
CANADIAN BROADCAST STANDARDS COUNCIL

ATLANTIC REGIONAL PANEL

CHNI-FM re an episode of *Maritime Morning*

(CBSC Decision 07/08-1611)

Decided January 12, 2009

R. Cohen (Chair, *ad hoc*), B. Jones (Vice-Chair), B. MacEachern, R. McKeen,
R. Morrison, T.-M. Wiseman

THE FACTS

Maritime Morning is an open-line talk show broadcast on radio stations owned by Rogers Broadcasting in Halifax, Moncton and Saint John. It is hosted by Andrew Krystal, who discusses politics, entertainment and current events with guests and callers from 9:00 am to noon on weekdays. During one segment of the April 4, 2008 episode, the guest was Paul Watson, the head of a marine conservation group called the Sea Shepherd Conservation Society.

Watson and his group are well-known in Atlantic Canada for their anti-sealing views and militant tactics. On April 4, the Sea Shepherd Society was refuelling one of its ships in St-Pierre, the island territory belonging to France located off the coast of Newfoundland, when a group of fisherman cut the ship's mooring lines. This action was apparently taken in retaliation for comments that Watson had publicly made regarding the fate of four sealers who had drowned in March when their trawler capsized and sank in the Cabot Strait as it was being towed to shore by a Canadian Coast Guard icebreaker. According to reports, Watson had said that the slaughter of thousands of seal pups each year was more of a tragedy than the deaths of the four men. Watson appeared on Krystal's program to discuss the incident (a full transcript of the segment is available in Appendix A).

Krystal challenged Watson on some of his views, suggesting that Watson had gone too far with his most recent comments. Watson defended himself in turn by stating his view that all life is interdependent within the Earth's ecosystem and that all creatures should be valued. The majority of callers to the program expressed their support for Watson's conservation work, but one caller in particular disagreed significantly with Watson's position. The exchange with caller Joe went as follows:

Joe: Good morning. First off, Paul, I'd like to congratulate you for doing more damage to the ecological movement in, uh, in the last couple of days than any other person I know. Your comments have, uh, established, I think, without a shadow of a doubt what a whackjob you really are, in that you would value, uh, a seal's life over another human being's. And I think you made a comment before that you didn't believe that, uh, you had a soul or whatever, and I, I agree. I don't think you have a soul, sir.

Watson: [chuckles] Well, I'm glad it's got you thinking about it.

Joe: But, uh, you know, know what should be done with you? I think you should be put on the ice floe with the sea-, seals, okay? And you live out your existence out there and hopefully someone will come along with a hakapik and put it in your skull. Thank you.

Watson: Well, that's, uh, that's a very humane comment.

Krystal: Well, but, there's a lot of, you've heard that before, right Paul?

Watson: Yeah, it doesn't really bother me. I'm not really too concerned what people think. I don't do what I do for people. My clients are whales, seals, fish, sharks, sea turtles and sea birds.

Krystal: You see, I view it as, uh, democracy is democracy. And democracy is messy. And if everybody agreed, it'd be pretty boring.

Watson: That's true.

It was that portion of the program which concerned a listener who heard the program on CHNI-FM (News 88.9, Saint John, New Brunswick). The listener's complaint of April 18 outlined his concerns as follows (the full text of all correspondence can be found in Appendix B):

My complaint is with a caller at close to the end of the morning show in a 3-way phone conversation with the host and Paul Watson. There was a direct threat made on the life of Mr. Watson and no air cut-off was made and no comment by the host.

I did reach News Director [M.C.] by phone and he kindly looked into the matter, reviewed the tape and attempted to call me back ... much appreciated.

However, his explanation does not address the situation. He raised some pros and cons on both sides of the issue, made the points of the heatedness of the debate, the fact that they were the words of the caller not the station or host, and that much worse is heard on some radio programs.

Final point he made was that my complaint was the only one they had from the Maritimes.

If as bad and worse is heard on radio and if I am the only voice against, then it's important that I point out ...

In civil life, those exact words constitute cause for laying a criminal charge at the highest level of intent to injure and/or kill.

It makes no difference that the caller uses the "third person" to say "I hope that someone ..."; the intent and impact are the same as if he had said he would do the act.

If it is decided that this exchange falls within media standards then perhaps it is time for the CRTC and Parliament to revise those standards.

