
**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL PANEL**

CFMJ-AM re a segment on an episode of *Coast to Coast AM*

(CBSC Decision 06/07-0009)

Decided January 9, 2007

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THE FACTS

Coast to Coast AM is a foreign-produced late-night open-line program syndicated on various Canadian radio stations. It generally focuses on conspiracy theories, the paranormal and other unconventional topics, but also frequently touches on current events. The week-end episodes are hosted by Art Bell.

One of the Canadian stations, CFMJ-AM (AM 640, Toronto), broadcast an episode of the program on September 3, 2006 at 1:00 am. Host Art Bell began the program with some comments about Al-Qaeda and the United States' military activities in the Middle East. The following is a complete transcript of his remarks and the subsequent conversations with callers.

Bell: Now, the top story. An American thought to be an Al-Qaeda activist appeared in a videotape with the terror group's deputy leader on Saturday – that's our big story – and called on his countrymen to convert to Islam. And for U.S. soldiers to switch sides in the Iraq and Afghan wars. The forty-eight minute video posted on an Islamic militant website had footage of Al-Qaeda's number two leader and of Adam Gadahn, a twenty-eight-year-old *American* who, the FBI believes, attended Al-Qaeda, Al-Qaeda training camps in Pakistan and served as an Al-Qaeda translator. So, basically, uh, what he said, uh, you can see for yourself. I saw it on Fox News just minutes prior to the broadcast. He said, convert to Islam or die. Which, of course, is what is being repeated again and again and again. Convert to Islam or die. In a moment I'll have a few reflections on that statement and what all this war really means.

Following a commercial break, the program then resumed with Bell in mid-sentence:

Bell: ... its existence as we know it, that we've faced in your lifetime and mine and that includes World War Two. The deadly seriousness is greatly compounded by the fact that there are very few of us who can think we can possibly lose this war and even fewer who realize what losing really means. Let's look at a few basic facts. When did the threat to the United States begin? Many would say in response to that "September 11th, 2001". The answer? As far as the U.S. is concerned, is 1979, twenty-two years prior to September 11. Think about it. The Iran embassy hostages, 1979. Beirut, Lebanon, [fades out], Beirut, Lebanon, Marine Barracks attack, 1983. Lockerby, Scotland, PanAm flight to New York, 1988. First New York Trade Center attack? The first unsuccessful one? 1993. Uh, Saudi Arabia, Khobar Towers military complex, 1996. Kenya U.S. embassy, 1998. Tanzania U.S. embassy, 1998. Aden, Yemen, U.S.S. Cole, 2000. Remember that? New York, World Trade Center, 2001. Pentagon, 2001. Note that, uh, during the period from 1981 to 2001 there were 7,581 terrorist attacks worldwide. Why were we attacked? Envy of our position, our success, our freedoms. The attacks happened during the administrations of Presidents Carter, Reagan, Bush One, Clinton and Bush Two. We cannot fault either the Republicans or the Democrats as there were no provocations by any of the presidents or their immediate predecessors, Presidents Ford or Carter. Who were the attackers? In each case, the attacks on the U.S. were carried out by Muslims. What is the Muslim population of the world? Twenty-five per cent. Isn't the Muslim religion peaceful? Hopefully. But that's not really material. There's no doubt that the predominantly Christian population of Germany was peaceful. But under the dictatorial leadership of Hitler, who was also Christian – that made no difference – you either went along with the administration or you were eliminated. There were five to six million Christians killed by the Nazis for political reasons and that includes seven thousand Polish priests. Thus almost the same number of Christians were killed by the Nazis as the six million Holocaust Jews who were killed by them and we seldom heard anything at all other than the Jewish atrocities. Although Hitler kept the world focussed on the Jews, he had no hesitancy about killing *anyone* who got in his way of exterminating the Jews or of taking over the world, German, Christian or other. Same with the Muslim terrorists. They focus the world on the U.S., but they *kill all in their way*, their own people or the Spanish, French, anyone else. The point here is, just like the peaceful Germans were of no protection to anyone from the Nazis, no matter how many peaceful Muslims there may be, they are no protection for us from the Muslim, uh, terrorist leaders. And what they're fanatically bent on doing, by their own pronouncements, like the one we heard today, killing all of us infidels. I don't blame the peaceful Muslims. What would you do if your choice was to shut up or die?

So who are we at war with? Now there's no way we can honestly respond that it is anyone other than the Muslim terrorists. Trying to be politically correct and avoid verbalizing this conclusion might well be fatal. There's no way to win if you don't clearly recognize and articulate who you're fighting. So with that background, now to the two major questions. Can we lose the war? What does losing really mean? If we are to win, we must clearly answer these two pivotal questions. We can definitely lose the war. And as anomalous as it may sound, the first major reason we can lose is that so many of us simply do not fathom the answer to the second question, what does losing mean? Well, it would appear that a great many of us think that losing the war means hanging our heads, bringing the troops home and going about our business, kind of like post-war Vietnam. This is as far from the truth as one can get. What losing really means is that we'd no longer be the premier country in the world. The attacks will not subside, but rather will steadily increase. Remember, *they want us dead*. Not

just quiet. If they had just wanted us quiet, they would not have produced an increasing series of attacks against us over the past eighteen years. The plan was clearly for terrorists to attack us until we were neutered and submissive to them. We would, of course, have no future support from any other nations for fear of reprisals and for the reason that they would see we were impotent and can't help them. They will pick off the other non-Muslim nations one at a time. It will be increasingly easier for them.

They will, as a matter of fact, they actually already hold Spain hostage. Doesn't matter, matter whether it was right or wrong for Spain to withdraw its troops from Iraq. Spain did it because the Muslim terrorists bombed their train and told them to withdraw the troops. Anything else they want Spain to do will be done. Spain is finished. The next probably'll be France. Our one hope on France is that they might see the light and realize that if, uh, we don't win they're finished too, in that they can't resist the Muslim terrorists without us. However, it may be already too late for France. France is now already twenty per cent Muslim and fading fast.

If we lose the war, our production, income, exports and way of life will vanish as we know it. After losing who would trade or deal with us if they were threatened by the Muslims. If we can't stop the Muslim terrorists, how could anyone else? The radical Muslims know full well what is riding on this war and therefore are completely committed to winning at any cost. We better know it too and be likewise committed to winning at *any* cost.

Why do I go to such lengths about the results of losing? Simple. Until we recognize the cost of losing, we cannot unite and really put a hundred per cent of our thoughts and efforts into winning and it *is* going to take that hundred per cent effort to win. So, how can we lose the war? Again, the answer is rather simple. We can lose the war simply by imploding. That is, defeating ourselves by refusing to recognize the enemy and their purpose. Really digging in and leading, uh, lending full support to the war effort. If we are united, there is no way that we can lose. If we continue to be divided, there is no way that we can win.

Let me give you a few examples of how we simply don't comprehend the life and death seriousness of the situation. President Bush selects Norman Mineta as Secretary of Transportation. Although all of the terrorist attacks were committed by Muslim men between seventeen and forty years of age, Secretary Mineta refuses to allow any profiling. Does that sound like we're taking the thing seriously, this war? This is war. For the duration we're going to have to give up some of the civil rights that we've become accustomed to. We better be prepared to lose some of our civil rights temporarily or we most certainly will lose all of them permanently. And don't worry, it's not a slippery slope. We gave up plenty of civil rights during World War Two and immediately restored them after the victory, and in fact added more since. Do I blame President Bush or President Clinton before him? No. I blame us for simply assuming we can maintain all of our political correctness and all of our civil rights during this conflict, and have a clean, lawful, honourable war. None of those words apply to war. Get them out of your head.

Some have gone so far in their criticism of the war and or the administration that it's almost, seems they almost would literally like to see us lose. I hasten to add that this isn't because they are disloyal; it's because they just don't recognize what losing means. Nevertheless, that conduct gives us the impression to the enemy, gives the impression to the enemy that we are divided and weakening. It concerns our friends and it does a great deal of damage to our cause. Of more

recent vintage, the uproar, you'll recall, fuelled by the politicians and media regarding the treatment of some prisoners of war perhaps exemplifies best what I'm saying. We recently, fairly recently, had an issue involving the treatment of a few Muslim prisoners, prisoners of war by a small group of *our* military police. Remember that? These are the type of prisoners who just very, very few months ago were throwing, uh, their own people off buildings, cutting off their hands, cutting out their tongues and otherwise murdering their own people just for disagreeing with Saddam Hussein. And, just a few years ago, these same type prisoners chemically killed four hundred thousand of their own people for the same reason. They're also the same type of enemy fighters who recently were burning Americans, dragging their charred corpses through the streets of Iraq and, still more recently, the same type of enemy that was and is providing videos to all news sources internationally of the beheading of Americans, uh, American prisoners that they held. Compare this with some of our present politicians who, for several days in the past, uh, thought and talked about nothing else but the humiliating of some Muslim prisoners. Not burning them, not dragging their charred corpses through the streets, not beheading them, but *humiliating* them.

