation?
 - G. I am not satisfied that the station has taken adequate steps to prevent persistent and ongoing abuse in its programming.

I enclose, for the information of the adjudication, a copy of my complaint to the Canadian Human Rights Commission, the Commission’s Investigation Report, and my response. This material will show that the human rights complaint against Mr. Chandler is not frivolous, as claimed on the program, but is well-founded and supported by the Commission’s investigation. It will also show the ongoing pattern of repeatedly communicating material likely to expose homosexuals to hatred and contempt, and even promoting violence. I wish to point out that some of these hate messages have also been made on earlier *Freedom Radio Network* shows and broadcast by CHRB AM 1140. The July 29, 2006 program was certainly not the first *Freedom Radio Network* program that CHRB broadcast which

contained abusive content. For example:

- February 26, 2005 Chandler – “OK, and **homosexuals can not procreate.**”
- June 4, 2005 Rev. Boissoin – “I believe that all people are valuable, **but I absolutely don’t believe that homosexuality has any value.**”
- February 26, 2005 Chandler – “**If they’re (homosexuals) born with that genetic weakness, maybe there’s something we can do to alter that genetic weakness like hormones, or steroids, or something or whatever.**”
- June 4, 2005 Rev. Boissoin – “**75% of HIV cases are caused by men having sex with men.**”
- February 26, 2005 Chandler – “Homosexuality is sin. **God sees murder as equal to homosexuality**”
- June 4, 2005 Chandler – “**It’s (homosexuality) almost like Darth Vader and the evil empire against good solid Christian Canadians.**”
- June 4, 2005 Rev. Boissoin – “**the homosexual lifestyle specifically is a deadly, deadly lifestyle, ... that is scientific fact.**”
- June 4, 2005 Rev. Boissoin – “**Absolutely, I hate the practice of homosexuality, it is lethal.**”
- June 11, 2005 Rev. Boissoin – “**People (homosexuals) putting our young children, people putting our youth at risk by propagating a deadly lifestyle, a lethal, lethal lifestyle.**”
- June 11, 2005 Rev. Boissoin – “**Look up the facts on how lethal the homosexual lifestyle is!**”
- June 11, 2005 Rev. Boissoin – “**God deems that it (homosexuality) is wicked and it is a lifestyle that we are not to practice, that it’s immoral and it is deadly!**”

The management of Golden West Broadcasting Ltd. have had ample warning of the nature of Mr. Chandler’s programming, yet they failed to take legally necessary and appropriate measures to comply with the codes, regulation and legislation.

Station CHRB should have also had ample guidance from previous CBSC rulings on this type of material. I note that previous rulings by the CBSC have determined that comments such as “homosexuals cannot procreate” and “homosexual agenda” are unacceptable. See *CITS-TV (CTS) re John Hagee Today (“Diamonds for Successful Living”)* (CBSC Decision 04/05-0177, Decided April 19, 2005):

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 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.

I also enclose a printed copy of Internet blog comments purportedly posted by Mr. Chandler.

On August 15, 2005, Mr. Chandler wrote:

"Folks, when I discussed in previous posts that I was serious about AM 1140 maybe shutting us down, I was. We need your help in keeping FRN on the air. If you do not care and want the enemies of freedom to win, do nothing!

*Here is a comment sent to me in an e-mail from the station manager: **'based on the nature of the content in the program, all future programs will be listened to prior to airing to determine whether it is suitable for our audience. If you have any questions, please let me know. [J. Y.], Station and General Sales Manager, AM 1140 652-2472 (tel)'***

*We really need you to pick up the phone and let [the Station Manager] know you are on our side. The **enemies of Freedom are winning**, but, hey, we can just bitch on a message board. Do something! This is serious. Call [the Station Manager] today!" Craig B. Chandler*

Mr. Chandler further stated:

"However, I know that the Gay Lobby has flooded the phone lines of AM 1140. li (sic) was told this by 2 separate people there.

We feel just counteracting would help.

We really need help here form [sic] everywhere." Craig B. Chandler

and further stated:

"I guess the left is winning by using certain tactics and we never counter attack. Let's learn from the left and adopt some of their strategies." Craig B. Chandler

On August 25, 2006, Mr. Chandler indicated the CHRB management does not have a problem with his program. Mr. Chandler wrote:

"As you can read, [J. Y.] (CHRB Station Manager) does not have an issue

with us, but his superiors at Golden West Radio Headquarters in Manitoba do. In fact, I recently was in High River and bought [the Station Manager] lunch at the local Chinese (sic) establishment. [The Station Manager] filled me in on the fact that the gay activists filed a single complaint with the Canadian Broadcast Standards Council and this would be the reason, if any, that we would be kicked off AM 1140.