The Vice-President of Regulatory Affairs for Rogers responded to the complainant on June 11:

Maritime Morning is an open-line radio show broadcast each weekday morning between 9 am to [sic] noon on CJNI-FM Halifax (News 95.7), CHNI-FM Saint John (News 88.9) and CKNI-FM Moncton (News 91.9). The show's format consists of live local news reports, sports and traffic updates interspersed with Mr. Krystal's commentary in which he brings up various topics for discussion and solicits listener comments and opinions.

As you know, the programming format at News 88.9 is News/talk. As such, much of the programming is live. Live radio is dynamic and unpredictable and can present certain challenges regarding inappropriate remarks or poor choice of words.

Your complaint centres around comments by a caller whereby "there was a direct threat made on the life of Mr. Watson ...".

Paul Watson is the founder and current leader of the Sea Shepherd Conservation Society. Although the organization labels itself as an international non-profit, marine wildlife conservation organization, it is better known as an environmental group that engages in direct action tactics such as ramming whaling ships at sea.

We have carefully reviewed the logger tape of the broadcast and must respectfully disagree with your interpretation of the caller's words and/or intent. Earlier in the program, Mr. Watson had commented that the killing of 325,000 seals was a greater tragedy than the death of four sealers.

[...]

The exchange [...] is a prime example of the challenges of live radio. While the producer of the program does screen each caller prior to putting them on the air, it can be difficult to control a caller's temper and the content of his/her remarks once they are on the air. Although News 88.9 does employ a time delay in its broadcast, it is used primarily to prevent offensive and/or coarse language from being broadcast on the air.

In this particular incident, while the caller did wish harm upon Mr. Watson, we do not believe it was with the intent to promote or sanction violence. As such, we do not believe News 88.9 breached Clause 9 of the Code.

However, regardless of our explanation, it is clear from your letter that you were offended by our programming, and for that we do apologize. Thank you for taking the time to express your thoughts about our station. We value the opinion of all our listeners.

The complainant submitted a letter on June 30 indicating his desire for the CBSC to pursue the matter.

THE DECISION

The Atlantic Regional Panel examined the complaint under Clause 9(a) (Radio Broadcasting) of the Canadian Association of Broadcasters' (CAB) *Code of Ethics*:

Recognizing that radio is a local medium and, consequently, reflective of local community standards, programming broadcast on a local radio station shall take into consideration the generally recognized access to programming content available in the market, the demographic composition of the station's audience, and the station's format. Within this context, particular care shall be taken by radio broadcasters to ensure that programming on their stations does not contain:

- a) Gratuitous violence in any form, or otherwise sanction, promote or glamorize violence;

The Panel Adjudicators listened to a recording of the program and read all of the correspondence. The Panel concludes that the broadcast did not violate the aforementioned Code provision.

A Few Preliminary Observations

Although everything turns on the reasonable understanding of caller Joe's comments, a few initial clarifications must be made in response to comments in the correspondence. First, the issue of the purpose of the time delay. The broadcaster's representative explained that "Although News 88.9 does employ a time delay in its broadcast, it is used primarily to prevent offensive and/or coarse language from being broadcast on the air." Whatever the broadcaster's initial motivation in adopting a time delay device, there can be no doubt but that broadcasters have a responsibility for eliminating any matter that could be in violation of a codified standard. Whether they choose to employ such a device as was available to them here to eliminate unacceptable content is, of course, their business. That said, the Panel considers that it would be wise to consider the on-the-fly editing tool for purposes beyond coarse language.

Second, the complainant wrote that the News Director had advised him during a telephone conversation, first, "that they were the words of the caller not the station or host," and, second, "that much worse is heard on some radio programs." Whether that

is or is not an accurate report of what was said during that off-line telephone conversation, the points made provide the Panel with the opportunity to deal with the issues that flow from them. First, the Panel wishes to make it abundantly clear that broadcasters are responsible for *everything* they broadcast, whether the comments are those of a station employee *or a caller*. If the latter makes problematic comments, they must either be edited or, depending on the type of comment, the on-air host must at the very least defuse the offending matter in order to possibly avoid the breach of a Code provision.

Third, it perhaps goes without saying that the fact that the challenged comments are not as offensive as some other broadcast matter that may have escaped scrutiny or complaint is *no defence* to an accusation of a Code breach. Such misery does *not* love company.

Fourth, and various CBSC Panels have made this point in the past, the fact that a complaint about a broadcast is made by but *one* individual does not diminish the portent of the complaint. The CBSC does not count heads. Complaints are upheld only if they are valid, and rejected only if they are not, no matter how many or few they may be.