Can this be for real? The politicians and pundits even talked of impeachment of the Secretary of *Defense*. If this doesn't show the complete lack of comprehension and understanding of the seriousness of the enemy we're fighting, the life and death struggle we're in and the disastrous results of losing this war, nothing can. Remember, the Muslim terrorists stated the goal and it is to kill all infidels. That would be us. That translates to *all* non-Muslims, not just in the United States, but throughout the world. We are the last bastion of defence. We have been criticized for many years as being arrogant. The charge is valid in at least one respect. We're arrogant in that we believe that we are so good, powerful and smart that we can win hearts and minds of all those who attack us. And that with both hands tied behind our back we can defeat anything bad in the world. We can't. If we don't recognize this, our nation as we know it is not going to survive and no other free country in the world will survive if we are defeated. And finally, name any Muslim country throughout the world that allows freedom of speech, freedom of thought, freedom of religion, freedom of the press, equal rights for anyone, let alone *everyone*, equal status or *any* status for women or that have been productive in one single way that contributes to the good of the world.

This has been a long way of saying that we must be united on this war or we're going to be equated in the history books to the self-inflicted fall of the Roman Empire. If, that is, the Muslim leaders will allow history books to be written or read. No doubt they wouldn't. If we don't win this war right now, keep a close eye on the Muslims, uh, the takeover in France in the next five years or less. They're going to continue to increase the Muslim population of France and continue to encroach, little by little, on the established French traditions. The French will be, um, fighting among themselves – something they do very well – over what, uh, should or should not be done, which will continue to weaken them and keep them from any united resolve. Doesn't that sound eerily familiar?

Democracies don't have their freedom taken away from them by some external military force. Instead, they give their freedoms away, politically correct piece by politically correct piece. And they're giving those freedoms away to those who have shown worldwide that they abhor freedom and will not apply it to you or even themselves once they are in power. They have universally shown that when they have taken over, they will start brutally killing each other over who will be the few who control the masses. We will never stop hearing from the politically correct about the peaceful Muslims.

I close on a hopeful note by repeating what I said above. If we're united, there is no way we can lose. I hope now after the election -- which were some time ago, you'll recall -- the factions in our country will begin to focus on the critical situation we're in and we'll unite to save our country. It is your future we are talking about. Do whatever you can to preserve it. Well, since the elections he spoke of, the General spoke of there, obviously we have, uh, not united in any very seriously meaningful way and, uh, here we are presented with a videotape from Al-Qaeda of an American telling us, uh, face to face exactly what this was all about. In other words, either convert to Islam or die. And I recognize that I'm in a nation with a, um, higher than normal, uh, Muslim population, mainly, uh, radicalized in the South, but you only live once and you've got to say what you want to say. In my case, those, uh, words were not mine, but those of, uh, Doctor Vernon Chong, Major General, U.S.A.F., retired. Uh, but I agree with them and, uh, so be it. You only live once.

There is other news, uh, that I could go through here, uh, but I think I'll hold the, uh, majority of it for tomorrow night. I would like to, uh, I'd like to take some calls, I'd like to get some reaction to what I just read and, uh, what is the top story tonight; it's absolutely incredible. Anyway, uh, in, in the next hour we're going to be interviewing William Henry and, uh, tomorrow night Major Ed Dames who's had a couple of recent hits. And so it should be all in all a very, very interesting weekend. Uh, there are a number of storms out there, some, uh, hurricanes, some typhoons. There is a typhoon that virtually, well what we think might've destroyed Wake Island and that would be any building not made of concrete on Wake Island with winds approaching two hundred miles an hour. If you can imagine that.

The first four callers raised issues entirely unrelated to the above commentary. Then caller John discussed the security measures he would have taken following the attacks on September 11, 2001:

John: Art, the 9/11 attack was a military operation planned for, trained and executed within the borders of the United States. And when you get hit within your perimeter, you secure the perimeter. Bush didn't secure our borders. Instead Bush calls the Minute Men vigilantes and Bush wants amnesty for illegal invaders inside America. Folks, every enemy of America has their agents in America. They're coming in every single day. They're creating political movements. They're creating fundraisers, i.e. Hezbollah was convicted a couple of years ago of running money laundering business in North Carolina, the home of our marines. Hezbollah bombed our marine barracks back in '83.

Bell: I, I just went through all that, John. How would you secure our borders? I mean, realistically, uh, we've got, uh, a couple of borders that are, uh, full of water, right? Uh, those are tough. Uh, then of course, we've got a couple of borders that are even harder, that with Mexico and that with, uh, with Canada. We're a big nation with nothing but borders. How do we, physically, how do we actually control our borders? How do we do it?

John: Okay, and also the airports. First of all, what I would've done, well, I, I was proposing this before 9/11, but obviously everybody should've been on board after 9/11. I would immediately have contacted every foreign country in the world and tell 'em "look, you got people inside America with vio, with visa violations, their visas have expired. Get your people out of America or you're gonna lose visa privileges and we're gonna come down on you, whether it's

trade, financial aid, whatever it is. We have a plenty of aspects to go after 'em on that. Get them outta here." There would be no more student visas from Muslim countries. There are no more flights coming in from Muslim countries. Instead, Bush's actually increased, over thirty thousand, believe it or not, Saudi and Egyptian vis-, student visas coming into America. That is absolutely sick. I would've immediately sent down the military. You only needed about ten thousand guys on the Mexican border with all our electronics. You couldn't get in. An ant wouldn't've been able to move through that border. Then I would've also secured the Canadian border in a similar way. I would've called, I did call for a civilian border patrol, i.e. like the *great* civilian air patrol of World War Two. And we did get it with the Minute Men, but it would've been even bigger. I also proposed a new branch to the military. You say, well that would be big. No it wouldn't. I would get all these seventeen-, eighteen-, nineteen-year-old kids who grew up on computers, would've created a cyber computerized military, another branch where these kids would've shut down anything around the world with their great technology and their great know-how. We have a lotta people –

Bell: John, I'm not, I'm not sure, John, that ten thousand military could secure, for example, twenty-two hundred miles of border, uh, with Mexico. I, I just –

John: Well, well I'm talking about actually, that's the initial, uh, uh, what would've happened. I would be, I would be buildin' a wall right there. I'm talkin' about ten thousand with electronics. They would be backed up by the border patrol, our national guard and even more troops. But I would've immediately had ten thousand down there with electronics to stop any movement down there. Then the wall goes up, a double wall goes up there. [goes on to talk about other measures he would have taken to secure country].

Bell: Okay, all right, John. I appreciate your call. Thank you very much. I, I know that, uh, Pat Buchanan was recently a, uh, guest on the show. I'm not a, a big fan of all he articulates, um, uh. America does need immigrants. Make no mistake about it. We, we're a country that, uh, wouldn't be what we are without immigrants. Now, exactly how we separate the wheat from the chaff is entirely a different question and we need a means and a way to do that.

The CBSC received a complaint about the program on September 3 via its website form. The listener outlined his concerns as follows and provided a list of particular phrases that concerned him (a fuller text of all the correspondence can be found in the Appendix):

The host (Art Bell) opened the show with a 12 minute monologue in support of the war on terror. It actually was an essay he was reading that had apparently been written back in 2005 by a retired US Major General. The host read the essay in a manner where one could easily have concluded he was speaking in his own words. At the end he declared that while they were not his words, he was in total and full agreement with the content and had made the decision to read it "on air" because "he had to do what he had to do" regardless of the consequences.

The content was tantamount to a diatribe directed against all Muslims delivered (and I would suggest constructed) in a manner intended to incite hate and kindle racism towards the entire Muslim community. Using the topic of the war on terror as a pretext the listener was "convincingly" steered through false arguments and manipulated with the emotion of fear to arrive at the conclusion that all Muslims are the enemy.

The essay (monologue) interchanges the term “Terrorist Muslims” with “Muslims” leaving the listener with the distinct impression that all Muslims are the “enemy” and not just any enemy but one that will stop at nothing to advance their cause using the most brutal of means. An equally important issue is the fallacious nature of the argument presented. Normally such an argument would simply be an expression of opinion; however, in the context of a commentary that incites hate, the use of a fallacious argument greatly exacerbates the issue by providing a supposedly rational foundation for the perspective being argued.

I am including excerpts from a transcript of the program broadcast on Sunday September 3, 2006 on CFMJ [...]. [The excerpts included by the complainant had apparently been “retrieved from the program’s archives” on line. They have clearly been somewhat edited by the program’s producers and do not match precisely the on-air content of the show of September 3. The transcript provided in this decision is that done by the CBSC from the actual broadcast.]

CFMJ responded to the complainant on September 19 with the following letter:

As you know, the Station’s format is news/talk. The Station’s programming is directed at an adult audience of 18 years and over, and consists of a mix of news, talk and information programming that covers diverse topics of public concern. It offers frank and open debate on an array of issues that are sometimes controversial.

In your email, you refer to a segment of the Program in which the host was reading an essay, and you suggest that “it was constructed in a manner intended to incite hate and kindle racism towards the entire Muslim community”.

After carefully reviewing the Program, we respectfully disagree. The Program was inspired by a major news story that a leading Muslim terrorist had issued a threat to non-Muslims “to convert to Islam or die”. We suggest that if there was any attempt to “incite hate and kindle racism”, it was in that statement, not in the Program, which was essentially a discussion about why the war on terror should be taken more seriously than it has been.

[...] In your email you include excerpts from the Program and inaccurate quotes to substantiate your allegation, which we don’t believe have any basis in fact. When the Program is heard in its entirety and specific passages are taken in context, it is clear that the author is referring to “Muslim Terrorists” throughout the piece.