The left has won another round. *Once we have the letter, we will be responding legally against AM 1140.*

*We ask our supporters to **donate to the Freedom Radio Network legal warchest** by mailing any donations to PO Box 44058 Southcentre RPO, Calgary, Alberta.*

*The show will continue to air weekly via the Internet at www.freedomradionetwork.ca until we find another radio station to air our program or **force AM 1140 to put us back on.**"*

It appears that *Freedom Radio Network's* host, Craig Chandler, has little respect for human rights codes. He continues to refer to complainants as "enemies of freedom", and the "gay lobby", and urges the public to "counter attack". It also appears that CHRB have been intimidated by his threat of legal action, and Golden West Broadcasting Ltd. are allowing this program to continue on the air.

The program's comments that referred to homosexuality as "a dangerous and degrading lifestyle"; that referred to "men who have anal intercourse suffer more, ah, medical issues than regular, ah, heterosexual couples, that's a fact"; and "there's a myriad of sexually transmitted diseases, even early death, that's not hate, that's fact" are abusive and discriminatory. These comments incorrectly infer that all gay men engage in anal intercourse, and that heterosexual couples do not. The comments incorrectly suggest that sexually transmitted diseases only affect homosexuals, not heterosexuals. This is clearly misleading, because sexually transmitted diseases affect everyone, male or female, homosexual or heterosexual. These comments incorrectly imply that AIDS is a homosexual disease caused by men having sex with men, or that it is only spread by homosexuals.

References to homosexuals as: hating Christians, the new Nazis, part of the well-run homosexual machine, brilliantly trying to "take over government", "just like Nazi Germany where instead of going after the Jews, they're (homosexuals) going after Christians" violate the Human Rights code, and incites fear and violence against homosexuals.

The mis-use of the public airwaves to broadcast retaliation and threat of retaliation for filing a human rights complaint is an illegal act. It obstructs justice by discouraging victims of discrimination from seeking remedies under Human Rights legislation.

I respectfully submit that abusive and discriminatory conduct can not be excused by the claim that it is directed at a "behaviour" rather than at a "targeted group". I submit that sexuality and sexual practices are such intimately central aspects of an individual's identity that it is artificial to suggest that the practices of gays and lesbians in this regard can somehow be separated from those individuals themselves.

The broadcasting of misleading and false news portrayed Mr. Chandler and his friends and websites as victims of a manipulative militant homosexual machine that has conspired to suppress freedom of speech and freedom of religion and will get "just regular grandmothers who say something about their belief system ... there's no one supporting them, they'll go to

jail cuz they can't afford to pay for what they said". Mr. Chandler's false news also alleges that there was a frivolous charge of a hate crime; that he had won, in court, the right to post his material on the website, yet the Ottawa Human Rights Commission [sic] was still persecuting him, and that my human rights complaint alleged that Chandler et al were seeking a disproportionate degree of power and control. I believe that this false news was little more than a fear-mongering scheme to incite hatred or contempt against homosexuals, and to fraudulently solicit donations from a fearful and misinformed public. This was nothing but fear-mongering falsehoods.

CHRB has failed in its obligations to provide accurate, fair and balanced information. Nowhere in the program, or on other programs has this station accurately informed its audience of the purpose and scope of the Alberta and Canada Human Rights Acts. Nowhere has this station shed any light on the harm caused by discrimination and hate messages. The following facts reflect the significant harm caused by these kinds of programs:

- A Calgary study found that gay and bi-sexual males are 14 times more likely to attempt suicide.
- Statistics Canada reports that "Approximately 46% of gay and lesbian victims of hate crime are injured as a result of the incident, almost twice the proportion of 25% among hate crime victims in general.
- Author Douglas Janoff's book, *Pink Blood – Homophobic Violence in Canada* reports that, in Canada, between 1990 and 2004, there were 350 reported incidents of gay-bashing assaults, with 120 resulting in homicide.

I support the concept of freedom of speech and freedom of religion. However, the Supreme Court has recognized that such freedoms are not absolute, and that any infringement of these rights by Human Rights legislation is justifiable in a free and democratic society. Simply put, these freedoms end when harm is caused to others or to society as a whole.

I respectfully remind the CBSC of the equality provisions of section 15 (1) of the *Charter of Rights*, and the Council's important role in enforcing the *Charter*, the industry codes, the legislation and its regulations. The CBSC has an obligation to ensure equal protection to homosexuals, a group that has historically suffered from precisely the kind of bias underpinning these vile attacks, and the harm will have a long-term impact and will be extremely difficult to repair.

encl. Human Rights Complaint Form
 Canadian Human Rights Commission Investigation Report
 Response to Investigation Report
 Blog printout "Censorship by AM 1140 is Step 1 for *Freedom Radio*"
 Blog printout "YES!!! *Freedom Radio* IS Back on AM 1140 YES!!!"