The Nature of the Comments

As to the challenged comments themselves, the Panel must consider whether they could reasonably be intended to be taken seriously. Since every comment is different, both in words and context, each one must be individually appraised. The Atlantic Regional Panel has reviewed the following CBSC decisions. In *CIWW-AM re The Geoff Franklin Show* (CBSC Decision 92/93-0181, October 26, 1993), for example, the Ontario Regional Panel dealt with an allegation that the host of an open-line radio show had advocated violence in his response to a case of animal cruelty by encouraging callers to suggest methods of “getting even” with the perpetrator of the crime. Although the physical reaction suggested by the host fell within the realm of the possible, the Panel did not find any breach of a Code.

It determined that the host had, as a dog-lover himself, been motivated by anger in marshalling the listeners’ calls but that he had not ever meant to be taken as a serious advocate of criminal activities. In the result, it considered Mr. Franklin’s comments to be in poor taste but not constituting a breach of any of the provisions of the *Code of Ethics*.

In *CIQC-AM re Galganov in the Morning* (CBSC Decision 97/98-0473, August 14, 1998) the host said, “we have to [...] beat the crap out of all these [...] crapheads.” Despite the fact that one might reasonably conclude that such acts of violence as were proposed by the then well-known activist, anti-separatist campaigner and advocate for the rights of Anglophone Quebecers were perhaps plausible in nature, the Quebec Panel did not

conclude that the host, in making the statement, had seriously advocated violence against whomever he considered to be the “crapheads” at the time. The Panel stated:

Leaving aside for the moment the issue of vulgar language [...], the Council does not find the statement “we have to ... beat the crap out of all these ... crapheads” to be in breach of the fairness requirement of the Code. The Council does not view this statement as “[translation] a call to violence”, as contended by the complainant. While the meaning sought to be conveyed by Mr. Galganov in making this pronouncement is ambiguous, to say the least, the Council does not consider this isolated comment to be more than an unpleasant, tasteless, juvenile comment, but not a genuine pre-meditated attempt to encourage the commission of a criminal offence.

In an opposite circumstance, in *CKAC-AM re a segment on Bonsoir les sportifs* (CBSC Decision 06/07-0441, April 7, 2008), the Quebec Regional Panel dealt with a complaint about comments made on a sports talk show. Host Ron Fournier was speaking with his co-host about the meagre reaction of the Montreal Canadiens hockey team to opponents’ interference with their goalie in a recent game. Fournier suggested that, on the first two instances of goalie interference, the team should approach the referee, but, on the third occasion, [translation] “you break your stick on the back of the player’s neck and he’s on the ground!” He continued with [translation] “You cross-check him in the back of the head and he ends up [...] with his face in the glass enclosure or in the ice!” The station argued that Fournier had not intended to incite violence and that the comments were made in the context of a specific hockey game. The Panel found a violation of Clause 9(a):

The issue for the Quebec Panel in interpreting the above-cited provision of the *CAB Code of Ethics* centres on the meaning of the words “sanction” and “promote”. The Panel understands the verbs to be the equivalent of “endorse”, “encourage”, “approve”, “support” and the like. It does not consider that there is a need to provide a “how-to” manual, although it does acknowledge that Ron Fournier has come very close to delivering that very formula.

[...]

The Quebec Panel considers that the foregoing words not only “endorsed”, “encouraged”, “approved” and “supported” such violent acts, they *recommended* such a course of action to protect a goaltender.

The Ontario Regional Panel reached a similar conclusion in *CILQ-FM re John Derringer’s “Tool of the Day”* (CBSC Decision 02/03-1465, February 10, 2004), which dealt with a complaint about an editorial segment. Each day, radio commentator John Derringer selected a figure in the news who had done something with which Derringer disagreed to be his “tool of the day”. In the broadcast in question, Derringer targeted a judge who had issued what Derringer felt was too light a sentence for a child pornography crime. Derringer provided the judge’s name and called him a “disgrace” to the justice system, asserting that convictions for child pornography in other countries are much harsher. He went on to say, “What is gonna have to happen at some point in this province is that a Justice like Justice [X] is gonna have evidence brought into court

[...] and it's gonna be his kid being forced to perform fellatio on a man and sent around the world on the Internet. It's gonna be his grand-daughter forced to perform acts of bestiality." The complaint came from the judge's ex-wife who was concerned that the remarks put her family in danger because they suggested that harm be done to her children. The Panel acknowledged that Derringer was legitimately permitted to express his opinion on this legal topic, but found a breach of Clause 9(a) for promoting violence against the judge's family:

The Panel considers that his remarks would reasonably be understood by any fair-minded person as promoting or at least sanctioning violence, contrary to the provisions of Clause 9.