In the following excerpt of the Program, it is made abundantly clear that the author is talking about Muslim terrorists, not all Muslims:

“... Muslim terrorists. They focus the world on the U.S. but they kill all in their way - their own people or the Spanish, French, anyone else. (The) point here is just like the peaceful Germans were not protection from the Nazis, no matter how many peaceful Muslims there may be, they are no protection for us from the Muslim terrorist leaders and what they are fanatically bent on doing from their own pronouncements like the one we heard today killing all of us infidels. I don’t blame the peaceful Muslims. What would you do if your choice was to shut up or die?”

In reference to the specific quotes you refer to in your email, we have the following response:

1. The first reference you make is to the following statement:

“Who were the attackers? In each case, the attacks on the US were carried out by Muslims. What is the Muslim population of the World? 25%.”

In this case, the host was reading from the essay in which the author made reference to several terrorist attacks dating from 1979 in Iran – what came to be known as the “U.S. hostage crisis”. Each of the attacks he made reference to were undertaken by Muslims, and in this sense, the statement is factually correct.

2. The second reference you make is to the following statement:

“So who are we at war with? There is no way we can honestly respond that it is anyone other than the Muslim terrorists.”

In our view, this quote makes it clear that the author is not speaking about all Muslims, but about Muslim terrorists.

3. The third reference you make is to the following statement:

“The attacks will not subside, but rather will steadily increase. Remember, they want us dead, not just quiet. If they had just wanted us quiet, they would not have produced an increasing series of attacks against us, over the past 18 years”.

When taken in context, however, it is clear the word “they” refers to terrorists. The author goes on to say: *“the plan was clearly for terrorists to attack us until we were neutered and submissive to them.”*

4. The fourth reference you make is incorrect. You quoted the Program as having broadcast the following statement:

“After losing, who would trade or deal with us, if they were threatened by the Muslims? If we can't stop the Muslims, how could anyone else?”

Careful review of the Program indicates that the statement made was actually: *“After losing, who would trade or deal with us, if they were threatened by the Muslims? If we can't stop the Muslim terrorists, how could anyone else?”*

As the Program continued, reference was made to the reason Spain withdrew troops from Iraq. In this portion of the Program, the author clearly reiterates the term “Muslim terrorists”, citing the following reason: *“because the Muslim terrorists bombed their train and told them to withdraw the troops”.*

Later in the Program, the host, reading from the essay, makes reference to France and again, clearly makes the point that the author is not talking about all Muslims, as you allege, but about Muslim terrorists. In reference to France, he stated *“... they can't resist the Muslim terrorists without us”.* You correctly point out that the word “terrorists” was not used after the first use of the word “Muslims” in that passage, although the word “terrorists” was used in the following sentence, which you have misquoted. When taken in context, we believe that there is no confusion as to whom the author is referring.

In yet another passage of the Program, the host makes it clear who the author is concerned about: *“The radical Muslims know full well what is riding on this war and therefore are committed to winning at any cost.”*

Furthermore, when making the argument that we need to lose some civil rights temporarily, the author makes it clear that he is referring to Muslim terrorists: *“Remember: the Muslim terrorists stated the goal and it is to kill all infidels. That would be us. That translates to all non Muslims, not just in the United States but throughout the world.”*

5. The fifth reference you make is to the following statement:

“Name any Muslim countries throughout the world that allow freedom of speech, freedom of thought, freedom of religion, freedom of the press, equal rights for anyone -- let alone everyone, equal status or any status for women, or that have been productive in one single way that contributes to the good of the world. This has been a long way of saying that we must be united on this war or we will be equated in the history books to the self-inflicted fall of the Roman Empire. If that is the Muslim leaders will allow history books to be written or read.”

Here, the author is once again clearly referring to “Muslim countries” and not Muslims per se, and can in no way be construed as inciting hate or kindling racism.

6. The sixth reference you make is to the following statement:

“If we don't win this war right now, keep a close eye on how the Muslims take over France in the next 5 years or less. They will continue to increase the Muslim population of France and continue to encroach little by little, on the established French traditions. The French will be fighting among themselves, over what should or should not be done, which will continue to weaken them and keep them from any united resolve. Doesn't that sound eerily familiar?”

Again, this excerpt must be viewed within the context of the Program. You are correct to point out that the word “terrorist” was not used. This being said, when taken in context with the author’s earlier remarks about France, it is clear he is referring to Muslim radicals.

7. The seventh reference you make is to the following statement:

“They (Muslims) have universally shown that when they have taken over, they then start brutally killing each other over who will be the few who control the masses. Will we ever stop hearing from the politically correct, about the ‘peaceful Muslims’?”

When listening to the statement in its entirety, it is clear that the author is referring to radical Muslims and radical Muslim regimes. The word “they” in the paragraph you quoted, when taken in context with previous sentences, clearly refers to *“those who have shown world wide that they abhor freedom and will not apply it to you – or even themselves”*. That, again, is a reference to “radicals” or “terrorists”, and not a reference to all Muslims.

Please note that The Canadian Association of Broadcasters’ *Code of Ethics* (the “Code”), which is administered by the CBSC, actually requires broadcasters to present news and opinion on any controversial matter that may be of interest to the public. While the Program did focus on a controversial topic, we believe that

the Program reflected this part of the Code, and as such, helped the Station fulfill its mandate as a responsible broadcaster.

Please also note that while the Program was focused on a topic that had surfaced in the news media, the Program is not a newscast. It is a public affairs show. Unlike a newscast, a public affairs show is not constrained by the need for *complete* objectivity, and its hosts are generally at liberty, and are in fact urged to take a point of view on subjects that are controversial. In a previous decision, the CBSC has said that a host of a public affairs show is permitted to present a point of view on controversial subjects, as long as his or her presentation is fair and balanced. We believe that the host of this Program discharged his responsibilities appropriately, and in keeping with the CBSC's view of his overall journalistic mandate.

We do regret that the Program offended you. We agree that it is important for hosts, commentators, guests or callers to refrain from making abusive comments toward a particular group, but we disagree that this occurred here. Please be assured that we work hard to ensure that all of our programming complies with the *Broadcasting Act*, the *Radio Regulations* and the Code and standards required of us as a member of the CBSC. Our programming producers are sensitive to everything that is broadcast on the station, while also ensuring that the Station presents controversial topics of public interest.

The complainant submitted his Ruling Request on September 25 along with the following letter:

In reviewing the September 19 response from Corus Entertainment-CFMJ-AM concerning the *Coast to Coast AM* broadcast, their position seems clear that the concerns raised in the complaint are without merit; to that end, a Ruling by a CBSC panel is being requested.

The following provides rationale and outlines reasons why the Ruling Request is being made [...] as there is concern that the Corus Entertainment-CFMJ-AM response suggests that they do not fully grasp the nature and dynamics of the concerns expressed and/or that they approached the complaint from a biased position.

The bases for the position that Corus Entertainment-CFMJ-AM have given for dismissing the complaint seem to rest on the ideas that the complaint took the host's comments out of context and that the complaint was not warranted because of the broadcast's status as a public affairs program. On a disturbing note, the Corus Entertainment-CFMJ-AM position also suggests that it is acceptable in Canada to identify a criminal sub-group, by using or associating a minority community's common religious designation/affiliation in identifying that criminal sub-group. Please reference the following from the Corus Entertainment-CFMJ-AM response: "When the Program is heard in its entirety and specific passages are taken in context, it is clear that the author is referring to 'Muslim Terrorists' throughout the piece."

This statement, while not part of the actual broadcast reflects and in fact states unequivocally, the interpretation of the context of the broadcast from the Corus Entertainment-CFMJ-AM perspective. In addition, this statement confirms that the broadcast clearly used and intended to use the common religious designation/affiliation of a minority community in identifying a criminal sub-group. It follows that by associating that community with a criminal sub-group (of the

most deplorable kind, it should be added) that the entire minority community is exposed to risks created by that association. Those risks are exacerbated when the contemptuous tone and ideas outlined in the broadcast (e.g. "suspension of civil rights") are factored in.

[...] [I]n their response they do not dispute that the terms "Muslim" and "Muslim terrorist" are used interchangeably but instead point to the context. Corus Entertainment-CFMJ-AM appear to be saying that it is acceptable to use the religious designation/affiliation of an entire minority community as a replacement word for that of a violent criminal sub-group, if done in context.

Second, it is also curious that there is a need in their response to selectively refer to a prior CBSC decision and one particular portion of the CBSC *Code of Ethics* (both of which relate to latitude for opinions on controversial topics being permitted on community affairs programs). In making such references it would appear that Corus Entertainment-CFMJ-AM are attempting to categorize the complaint in respect of those areas. By framing the complaint in that manner it not only suggests that the host's opinions were fair and balanced, but sets up dismissal of the complaint altogether as a misguided response to a public affairs program.

[...]

Third, this program was broadcast from Southern Ontario and from other Corus Entertainment affiliates across Canada to Canadians, where according to Statistics Canada, the Muslim community is a tiny minority comprising just two per cent of the Canadian population. As disturbing as it is to single out a criminal sub-group by using the religious designation/affiliation of a minority community, Corus Entertainment-CFMJ-AM seem to be stating that it is perfectly acceptable to do just that. The monologue, read and fully endorsed by the host of the public affairs program, is ripe with inflammatory rhetoric and fear mongering. For example, it enumerates a list of eleven of the most heinous terrorist attacks on the US, adds in a statistic of the more than 7,500 terrorist attacks worldwide over a twenty year period and then follows with the statement "Who were the attackers? In each case, the attacks on the U.S. were carried out by Muslims."