[...] The host used language that was apparently, in the view of authorities, sufficiently prone to promote or incite violence that the family of the judge required and received police protection.

The Ontario Regional Panel therefore also finds the John Derringer commentary in breach of Clause 9 of the *CAB Code of Ethics* because of the promotion or sanctioning of attacks on the judge's family. Great harm *could* have come from all of this, quite apart from the injury caused by Derringer's words. This is especially true when children, and families generally, are brought into such an equation.

Applying the foregoing precedents to the matter at hand, the Atlantic Regional Panel concludes that the comments by caller Joe were not of the same nature as the comments previously found in breach. The Panel, of course, understands that the comments were crude and heavy-handed. It acknowledges that Joe was angry with Paul Watson's prioritizing the lives of seals in the relative weighing of human and mammalian life. It considers, though, that caller Joe was merely advocating that Paul Watson be accorded the life of the seals he valued so much, as in, if you like the seals to that extent, go live with them and suffer their fate, including the worst that may befall them. "But, uh, you know, know what should be done with you? I think you should be put on the ice floe with the sea-, seals, okay? And you live out your existence out there and hopefully someone will come along with a hakapik and put it in your skull." The Panel does not, however, conclude that the broadcast in any way *advocated* or *sought* such an eventuality. The Panel does not consider that the comment was inciting, sanctioning or glamorizing violence. It was admittedly harsh, and the Panel does consider that the host had a duty to keep the guest and callers in line, particularly when such intellectual confrontation can be anticipated. A disavowing comment by host Krystal would have been appropriate, but the absence of one did not, in the Panel's view, amount to a breach of Clause 9(a).

Broadcaster Responsiveness

In every CBSC decision, the adjudicating Panel assesses the broadcaster's responsiveness to the complainant. It goes without saying that the broadcaster is not under any obligation to agree with the position taken by the complainant, but every broadcaster is obliged, by virtue of its membership in the CBSC, to respond to the complainant in a thoughtful, timely and thorough manner. The response of the broadcaster's Vice President of Regulatory Affairs was pointed, specific, thorough and respectful. The Panel considers that CHNI-FM has met all of its responsiveness obligations as a CBSC member. Nothing further is required in this respect on this occasion.

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

APPENDIX A

CBSC Decision 07/08-1611 CHNI-FM re an episode of *Maritime Morning*

Maritime Morning with Andrew Krystal is an open-line talk show broadcast on stations owned by Rogers Media in Halifax, Moncton and Saint John. It is hosted by Andrew Krystal who discusses politics, entertainment and current events with guests and callers from 9:00 am to noon on weekdays. During one segment of the April 4 episode, the guest was Paul Watson, the head of a marine conservation group called the Sea Shepherd Conservation Society. The transcript of the dialogue with Mr. Watson is as follows:

[Krystal and his other guest, scientist Richard Zurowski, discuss issues related to environmentalism and sustainability in relation to the seal hunt and clothing production.]

Krystal: By the way, Paul Watson will join us in five minutes. We know we have people listening internationally online. We welcome your calls at 1-877-801-8255 or 405-6000. The most controversial man in this country today is anti-sealer Paul Watson and he will join us live in five minutes time. Richard Zurowski's here with the Friday Science File.

[more discussion about sustainability, process of killing animals for food & clothing]

Krystal: Anti-sealer Paul Watson joins us now. Mr. Watson, where are you?

Watson: Uh, right now I'm at Halifax Airport.

Krystal: Okay, so you just landed. Are you aware that, uh, your ship, uh, has been tampered with?

Watson: Uh, yes, I just spoke to, uh, my captain on board there, and, uh, yeah, we were attacked by about thirty sealers who, uh, cut the mooring lines with, uh, with a rope and, uh, one of my crew threw a smoke grenade on the deck to disperse them and then we were able to get the engine underway and, uh, safely out at sea.

Krystal: Are you going to be charged, uh, for anything?

Watson: Charged for something in St-Pierre? I mean we were attacked. We didn't do anything.

Krystal: No, but, uh, you know, this concern or speculation that there was some interference, you were going too close to the seal hunt, et cetera?

Watson: I-, i-, by the French government?

Krystal: This is, uh, there was a concern, yeah, that, uh, that you have, uh, broken the law in some areas.

Watson: Um, didn't break any laws in France, that's for sure! Or in St-Pierre. Um, we found the people in Saint-Bier, Pierre to be very friendly. Uh, these are fishermen. I don't know whether they were French or Newfoundlanders, but, uh, you know, we didn't really get to ask questions because they attacked the ship with, a, an axe and cut the lines and attacked our cameraman and, uh, damaged one of the cameras. Uh, but, uh, it seems to me that if there's any charges, they should be assault charges against the people who attacked our ships, not, we, we didn't do anything.

Krystal: Do you understand the level of antipathy because of the callousness of your comments with regards to sealers?

Watson: I don't think my callou-, I don't think my comments were callous at all. I think I was speaking the truth. It was a tragedy that the coast guard's incompetence killed, uh, you know, four sealers. It was a, uh, it was a, an incredible tragedy. Uh, but I don't want that to take away from the fact that I believe that the slaughter of 325,000 seals is also a tragedy.

Krystal: But you said the seal tragedy is worse than the tragedy of the, uh, the sealers themselves.

Watson: Well, when you consider 325,000 lives, yes. I think it would be a greater tragedy.

Krystal: Well does –

Watson: A lot of people might disagree with that, but, uh, I happen to believe that that is, that is the case.

Krystal: Do you protest –

Watson: You know, I didn't kill, I didn't kill those sealers. The Canadian Government's incompetence did.

Krystal: If I, yeah, we know that. If I went out fishing, and I hook a fish in the mouth with a metal hook, would you protest that?

Watson: Would I protest that?

Krystal: Yeah. Is it bad if I go out and catch –

Watson: What, I don't, what, we weren't actually out there protesting. What we were doing was gathering evidence, uh, on violations. And we got one. I got on film a seal being skinned alive. While it's being skinned, its head reaches up and it screams. That's on film. That's a violation of regulations. That's what we were doing. We were not out there interfering with the seal hunt. We were not out there trying to stop anybody. What we were trying to do was document violations, that's all we were doing. But Canada has passed a law making it illegal to, uh, document these violations without a permit, but of course they don't give us a permit.

Krystal: I understand, no, the concern about animal rights in terms of being cruel to an animal, that's very legitimate and I don't think you would get any disagreement. What I'm concerned –

Watson: What's that, sorry?

Krystal: I don't think anyone would disagree with your concern for –

Watson: Right.

Krystal: – being humane to animals, Paul Watson. But I'm –

Watson: Right.

Krystal: I just wonder, the anthropomorphisation of seals, the seal-love people have, uh, elevating it more than, say, a codfish, or something else, the fact that it's got big eyes et cetera. There's this tendency to –

Watson: Well, you know we protect –

Krystal: – look at it like this cuddly –

Watson: We're –. Sorry.

Krystal: Go ahead.

Watson: We protect everything from, you know, plankton to whales and sharks, uh, sea turtles, fish, uh, and this is what we do. And, uh, what's happening in our oceans is an incredible tragedy, probably one of the greatest tragedies that's facing our future. Life in our oceans is being diminished at an incredible rate. Every single commercial fishery is in a state of collapse because of greed. Uh, this is a tragedy. It's an incredible tragedy, and it's one which may cost us, uh, the human, uh, species, uh, the ability to even survive in the future.

Krystal: Well, Paul Watson, shertainly, certainly, uh, trawling for fish and dragging nets to the bottom of the ocean, uh, is, that's not, doesn't sound like fishing to me. Uh, and that is a problem. Absolutely that's a problem. But the seal population is very healthy, and we are not indust-, there's no industrial mass killing with fishing trawlers. This is up close and personal with a club, and therefore less efficient.

Watson: Uh, I think that the seals are threatened. They're threatened by diminishing ice conditions, uh, because of global warming. They're less than ten percent of their original numbers. They might seem numerous. I also happen to believe that the more seals there are, the more fish there are, because the the biggest predator of fish are other fish, the very fish that marine mammals like harp seals target. When you lower marine mammal populations, you increase predatory fish populations of less, you know, fish which are even less desirable than, say, the cod, causing the further decline of –

Krystal: Okay, but, Paul Watson, don't you, don't you discredit, though, your cause when you call sealers "sadistic baby killers"? They're not killing babies, they're killing seals.

Watson: Oh –

Krystal: They're not killing human babies.