In conclusion, even if Corus Entertainment-CFMJ-AM are correct in their assessment of the context of the program, the issues of promotion of racism and incitement of hatred still remain; unless of course there is justification for using the common religious designation/affiliation of a minority community in the identification of a criminal sub-group. Alternatively if the context of the monologue is one where inflammatory rhetoric, false arguments and fear mongering single out and expose a minority community to contempt on the basis of their religious designation/affiliation, then this matter is a serious breach on a number of levels not the least of which is a violation of CRTC regulations and the CBSC *Code of Ethics*.

THE DECISION

The Ontario Regional Panel examined the complaint under the following provisions of the Canadian Association of Broadcasters' (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.

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.

The Ontario Regional Panel Adjudicators read all of the correspondence and listened to the challenged segment. The majority of the Panel Adjudicators conclude that the broadcast did not violate the aforementioned Code provisions. One Adjudicator, however, dissented and would have found the broadcaster in breach of the Human Rights Clause.

Whose Words?

One aspect of the complainant's concern was that the host, Art Bell, was reading an essay "that had apparently been written back in 2005 by a retired US Major General. The host read the essay in a manner where one could easily have concluded he was speaking in his own words." The implication of the complainant's assertion is that the responsibility of the host would have been different had it been clear that the words were not his own. Since, in fact, the broadcaster, CFMJ-AM, is fully responsible for every bit of content that it broadcasts, whatever the source, the Panel considers that there would be no difference in the obligations of the broadcaster vis-à-vis the above-cited Code requirements. The words either breached the Code or they did not. Whether spoken or read by the program host neither adds to nor diminishes that reality and the concomitant responsibility.

The Panel does acknowledge that the broadcaster *might* have been liable for such non-disclosure if *that* had been materially misleading to the audience. Put in other terms, if the host had *hidden* such information from the listeners in order to mislead them for some hypothetical and material reason, that would likely have constituted a breach. That is not, however, the case in the matter at hand. Art Bell did disclose the authorship of the words he had read close to the end of his opening monologue and before the extensive call-in that followed the monologue. He did not do so either quickly or clandestinely. He hid nothing.

The Panel finds no problem in the timeliness of the disclosure. Consequently, the Panel finds no breach of Clause 6 of the *CAB Code of Ethics*.

The foregoing being said, the Panel would have preferred that the authorship of the text would have been revealed before the words were read. It does acknowledge that such an approach would have been better practice but finds no breach in the choice of the timing. The Panel does also note that, after the brief opening introduction and the commercials that followed immediately, the broadcast cut into the host's monologue in mid-sentence. Consequently, it considers that it is possible that the words lost in the CFMJ broadcast may well have included the identification of Major General Vernon Chong. Although the Panel acknowledges that prospect, since it finds no fault on this point to begin with, it is not material for it to determine whether that was or was not in fact the case.

Abusive or Unduly Discriminatory Comments?

The complainant's greater concern related to the "diatribe directed against *all* Muslims delivered [...] in a manner intended to incite hate and kindle racism towards the *entire* Muslim community." He argued that the "topic of the war on terror" was but a pretext to "manipulate" the listeners so as to "arrive at the conclusion that *all* Muslims are the enemy." He also asserted that the monologue "interchange[d] the term 'Terrorist Muslims' with 'Muslims' leaving the listener with the distinct impression that *all* Muslims are the 'enemy'" and a brutal enemy at that. (All of the foregoing emphases have been added.)

The Panel agrees entirely with the *hypothesis* that any attempt to achieve such a blanket condemnatory effect of an identifiable group (and Muslims would certainly be such a group) would constitute a breach of the Human Rights Clause of the *CAB Code of Ethics*. The issue before it is to determine whether that would be a reasonable interpretation of what was broadcast. With one dissenting voice, the Ontario Regional Panel does not consider that it was.

The Panel appreciates the difficulty associated with the treatment of a subject that turns on the negative characteristics of a group, much less the criminal activities of that group. To be surgically clean and free of any hint of excess with respect to every comment or observation made by the host in his reading of the Major General's article is not an easy task. The Panel considers that there were brief lapses in the text of the monologue that reflected a concern about the relations of the United States and the Muslim world, but the appearance of minor sloppiness does not affect its conclusion that the overall perspective on this delicate issue was fairly presented.

The Panel considers that there were two distinct types of comments made that fall under the Human Rights Clause for consideration. While both relate to the

characterization of the members of the Muslim community, the first revolves around the use of terms related to individual terrorists, on the one hand, and peaceful Muslims, on the other. The Panel must consider whether the use of these characterizations has essentially tainted the entire Muslim community. The second relates to broader assertions focussing on entire nations, including Spain and France, in the first instance, and the broad swath of Muslim countries, in the second.

A Preliminary Matter: The Accuracy of the Transcribed Comments

It should be noted, initially, that CBSC Panels are almost always in a better position than complainants to know the precise content of what was aired. Members of the audience customarily hear a broadcast *en passant* and do their very best to make notes of what has already gone by. In contrast, the CBSC Panels are provided with both a transcript of what was aired, which has been meticulously prepared by the CBSC Secretariat, *and* a recording of the broadcast itself. In other words, they can review the text before, during and after listening to the actual broadcast. Moreover, they have the benefit of being able to reflect on the text and the tone. It follows that quotations by the complainant are likely to suffer by comparison with the real event. Notwithstanding the good faith with which they are presented by complainants, CBSC Panels serve them and the broadcasters better by relying on the actual logger tapes.

References to Muslim Terrorists

The Panel majority considers that, by and large, the broadcast text does distinguish between Muslim terrorists and peaceful Muslims. Terms such as “terror group” (referring to Al-Qaeda), “Islamic militant”, “Muslim terrorists”, “terrorists”, and “radical Muslims” were applied to the former throughout the monologue. While the writer of the text, and therefore the host, did refer to the issue of political correctness on four occasions, he presumably did so to support the position that he was justified in referring to the religious persuasion of the *terrorists* who were his target. He understood the delicacy of taking such a position and acknowledged the potential problem in so doing. As he said in one of the instances,

Trying to be politically correct and avoid verbalizing this conclusion might well be fatal. There's no way to win if you don't clearly recognize and articulate who you're fighting.

The Panel is of the view that the broadcaster was justified in identifying the “criminal sub-group”, to use the complainant’s term, by associating it with the characteristics of the group to which they belong, whether those characteristics are religious, national, ethnic, cultural, by gender or other pertinent designation. The Panel finds no inherent problem in such a choice. What may be problematic

is the extension of the criminal characteristics to the entire identifiable group, of which the criminal element is a sub-set. Although the program in question in *CTV re The Sopranos* (CBSC Decision 00/01-0130+, March 8, 2001) was a dramatic program, rather than a public affairs program, the National Conventional Television Panel, responding to a complaint that the program was anti-Italian, dealt with a corresponding concern:

The point is that, understandably, *no* national or ethnic group would wish any of its members to be portrayed as criminal. That, though, cannot be the determinative matter since all criminals have gender, skin colour, national origin and other characteristics. Some persons may, in other words, feel offended by the fact that one of “theirs” was represented as a criminal. The issue must be approached from the other side. Not “How was the criminal portrayed?” but rather “How was the group (of which the criminal was a member) portrayed?” In other words, in the end, it is not for the CBSC to challenge or question the choice of group to be portrayed by the creators of the program but rather only to evaluate the way in which they have executed that decision.

Despite his need to tiptoe through the human rights minefield, the host drew a distinction between peaceful and non-peaceful Muslims. When Bell made the point that the events in each of the ten examples he cited (the Iran embassy, Beirut barracks, Lockerby, two World Trade Center attacks, Kenya, Tanzania, and Aden) “were carried out by Muslims”, he referred to the fact that the “predominantly Christian population of Germany was peaceful” while the Christian leader of the state, Adolf Hitler, was not. And he went on at some length about the Holocaust. He added:

The point here is, just like the peaceful Germans were of no protection to anyone from the Nazis, no matter how many peaceful Muslims there may be, they are no protection for us from the Muslim, uh, terrorist leaders. And what they’re fanatically bent on doing, by their own pronouncements, like the one we heard today, killing all of us infidels. I don’t blame the peaceful Muslims. What would you do if your choice was to shut up or die?

The Panel considers that the article-writer and host pointed out that the predominantly peaceful Muslims were not to blame for the current threat to non-Muslim populations. The majority does not consider that, despite minor sloppiness, there were significant instances in which the host lost his footing. There was no breach of the Human Rights Clause on the basis of the foregoing comments.

References to Muslim Nations

There was another style of comment during the course of the September 3 episode. Once again reading Major General Chong’s article, Art Bell observed that there were significant consequences associated with losing the war on terror and that these must be resisted. He cited two European examples, Spain and France. After referring to the Spanish train bombing, he concluded that the

terrorists “actually already hold Spain hostage.” He anticipated a similar result in France, simply because of the increase in the Muslim percentage of the population. As he said,

Anything else they want Spain to do will be done. Spain is finished. The next probably'll be France. Our one hope on France is that they might see the light and realize that if, uh, we don't win they're finished too, in that they can't resist the Muslim terrorists without us. However, it may be already too late for France. France is now already twenty per cent Muslim and fading fast.

His comments were not so much directed at *Muslims* as they were at the inability, in his view, of these countries to resist the “Muslim terrorists”. In the same paragraph, he pointed out what had happened in Spain and he anticipated that the same consequence could occur in France because of the burgeoning Muslim population. It was the expression of an opinion regarding, the Panel surmises, the likely inability of the peaceful French Muslims to be any more successful in resisting the Muslim terrorists who would inevitably present themselves than the peaceful Spanish Muslims had been. As he had said earlier in a not dissimilar context, “I don't blame the peaceful Muslims. What would you do if your choice was to shut up or die?”

Host Bell then levelled a criticism at Muslim countries generally.

[N]ame any Muslim country throughout the world that allows freedom of speech, freedom of thought, freedom of religion, freedom of the press, equal rights for anyone, let alone *everyone*, equal status or *any* status for women or that have been productive in one single way that contributes to the good of the world.

The Panel acknowledges the negative nature of this observation but it is, it must be remembered, a comment about the political orientation of countries and not about their inhabitants. In a very similar circumstance, namely, in *CHOM-FM and CILQ-FM re The Howard Stern Show* (CBSC Decision 97/98-0001+, October 17-18, 1997), the Quebec and Ontario Regional Panels jointly concluded that a number of comments about French-Canadians and other identifiable groups by the host contravened the *Code of Ethics* and *Sex-Role Portrayal Code*. In that case, the Panels differentiated between insults aimed at identifiable groups and Stern's political or historical comments. The latter did not constitute Code breaches:

Those comments relating to the state of radio in Canada, the use of English in Quebec, the value of French culture, Canada as an appendage of the United States, the role of the vanquished French in Vichy France, the issues relating to separatism, and so on, are the host's *opinions* and, unless utterly and irresponsibly uninformed [...] they are his to espouse. [...] It is the view of the Regional Councils that these political and historical comments fall squarely within the bounds which freedom of expression is meant to protect.

In another decision involving the same radio host, namely, *CILQ-FM re the Howard Stern Show* (CBSC Decision 99/00-0717 and -0739, June 28, 2001), the

Ontario Regional Panel examined three episodes of the program. In one of these, Howard Stern made comments about immigration, stating that Haitians should “stay in their own country” and that “you’ve got to build a friggin’ wall around Los Angeles to keep the Mexicans out.” The Panel determined that these comments were “political and not racist” given that Stern clearly stated “I am against all immigration into this country.” The Panel recognized that Stern’s position may be unpopular or unpalatable, but acknowledged his right to express his political opinion:

It is nothing more or less than a political perspective regarding both the issue of immigration and, it appears, the question of assimilation. He has made no comment whatsoever suggesting that American citizens of other national or ethnic groups be stripped of their citizenship and returned to their countries of origin. He does not wish new immigrants. It is a defensible view in terms of the freedom of expression. The Panel finds no breach in this part of the broadcast.

The program in question is a call-in show and opinionated hosts are generally a part of the format. Provided that the expression of that opinion is limited to such political and historical issues, it will fall comfortably (or uncomfortably, to some) within the bounds of protected speech. Arguing that one country or another is disrespectful of human rights, indeed tramples on them, will likely be seen as fair. Examples of such national criticism abound. In the end, such editorial observations will not likely breach the Human Rights Clause. The Panel does not find that they do here.

The Minority Perspective (K. King, dissenting)

While I understand the rendition of the facts as my colleagues on this Panel have characterized them, I interpret and react to those facts differently. While I respect the case they have made, my concern is less with the defensibility of this broadcast, than with its impact. Broadcasters are increasingly aware of the impact of their broadcasts, and the ability of their programs to even turn neighbours against one another. That impact means that broadcasters’ responsibility extends to the protection of their audiences and causing the least possible harm to the interests of identifiable groups.

Indeed, it is my view that all Muslims would suffer in the minds of listeners on the basis of the host’s descriptions. In fact, it does not appear to be an exaggeration that the host’s characterizations of Muslims were intended to give rise to fear and animosity on the part of audience members. It is my opinion, in hearing the broadcast, as a listener would, that there was too much assimilation of the Muslim terrorists with all Muslims. During the broadcast, for example, the statement that a country (France), where the Muslim population is 20%, is “fading fast” reveals host Art Bell’s lack of discernment.

I believe that broadcasters will continue to be challenged on this front as the shorthand of the profession encourages them to make sweeping generalizations. As our country becomes increasingly diverse, and our multi-cultural, multi-racial, and multi-faith populations become an increasingly important part of the audience base, broadcasters will be wise to recognize the need to clearly and conscientiously define the specific segments of the population that they are discussing, depicting, entertaining and serving. Broadcasters need to be increasingly careful to report, depict and discuss all manner of issues without painting an entire community with the same brush. I am confident that such efforts will be rewarded by increased audiences from those diverse communities, who will feel valued by their broadcast service providers. As our audiences change, broadcasters' sensitivities will have to evolve. Ultimately, they will have to grow to appreciate the complexity of their listening and viewing audiences.

In my view, this broadcast constituted abusive and unduly discriminatory comments on the basis of religion, contrary to the Human Rights Clause. Consequently, I would find the broadcaster in violation of Clause 2 of the *CAB Code of Ethics*.

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 CFMJ's Program Director was, in this regard, very focussed, thoughtful and responsive. It discussed the precise elements of the broadcast and dealt with them in a detailed manner. Although it was not a satisfactory reply from the complainant's perspective, the broadcaster is never under any obligation to agree with the complainant. Not only is there no fault in the difference of perspectives, it is the case that every matter that goes to a Panel for adjudication begins with just such a disagreement between the complainant and the broadcaster. The Panel considers that CFMJ-AM has fully met its CBSC membership responsiveness responsibilities.

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

APPENDIX

CBSC Decision 06/07-0009 CFMJ-AM re a segment on an episode of *Coast to Coast AM*

The Complaint

The CBSC received the following complaint via its website form on September 3, 2006:

station: CFMJ, CKTB and others
program: *Coast to Coast AM* with Art Bell
date: September 3, 2006
time: 1:00 am CFMJ - 5:00 am CKTB

concern: The program in question was a live edition of *Coast to Coast AM* broadcast overnight Sunday September 3, 2006 1:00 am EDT. It is a popular overnight talk show originating outside of Canada but re-broadcast from many Canadian radio stations including CFMJ, CKTB, CHQR, CHED, CJBK, CINW, CFUN, CFAX, CKLW and CJOB.

The host (Art Bell) opened the show with a 12 minute monologue in support of the war on terror. It actually was an essay he was reading that had apparently been written back in 2005 by a retired US Major General. The host read the essay in a manner where one could easily have concluded he was speaking in his own words. At the end he declared that while they were not his words, he was in total and full agreement with the content and had made the decision to read it "on air" because "he had to do what he had to do" regardless of the consequences.

The content was tantamount to a diatribe directed against all Muslims delivered (and I would suggest constructed) in a manner intended to incite hate and kindle racism towards the entire Muslim community. Using the topic of the war on terror as a pretext the listener was "convincingly" steered through false arguments and manipulated with the emotion of fear to arrive at the conclusion that all Muslims are the enemy.

The essay (monologue) interchanges the term "Terrorist Muslims" with "Muslims" leaving the listener with the distinct impression that all Muslims are the "enemy" and not just any enemy but one that will stop at nothing to advance their cause using the most brutal of means. An equally important issue is the fallacious nature of the argument presented. Normally such an argument would simply be an expression of opinion; however, in the context of a commentary that incites hate, the use of a fallacious argument greatly exacerbates the issue by providing a supposedly rational foundation for the perspective being argued.

I am including excerpts from a transcript of the program broadcast on Sunday September 3, 2006 on CFMJ (1:00 am EDT) and CKTB (5:00 am EDT) (I assume the other Canadian affiliates that carry this program also participated in the broadcast).

Excerpts from Art Bell's Monologue on the "War on Terror" on *Coast to Coast AM*:

"Who were the attackers? In each case, the attacks on the US were carried out by Muslims. What is the Muslim population of the World? 25%."

"So who are we at war with? There is no way we can honestly respond that it is anyone other than the Muslim terrorists."

"The attacks will not subside, but rather will steadily increase. Remember, they want us dead, not just quiet. If they had just wanted us quiet, they would not have produced an increasing series of attacks against us, over the past 18 years."

"If we lose the war, our production, income, exports and way of life will all vanish as we know it. After losing, who would trade or deal with us, if they were threatened by the Muslims? If we can't stop the Muslims, how could anyone else?"

"Name any Muslim countries throughout the world that allow freedom of speech, freedom of thought, freedom of religion, freedom of the press, equal rights for anyone -- let alone everyone, equal status or any status for women, or that have been productive in one single way that contributes to the good of the world. This has been a long way of saying that we must be united on this war or we will be equated in the history books to the self-inflicted fall of the Roman Empire. If, that is, the Muslim leaders will allow history books to be written or read."