Watson: Well, that's your interpretation of what a baby is. You know, they're three to six –

Krystal: Yeah.

Watson: – week old seals. To me, at three to six-weeks old –

Krystal: Well, that's not a human being though, that's a –

Watson: – is a baby.

Krystal: Well, it's not a human.

Watson: No, it's a, uh, it's a seal. And uh, –

Krystal: But “baby killer” connotes –

Watson: I happen to believe that all life is interdependent. That is an ecological law. All life is interdependent. Uh, we cannot live on this planet without those other species. They're all equally important.

Krystal: Does a fly have a soul?

Watson: Now, you may disagree with that philosophy. You may disagree with that.

Krystal: Does a fly have a soul?

Watson: But my philosophy –

Krystal: Does a fly have a soul?

Watson: I don't happen to believe –

Krystal: Well, no, does, just because they –

Watson: I don't happen to believe humans have souls, okay? I don't believe humans have souls. We are animals. All of us our animals.

Krystal: I thought you liked animals.

Watson: We're all interdependent and we're, yes I do. And we're all interdependent. You know, for instance, one, I got criticized last year for saying worms are more important than people. Why did I say that? Because it's true. Humans cannot live on the planet Earth without worms. But worms can live without us. From an ecological point of view, they're far more important than we are. So this is why I'm trying to get –

Krystal: Oh, please.

Watson: – people to think in this –

Krystal: What is this human hating, Paul?

Watson: – point of view.

Krystal: Paul.

Watson; What?

Krystal: Paul, you have serious problems, my friend. I mean, you're –

Watson: No, you're, you just happen to have an anthropo-centric mindset that thinks that the entire world or universe revolves around the human species. I happen to look at it from a bio-centric point of view and therefore incorporate the laws of ecologies knowing that these species are absolutely –

Krystal: Listen, I got a lot of complaints, I have, Paul, I have a lot of complaints about humanity. There's no question. Uh, but you just seem to be, you are, you are, uh, an extremist on this one. Uh, fascinating nonetheless. Paul Watson is on the line, calling us, uh, from the airport. The controversy continues. We'll explore the comments of anti-sealer Paul Watson and his battle, uh, right after this quick break.

- commercial break

Krystal: This is *Maritime Morning*. Anti-sealer Paul Watson joins us. You can too, at 1-877-801-8255 or 405-6000. Paul Watson. He's at the Halifax Airport, just landed and was able to call in moments ago. Some outrageous statements you've made, Paul. Um, "I can't think of anything you say that defines helplessness and fear more than a seal pup on the ice that can't swim or escape as it approached, as it is approached, rather, by some cigarette-smoking ape with a club." "This is a seal nursery and these men are sadistic baby killers and that might offend some people, but it is the unvarnished truth," you say. "They are vicious killers who are now pleading for sympathy because some of their own died while engaged in a viciously brutal activity." You really think these people are apes?

Watson: Well, we're all apes. [chuckles] I mean, we're all, uh, homonids and homonids are apes. And from the point of view of the seal, yeah, they see a big ape coming at them with a club in their hand. Uh, so I was trying to look at it from their point of view.

Krystal: Well, um, aren't these people just trying to make a living? You make, "sadistic" indicates that they have some sexual thrill out of, uh, power and dominance. I mean that's, that's –

Watson: Well, you know, –

Krystal: – that's what "sadism" –

Watson: – I got an e-mail yesterday from a sealer saying that the biggest pleasure he receives in life is, is crushing the skull of baby seals. I mean, he might have been just doing that to provoke me, but, you know, if you read books like *Over the Side, Mickey* or, or, um, you know, the books by, uh, Paul, uh, [Sharconna?], the Magdalen Islands, they actually talk about how much they enjoy doing what they're, what they're doing. And, uh, as far as an economic activity, it's, uh, it's costing the Canadian taxpayers more to support this. It's a glorif-, glorified welfare system. I think that we'd be saving money to, by paying people to not kill seals.

Krystal: 1-877-801-8255 or 405-6000. Debbie in Halifax.

Debbie: Hi.

Krystal: Your response to Paul Watson, is he right or wrong?

Debbie: I believe Paul Watson should be commended and he has a lot of guts to come on the air and face all the bullies that, uh, are disagreeing with his stance. Um, I think he sees

the big picture. Um, and, uh, if, uh, maybe if people like me and him came on the air, had a little bit more guts to come on the air, I think you'd have a little bit more disagreement and, uh, I, I do believe they're apes with clubs and I think there's no reason other than financial greed and gluttony. And that's just my comment. So, power to you, Paul.