"If we don't win this war right now, keep a close eye on how the Muslims take over France in the next 5 years or less. They will continue to increase the Muslim population of France and continue to encroach little by little, on the established French traditions. The French will be fighting among themselves, over what should or should not be done, which will continue to weaken them and keep them from any united resolve. Doesn't that sound eerily familiar?"

"They (Muslims) have universally shown that when they have taken over, they then start brutally killing each other over who will be the few who control the masses. Will we ever stop hearing from the politically correct, about the "peaceful Muslims"?"

The complainant sent another letter on September 5.

This complaint pertains a portion of a live edition of *Coast to Coast AM* broadcast overnight Sunday September 3, 2006 between 1:00 am and 2:00 am EDT and again at 5:00 am. It is a popular overnight talk show originating outside of Canada but re-broadcast from many Canadian radio stations (primarily CORUS Entertainment) including: CFMJ, CKTB, CHQR, CHED, CJBK, CINW, CFUN, CFAX, CKLW and CJOB.

Specifically the host opened the show with a 12 minute monologue in support of the war on terror. The monologue was actually an essay he was reading that had apparently been written back in 2005 by a retired US Major General. The host read the essay in a manner where one could easily have concluded he was speaking in his own words. At the end the host declared that while they were not his words, he was in total and full agreement with the content and had made the decision to read it "on air" because "he had to do what he had to do" regardless of the consequences.

From my perspective the content was tantamount to a vicious rant directed against all Muslims delivered (and I would suggest constructed) in a manner intended to incite hate and kindle racism towards the entire Muslim community. Using the topic of the "war on terror" as

a pretext, the listener was "convincingly" steered through false arguments and manipulated with the emotion of fear to arrive at the conclusion that all Muslims are the enemy.

The essay (monologue) interchanges the term "Muslim terrorists" with "Muslims" leaving the listener with the distinct impression that all Muslims are the "enemy" and not just any enemy but one that will stop at nothing to advance their cause using the most brutal of means. An equally important issue is the fallacious nature of the arguments presented. Normally such arguments would simply be an expression of opinion; however, in the context of a commentary that appears to incite hate, the use of fallacious arguments greatly exacerbates the issue by providing a supposedly rational foundation for the perspective being argued.

The following are excerpts from a transcript of the host's monologue which was broadcast live on Sunday September 3, 2006 on CFMJ (1:00 am-2:00 am EDT) and as a repeat broadcast on CKTB (5:00 am EDT). I assume the other Canadian affiliates that carry this program also participated in the broadcast.

"Who were the attackers? In each case, the attacks on America were carried out by Muslims. What is the Muslim population of the World? Twenty-five per cent."

"So who are we at war with? There is no way we can honestly respond that it is anyone other than the Muslim terrorists."

"The attacks will not subside, but rather will steadily increase. Remember, they want us dead, not just quiet. If they had just wanted us quiet, they would not have produced an increasing series of attacks against us, over the past eighteen years."

"If we lose the war, our production, income, exports and way of life will all vanish as we know them. After losing, who would trade or deal with us, if they were threatened by the Muslims? If we can't stop the Muslims, how could anyone else?"

"Name any Muslim country throughout the world that allows freedom of speech, freedom of thought, freedom of religion, freedom of the press, equal rights for anyone - let alone everyone, equal status or status for women or that have been productive in a single way that contributes to the good of the world. This has been a long way of saying that we must be united on this war or we will be equated in the history books to the self inflicted Fall of the Roman Empire. If, that is, the Muslim leaders will allow history books to be written or read."

"If we don't win this war right now, keep a close eye on how the Muslims take over France in the next five years or less. They will continue to increase the Muslim population of France and continue to encroach little by little, on the established French traditions. The French will be fighting among themselves, over what should or should not be done, which will continue to weaken them and keep them from any united resolve. Doesn't that sound eerily familiar?"

"They (Muslims) have universally shown that when they have taken over, they then start brutally killing each other over who will be the few who control the masses. Will we ever stop hearing from the politically correct, about the peaceful Muslims?"

The commentary that the host read and endorsed was reiterated by the same host in his program on Monday September 4 (1:00 am) with a clarification as to the essay's author (apparently unknown) and a reaffirmation that regardless of the identity of the author the host stood by the content of the essay that he had read the night before.

I am not a professional ethicist and therefore am not qualified to suggest that his words constitute a hate crime. I therefore bring this issue to the attention of the Canadian Broadcast Standards Council and will defer to their judgement as to the nature of the content, its appropriateness for public broadcast and determination if it constitutes criminal behaviour.

Broadcaster's Response

CFMJ responded to the complainant on September 19:

The Canadian Broadcast Standards Council (the "CBSC") has asked us to respond to your email of September 3, 2006 in which you raised concerns regarding comments made during *Coast to Coast AM* (the "Program") aired on CFMJ (the "Station") that same morning.

As you know, the Station's format is news/talk. The Station's programming is directed at an adult audience of 18 years and over, and consists of a mix of news, talk and information programming that covers diverse topics of public concern. It offers frank and open debate on an array of issues that are sometimes controversial.

In your email, you refer to a segment of the Program in which the host was reading an essay, and you suggest that "it was constructed in a manner intended to incite hate and kindle racism towards the entire Muslim community".

After carefully reviewing the Program, we respectfully disagree. The Program was inspired by a major news story that a leading Muslim terrorist had issued a threat to non-Muslims "to convert to Islam or die". We suggest that if there was any attempt to "incite hate and kindle racism", it was in that statement, not in the Program, which was essentially a discussion about why the war on terror should be taken more seriously than it has been.

You further allege that the essay used the terms "Terrorist Muslims" and "Muslims" interchangeably, "leaving the listener with the distinct impression that all Muslims are the enemy". In your email you include excerpts from the Program and inaccurate quotes to substantiate your allegation, which we don't believe have any basis in fact. When the Program is heard in its entirety and specific passages are taken in context, it is clear that the author is referring to "Muslim Terrorists" throughout the piece.

In the following excerpt of the Program, it is made abundantly clear that the author is talking about Muslim terrorists, not all Muslims:

"... Muslim terrorists. They focus the world on the U.S. but they kill all in their way - their own people or the Spanish, French, anyone else. (The) point here is just like the peaceful Germans were not protection from the Nazis, no matter how many peaceful Muslims there may be, they are no protection for us from the Muslim terrorist leaders and what they are fanatically bent on doing from their own pronouncements like the one we heard today killing all of us infidels. I don't blame the peaceful Muslims. What would you do if your choice was to shut up or die?"

In reference to the specific quotes you refer to in your email, we have the following response:

1. The first reference you make is to the following statement:

“Who were the attackers? In each case, the attacks on the US were carried out by Muslims. What is the Muslim population of the World? 25%.”

In this case, the host was reading from the essay in which the author made reference to several terrorist attacks dating from 1979 in Iran – what came to be known as the “U.S. hostage crisis”. Each of the attacks he made reference to were undertaken by Muslims, and in this sense, the statement is factually correct.

2. The second reference you make is to the following statement:

“So who are we at war with? There is no way we can honestly respond that it is anyone other than the Muslim terrorists.”

In our view, this quote makes it clear that the author is not speaking about all Muslims, but about Muslim terrorists.

3. The third reference you make is to the following statement:

“The attacks will not subside, but rather will steadily increase. Remember, they want us dead, not just quiet. If they had just wanted us quiet, they would not have produced an increasing series of attacks against us, over the past 18 years”.

When taken in context, however, it is clear the word “they” refers to terrorists. The author goes on to say: *“the plan was clearly for terrorists to attack us until we were neutered and submissive to them.”*

4. The fourth reference you make is incorrect. You quoted the Program as having broadcast the following statement:

“After losing, who would trade or deal with us, if they were threatened by the Muslims? If we can't stop the Muslims, how could anyone else?”

Careful review of the Program indicates that the statement made was actually: *“After losing, who would trade or deal with us, if they were threatened by the Muslims? If we can't stop the Muslim terrorists, how could anyone else?”*

As the Program continued, reference was made to the reason Spain withdrew troupes [sic] from Iraq. In this portion of the Program, the author clearly reiterates the term “Muslim terrorists”, citing the following reason: *“because the Muslim terrorists bombed their train and told them to withdraw the troops”.*

Later in the Program, the host, reading from the essay, makes reference to France and again, clearly makes the point that the author is not talking about all Muslims, as you allege, but about Muslim terrorists. In reference to France, he stated *“... they can't resist the Muslim terrorists without us”.* You correctly point out that the word “terrorists” was not used after the first use of the word “Muslims” in that passage, although the word “terrorists” was used in the following sentence, which you have misquoted. When taken in context, we believe that there is no confusion as to whom the author is referring.

In yet another passage of the Program, the host makes it clear who the author is concerned about: *“The radical Muslims know full well what is riding on this war and therefore are committed to winning at any cost.”*

Furthermore, when making the argument that we need to lose some civil rights temporarily, the author makes it clear that he is referring to Muslim terrorists": *"Remember: the Muslim terrorists stated the goal and it is to kill all infidels. That would be us. That translates to all non Muslims, not just in the United States but throughout the world."*

5. The fifth reference you make is to the following statement:

"Name any Muslim countries throughout the world that allow freedom of speech, freedom of thought, freedom of religion, freedom of the press, equal rights for anyone -- let alone everyone, equal status or any status for women, or that have been productive in one single way that contributes to the good of the world. This has been a long way of saying that we must be united on this war or we will be equated in the history books to the self-inflicted fall of the Roman Empire. If that is the Muslim leaders will allow history books to be written or read."