Krystal: Stay there, Debbie. Uh, Heather –

Watson: Thank you.

Krystal: Heather in Springfield, N.S. Do you have something to say? Paul Watson joins us, the anti-sealer.

Heather: Uh, uh, Paul, listen, I just wanna, uh, say what an honour it is to get to talk to you for a moment. And I just want to thank you so much for what you're doing. And I truly believe that you are one of the bravest men on the planet. And, uh, and unlike Loyola Hearn, who has a girly name, and, um, anyways, that, that's really what I wanted to say, Paul. I just want to thank you so much.

Krystal: Now, we seemed to have lost Paul Watson. We'll try to get him back. 1-877-801-8255 or 405-6000. Very interesting to see the different opinions. Paul Watson, a lightning rod for controversy this day with regards to his comments about sealers, calling them "cigarette-smoking ape baby killers", "vicious killers", "filled with bloodlust". 1-877-801-8255 or 405-6000. Bill, are we going to get Paul back? Bill? Are we getting him back? Okay, he's calling him now. What do you make of this, Richard Zurowski? I mean, uh, I, one of the things that did not get reported today in the Paul Watson controversy, and seal, people are ticked off at Paul because four sealers died, uh, when their boat was being towed by a Canadian Coast Guard vessel recently. And his comments are seen by the fishing community as highly inflammatory and insensitive. But it is not reported, or hasn't been by the media that he's there to monitor abuses. That what he says he's there to do, to monitor the skinning of seals alive and animal cruelty.

Zurowski: I don't disagree with anything that Paul has said. Um, we do so much that his harmful to the environment. Um, I'm not sure why we're targeting the seal industry per se because you could go into any abattoir and look at horrendous abuses to animals. Um, –

Krystal: But you have to kill an animal. Cutting the head off a chicken and a chicken –

Zurowski: Yeah.

Krystal: Anyway, let's go to Paul. Paul Watson, you there?

Watson: Yes, sorry, got disconnected for some reason.

Krystal: Okay, let's go to another call. Heather in Springfield, go ahead.

Heather: Hi, uh, did you get Paul back?

Krystal: Yeah, go ahead, talk to him.

Heather: Uh, Paul, listen, um, I just want to thank you for everything that you're doing for the environment and the marine life, the mammals, the seals in particular, the whales and, uh, you're incredibly brave and I support you in every dimension. And I just think you're an incredible person.

Watson: Well, thank you.

Krystal: Paul Watson, I want to ask you, uh, thank you for your call, Heather. I appreciate it. 1-877-801-8255 or 405-6000. Do flies or mosquitos have souls?

Watson: What's that? Sorry?

Krystal: Does a fly or a mosquito, because it has ectoplasm and an exoskeletal [*sic*], does it still have a soul?

Watson: Well, like I said before, I don't believe anything has a soul. But I do believe that flies and all other creatures are essential for the survival of life on this planet. Life is interdependent. And, uh, that's a basic law of ecology.

Krystal: But we've hunted, we've always hunted things. We, uh, cut grain down, we, uh, you know. We kill things. Right?

Watson: Well, yeah, I mean, you know, you live on the Earth. But the problem is, is this over-exploitation. Uh, that's another law of ecology which is called the law of, uh, finite resources. There's a limit to growth. We're now in a position where we're losing more species of plants and animals on this planet, uh, between 1980 and 2045, than we will lose in the last sixty-five million years. That rate of extinction is unprecedented and we haven't seen that since the Jurassic sixty-five million years ago.

Krystal: But you, you seem to be angry –

Watson: So it's a very serious problem.

Krystal: You seem to be really angry at humanity. Now, a lot of things about the culture disgust me, but you really have a hate on for mankind, Paul.

Watson: No, actually, I think I take a rather detached view on it. I'm trying to apply ecological laws and, uh, you know, I'm trying to get people to think about that and, yes, I get provocative and, yes, I realize I am controversial. I sort of sometimes feel like a, uh, sort of an acupuncture neeter, needle trying to provoke a response. But really the ultimate thing is to get people to think and people to see, uh, a bigger picture.

Krystal: But when sealers have died, don't you think your comments are really callous?