Here, the author is once again clearly referring to "Muslim countries" and not Muslims per se, and can in no way be construed as inciting hate or kindling racism.

6. The sixth reference you make is to the following statement:

"If we don't win this war right now, keep a close eye on how the Muslims take over France in the next 5 years or less. They will continue to increase the Muslim population of France and continue to encroach little by little, on the established French traditions. The French will be fighting among themselves, over what should or should not be done, which will continue to weaken them and keep them from any united resolve. Doesn't that sound eerily familiar?"

Again, this excerpt must be viewed within the context of the Program. You are correct to point out that the word "terrorist" was not used. This being said, when taken in context with the author's earlier remarks about France, it is clear he is referring to Muslim radicals.

7. The seventh reference you make is to the following statement:

"They (Muslims) have universally shown that when they have taken over, they then start brutally killing each other over who will be the few who control the masses. Will we ever stop hearing from the politically correct, about the 'peaceful Muslims'?"

When listening to the statement in its entirety, it is clear that the author is referring to radical Muslims and radical Muslim regimes. The word "they" in the paragraph you quoted, when taken in context with previous sentences, clearly refers to *"those who have shown world wide that they abhor freedom and will not apply it to you – or even themselves"*. That, again, is a reference to "radicals" or "terrorists", and not a reference to all Muslims.

Please note that The Canadian Association of Broadcasters' *Code of Ethics* (the "Code"), which is administered by the CBSC, actually requires broadcasters to present news and opinion on any controversial matter that may be of interest to the public.¹ While the Program did focus on a controversial topic, we believe that the Program reflected this part of the Code, and as such, helped the Station fulfill its mandate as a responsible broadcaster.

Please also note that while the Program was focused on a topic that had surfaced in the news media, the Program is not a newscast. It is a public affairs show. Unlike a newscast, a public affairs show is not constrained by the need for *complete* objectivity, and its hosts are generally at liberty, and are in fact urged to take a point of view on subjects that are controversial. In a previous decision, the CBSC has said that a host of a public affairs show is permitted to present a point of view on controversial subjects, as long as his or her

presentation is fair and balanced.² We believe that the host of this Program discharged his responsibilities appropriately, and in keeping with the CBSC's view of his overall journalistic mandate.

We do regret that the Program offended you. We agree that it is important for hosts, commentators, guests or callers to refrain from making abusive comments toward a particular group, but we disagree that this occurred here. Please be assured that we work hard to ensure that all of our programming complies with the *Broadcasting Act*, the *Radio Regulations* and the Code and standards required of us as a member of the CBSC. Our programming producers are sensitive to everything that is broadcast on the station, while also ensuring that the Station presents controversial topics of public interest.

We hope that we have addressed your concerns. At CFMJ-AM, we recognize the importance of listener feedback and appreciate all comments. Thank you for taking the time and initiative to share your thoughts with us.

¹ Clause 7 – *CAB Code of Ethics Commentary*

² *CFTM-TV re the Mongrain Show* (CBSC Decision 93/94-0100)

Additional Correspondence

The complainant submitted his Ruling Request on September 25 along with the following letter:

In reviewing the September 19 response from Corus Entertainment-CFMJ-AM concerning the *Coast to Coast AM* broadcast, their position seems clear that the concerns raised in the complaint are without merit; to that end, a Ruling by a CBSC panel is being requested.

The following provides rationale and outlines reasons why the Ruling Request is being made. It would be appreciated if this rationale could please be included with the various submissions that go to the panel as there is concern that the Corus Entertainment-CFMJ-AM response suggests that they do not fully grasp the nature and dynamics of the concerns expressed and/or that they approached the complaint from a biased position.

The bases for the position that Corus Entertainment-CFMJ-AM have given for dismissing the complaint seem to rest on the ideas that the complaint took the host's comments out of context and that the complaint was not warranted because of the broadcast's status as a public affairs program. On a disturbing note, the Corus Entertainment-CFMJ-AM position also suggests that it is acceptable in Canada to identify a criminal sub-group, by using or associating a minority community's common religious designation/affiliation in identifying that criminal sub-group. Please reference the following from the Corus Entertainment-CFMJ-AM response: "When the Program is heard in its entirety and specific passages are taken in context, it is clear that the author is referring to 'Muslim Terrorists' throughout the piece."

This statement, while not part of the actual broadcast reflects and in fact states unequivocally, the interpretation of the context of the broadcast from the Corus Entertainment-CFMJ-AM perspective. In addition, this statement confirms that the broadcast clearly used and intended to use the common religious designation/affiliation of a minority community in identifying a criminal sub-group. It follows that by associating that community with a criminal sub-group (of the most deplorable kind, it should be added) that the entire minority community is exposed to risks created by that association. Those risks are

exacerbated when the contemptuous tone and ideas outlined in the broadcast (e.g. "suspension of civil rights") are factored in.

First, with respect to the context of the broadcast segment, it is curious that rather than allowing the content of the segment to speak for itself (e.g. provision of a full transcript or audio file of the segment), Corus Entertainment-CFMJ-AM takes a position in which their own interpretation of the context is first stated and then in the subsequent five pages of their response, the excerpts (examples) that had been provided with the original complaint are parsed against that interpretation. One would think that if the context is as clear they suggest, then a simple submission of the full transcript of the segment in question would be more than sufficient to address the issues, e.g. the context would become self-evident. Moreover, in their response they do not dispute that the terms "Muslim" and "Muslim terrorist" are used interchangeably but instead point to the context. Corus Entertainment-CFMJ-AM appear to be saying that it is acceptable to use the religious designation/affiliation of an entire minority community as a replacement word for that of a violent criminal sub-group, if done in context.

Second, it is also curious that there is a need in their response to selectively refer to a prior CBCS decision and one particular portion of the CBCS *Code of Ethics* (both of which relate to latitude for opinions on controversial topics being permitted on community affairs programs). In making such references it would appear that Corus Entertainment-CFMJ-AM are attempting to categorize the complaint in respect of those areas. By framing the complaint in that manner it not only suggests that the host's opinions were fair and balanced, but sets up dismissal of the complaint altogether as a misguided response to a public affairs program.

Not to suggest that Corus Entertainment-CFMJ-AM are casting themselves in the role of the CBCS by pre-judging this matter; but it is puzzling that in their response there is no mention of CRTC regulations that pertain to the prohibition of comment that is abusive or the CBCS *Code of Ethics* pertaining to abusive material. Instead Corus Entertainment-CFMJ-AM state, in an almost patronizing manner, that "it is important for hosts ... to refrain from making abusive comments towards a specific group".

Third, this program was broadcast from Southern Ontario and from other Corus Entertainment affiliates across Canada to Canadians, where according to Statistics Canada, the Muslim community is a tiny minority comprising just two per cent of the Canadian population. As disturbing as it is to single out a criminal sub-group by using the religious designation/affiliation of a minority community, Corus Entertainment-CFMJ-AM seem to be stating that it is perfectly acceptable to do just that. The monologue, read and fully endorsed by the host of the public affairs program, is ripe with inflammatory rhetoric and fear mongering. For example, it enumerates a list of eleven of the most heinous terrorist attacks on the US, adds in a statistic of the more than 7,500 terrorist attacks worldwide over a twenty year period and then follows with the statement "Who were the attackers? In each case, the attacks on the U.S. were carried out by Muslims."

In conclusion, even if Corus Entertainment-CFMJ-AM are correct in their assessment of the context of the program, the issues of promotion of racism and incitement of hatred still remain; unless of course there is justification for using the common religious designation/affiliation of a minority community in the identification of a criminal sub-group. Alternatively if the context of the monologue is one where inflammatory rhetoric, false arguments and fear mongering single out and expose a minority community to contempt on the basis of their religious designation/affiliation, then this matter is a serious breach on a number of levels not the least of which is a violation of CRTC regulations and the CBCS *Code of Ethics*.

It is respectfully requested that the CBSC please take all necessary measures to address these concerns in view of the full range CRTC regulations and the complete CBSC *Code of Ethics*. It would also be appreciated if this review could be undertaken in as timely manner as possible given the very serious nature of this matter.

To further substantiate the complaint and since Corus Entertainment-CFMJ-AM chose not to provide a transcript, a text version of the monologue follows.

Text of the Monologue Broadcast Sunday September 3, 2006 1:00 am EDT (10:00 pm PDT September 2, 2006) as retrieved from the program's archives (available for audio download by subscription at www.coasttocoastam.com).

(It should be noted that the nuance and subtle innuendo of the audio version is far more powerful than the text version)

"To get out of a difficulty, one usually must go through it. Our country is now facing the most serious threat to its existence, as we know it, that we have faced in your lifetime and mine (which includes WW II). The deadly seriousness is greatly compounded by the fact that there are very few of us who think we can possibly lose this war and even fewer who realize what losing really means.

First, let's examine a few basics:

1. When did the threat to us start? Many will say September 11, 2001. The answer as far as the United States is concerned, is 1979, 22 years prior to September 2001, with the following attacks on us:

- * Iran Embassy Hostages, 1979;
- * Beirut, Lebanon Embassy 1983;
- * Beirut, Lebanon Marine Barracks 1983;
- * Lockerbie, Scotland Pan-Am flight to New York 1988;
- * First New York World Trade Center attack 1993;
- * Dhahran, Saudi Arabia Khobar Towers Military complex 1996;
- * Nairobi, Kenya US Embassy 1998;
- * Dar es Salaam, Tanzania US Embassy 1998;
- * Aden, Yemen USS Cole 2000;
- * New York World Trade Center 2001;
- * Pentagon 2001.

(Note that during the period from 1981 to 2001 there were 7,581 terrorist attacks worldwide).

2. Why were we attacked?

Envy of our position, our success, and our freedoms. The attacks happened during the administrations of Presidents Carter, Reagan, Bush 1, Clinton and Bush 2. We cannot fault either the Republicans or Democrats as there were no provocations by any of the presidents or their immediate predecessors, Presidents Ford or Carter.

3. Who were the attackers? In each case, the attacks on the US were carried out by Muslims.

4. What is the Muslim population of the World?

[Estimates are that the proportion of Muslims worldwide is] 25%.

5. Isn't the Muslim Religion peaceful? Hopefully, but that is really not material. There is no doubt that the predominately Christian population of Germany was peaceful, but under the dictatorial leadership of Hitler (who was also Christian), that made no difference. You either went along with the administration or you were eliminated. There were 5 to 6 million Christians killed by the Nazis for political reasons (including 7,000 Polish priests).

Thus, almost the same number of Christians were killed by the Nazis, as the six million holocaust Jews who were killed by them, and we seldom heard of anything other than the Jewish atrocities. Although Hitler kept the world focused on the Jews, he had no hesitancy about killing anyone who got in his way of exterminating the Jews or of taking over the world - German, Christian or any others.

Same with the Muslim terrorists. They focus the world on the US, but kill all in the way, their own people or the Spanish, French or anyone else. The point here is that just like the peaceful Germans were of no protection to anyone from the Nazis, no matter how many peaceful Muslims there may be, they are no protection for us from the terrorist Muslim leaders and what they are fanatically bent on doing by their own pronouncements: killing all of us 'infidels'. I don't blame the peaceful Muslims. What would you do if the choice was shut up or die?

6. So who are we at war with? There is no way we can honestly respond that it is anyone other than the Muslim terrorists. Trying to be politically correct and avoid verbalizing this conclusion can well be fatal. There is no way to win if you don't clearly recognize and articulate who you are fighting.

So with that background, now to the two major questions:

1. Can we lose this war?
2. What does losing really mean?

If we are to win, we must clearly answer these two pivotal questions. We can definitely lose this war, and as anomalous as it may sound, the major reason we can lose is that so many of us simply do not fathom the answer to the second question - What does losing mean?

It would mean that a great many of us think that losing the war means hanging our heads, bringing the troops home and going on about our business, like post Vietnam. This is as far from the truth as one can get.

What losing really means is: We would no longer be the premier country in the world. The attacks will not subside, but rather will steadily increase. Remember, they want us dead, not just quiet. If they had just wanted us quiet, they would not have produced an increasing series of attacks against us, over the past 18 years. The plan was clearly, for terrorist to attack us, until we were neutered and submissive to them.

We would of course have no future support from other nations, for fear of reprisals and for the reason that they would see we are impotent and cannot help them.

They will pick off the other non-Muslim nations, one at a time. It will be increasingly easier for them. They already hold Spain hostage. It doesn't matter whether it was right or wrong

for Spain to withdraw its troops from Iraq. Spain did it because the Muslim terrorists bombed their train and told them to withdraw the troops. Anything else they want Spain to do will be done. Spain is finished. The next will probably be France. Our one hope on France is that they might see the light and realize that if we don't win, they are finished too, in that they can't resist the Muslim terrorists without us.

However, it may already be too late for France. France is already 20% Muslim and fading fast!

If we lose the war, our production, income, exports and way of life will all vanish, as we know it. After losing, who would trade or deal with us if they were threatened by the Muslims? If we can't stop the Muslims, how could anyone else?

The Muslims fully know what is riding on this war, and therefore are completely committed to winning, at any cost. We better know it too and be likewise committed to winning at any cost.

Why do I go on at such lengths about the results of losing? Simple. Until we recognize the costs of losing, we cannot unite and really put 100% of our thoughts and efforts into winning. And it is going to take that 100% effort to win.

So, how can we lose the war?

Again, the answer is simple. We can lose the war by 'imploding.' That is, defeating ourselves by refusing to recognize the enemy and their purpose, and really digging in and lending full support to the war effort. If we are united, there is no way that we can lose. If we continue to be divided, there is no way that we can win!

Let me give you a few examples of how we simply don't comprehend the life and death seriousness of this situation.

President Bush selects Norman Mineta as Secretary of Transportation. Although all of the terrorist attacks were committed by Muslim men between 17 and 40 years of age, Secretary Mineta refuses to allow profiling. Does that sound like we are taking this thing seriously? This is war! For the duration, we are going to have to give up some of the civil rights we have become accustomed to. We had better be prepared to lose some of our civil rights temporarily or we will most certainly lose all of them permanently.

And don't worry that it is a slippery slope. We gave up plenty of civil rights during WW II, and immediately restored them after the victory and in fact added many more since then.

Do I blame President Bush or President Clinton before him? No, I blame us for blithely assuming we can maintain all of our Political Correctness, and all of our civil rights during this conflict and have a clean, lawful, honorable war. None of those words apply to war. Get them out of your head. Some have gone so far in their criticism of the war and/or the Administration that it almost seems they would literally like to see us lose. I hasten to add that this isn't because they are disloyal. It is because they just don't recognize what losing means. Nevertheless, that conduct gives the impression to the enemy that we are divided and weakening. It concerns our friends, and it does great damage to our cause.

Of more recent vintage, the uproar fueled by the politicians and media regarding the treatment of some prisoners of war, perhaps exemplifies best what I am saying. We have recently had an issue, involving the treatment of a few Muslim prisoners of war, by a small group of our military police. These are the type prisoners who just a few months before were

throwing their own people off buildings, cutting off their hands, cutting out their tongues and otherwise murdering their own people just for disagreeing with Saddam Hussein.

And just a few years ago these same type prisoners chemically killed 400,000 of their own people for the same reason. They are also the same type of enemy fighters, who recently were burning Americans, and dragging their charred corpses through the streets of Iraq.

And still more recently, the same type of enemy that was and is providing videos to all news sources internationally of the beheading of American prisoners they held.

Compare this with some of our press and politicians, who for several days have thought and talked about nothing else but the 'humiliating' of some Muslim prisoners not burning them, not dragging their charred corpses through the streets, not beheading them, but 'humiliating' them.

Can this be for real? The politicians and pundits have even talked of impeachment of the Secretary of Defense. If this doesn't show the complete lack of comprehension and understanding of the seriousness of the enemy we are fighting, the life and death struggle we are in and the disastrous results of losing this war, nothing can.

To bring our country to a virtual political standstill over this prisoner issue makes us look like Nero playing his fiddle as Rome burned, totally oblivious to what is going on in the real world. Neither we, nor any other country, can survive this internal strife.

Again I say, this does not mean that some of our politicians or media people are disloyal. It simply means that they are absolutely oblivious to the magnitude, of the situation we are in and into which the Muslim terrorists have been pushing us, for many years.

Remember, the Muslim terrorists stated goal is to kill all infidels! That translates into ALL non-Muslims not just in the United States , but throughout the world.

We are the last bastion of defense. We have been criticized for many years as being arrogant. That charge is valid in at least one respect. We are arrogant in that we believe that we are so good, powerful and smart, that we can win the hearts and minds of all those who attack us, and that with both hands tied behind our back, we can defeat anything bad in the world!

We can't! If we don't recognize this, our nation as we know it will not survive, and no other free country in the world will survive if we are defeated.

And finally, name any Muslim countries throughout the world that allow freedom of speech, freedom of thought, freedom of religion, freedom of the press, equal rights for anyone, let alone everyone, equal status or any status for women, or that have been productive in one single way that contributes to the good of the world.

This has been a long way of saying that we must be united on this war or we will be equated in the history books to the self-inflicted fall of the Roman Empire. If, that is, the Muslim leaders will allow history books to be written or read.

If we don't win this war right now, keep a close eye on how the Muslims take over France in the next 5 years or less. They will continue to increase the Muslim population of France and continue to encroach little by little, on the established French traditions. The French will be fighting among themselves, over what should or should not be done, which will continue to weaken them and keep them from any united resolve. Doesn't that sound eerily familiar?

Democracies don't have their freedoms taken away from them by some external military force. Instead, they give their freedoms away, politically correct piece by politically correct piece.

And they are giving those freedoms away to those who have shown, worldwide that they abhor freedom and will not apply it to you or even to themselves, once they are in power. They have universally shown that when they have taken over, they then start brutally killing each other over who will be the few who control the masses. Will we ever stop hearing from the politically correct, about the 'peaceful Muslims'?

I close on a hopeful note, by repeating what I said above. If we are united, there is no way that we can lose. I hope now after the election, the factions in our country will begin to focus on the critical situation we are in, and will unite to save our country. It is your future we are talking about! Do whatever you can to preserve it."