Watson: Uh, no. I said that it was a tragedy at the time and, uh, we certainly, uh, you know, I've been accused of being insensitive, but I have to point out that the last time I was in the Magdalen Islands, uh, I, uh, experienced the sensitivity there. Uh, I was beaten by thirty sealers quite severely and, uh, I felt every blow. Uh, so I, you know, there isn't much love lost between the two of us. But I don't think I was being insensitive. I do recognize it as a tragedy.

Krystal: 1-877-801-8255 or 405-6000. Jason in Fredericton, welcome to *Maritime Morning*.

Jason: Yes, how're you doin'?

Krystal: Go ahead.

Jason: Hi. I'd like to commend this gentleman on what he's doin'. I think, uh, there's sealing in Canadian waters that the Canadian Government's gotta step in and, uh, stop. I

am a hunter. I do hunt. I hunt for food. Uh, these gentlemen are just hunting and killing for pleasure and fun and it, there needs to be something done about it. There needs to be more regulations about it –

Krystal: Sealers, but you're killing for fun and pleasure. These people are, sealers –

Jason: No, mine's not fun and pleasure. Mine is absolutely, uh, if I take a deer, it's a hundred pounds, it's a hundred –

Krystal: But you don't need to kill that, you don't need to kill that deer. You can go to Sobey's.

Jason: Sobey's don't sell deer meat, sorry.

Krystal: Oh, I'm so sorry to ruin the delicacy of deer meat. You don't need to –

Jason: And, and if you're eatin' the animals that you're talkin' about in Sobey's and stuff, they're contaminated with so much stuff in growth hormones to help them grow, while the animal in the woods is, is natural. It's, uh, what do you call, organic. It's, it's a lot more pure –

Krystal: There's something else you can eat besides killing a deer. Don't, you're, you're, it's very interesting to hear you as a hunter justifying Paul Watson's anti- –

Jason: It's two, it's two different things, even remotely –

Krystal: Paul, do you agree with Jason? He's making a distinction. He's saying he hunts, uh, his deer. He can't buy deer at Sobey's, so he's going to get his own meat. Is that okay, Paul?

Watson: Well, one of the things that, uh, is certainly a difference here is that nobody's eating the seals out there. They're killing them for their fur only. The other thing is that when you go into Sobey's and buy your steak, you're actually buying more than just the steak. You know that fifty per cent of all of the fish taken out of the ocean is fed to livestock, cows and pigs. The pig is the largest marine predator on the planet. Pigs eat more fish than sharks do. And, uh, so you're actually contributing to the demise of our oceans by buying your steak at Sobey's, where this gentleman is certainly not doing that.

Krystal: Okay, so you say it's okay to hunt deer and moose, but not to hunt seals.

Jason: It's okay –

Watson: Well, I'm actually opposed to hunting, but I do understand that if somebody is in a position where they're, you know, this is how, uh, they're feeding themselves, uh, and I do understand that certainly more than people walking through a seal nursery clubbing baby seals just for their fur.

Krystal: So killing a deer, you think is better than if I go and buy chuck steak at, uh, Sobey's or Atlantic Superstore.

Watson: Well, from an ecological point of view, it certainly is. I mean, I have to add that I'm actually a vegan. I don't eat any animal products. But from an ecological –

Krystal: What a surprise that is.

Jason: In, uh, my, my thing is, they, it just, it's just somethin' that is not necessary in this day and age anymore that they're doin'. And if this gentleman is looking to hire any more people or if I even could get financially settled, I would volunteer to go out with this gentleman and help him in his researches and things that he's doin' to try to solve –

Krystal: How do people contact you, Paul, if they want to get involved in your organization?

Watson: Uh, anybody can get a crew application off our website. It's SeaShepherd.org.

Krystal: 1-877-801-8255 or 405-6000. I think that Paul Watson is an extremist, but talk radio is the last bastion of democracy and getting all the views in. Even though I disagree with Paul. Joe.

Joe: Good morning. First off, Paul, I'd like to congratulate you for doing more damage to the ecological movement in, uh, in the last couple of days than any other person I know. Your comments have, uh, established, I think, without a shadow of a doubt what a whackjob you really are, in that you would value, uh, a seal's life over another human being's. And I think you made a comment before that you didn't believe that, uh, you had a soul or whatever, and I, I agree. I don't think you have a soul, sir.

Watson: [chuckles] Well, I'm glad it's got you thinking about it.

Joe: But, uh, you know, know what should be done with you? I think you should be put on the ice floe with the sea-, seals, okay? And you live out your existence out there and hopefully someone will come along with a hakapik and put it in your skull. Thank you.

Watson: Well, that's, uh, that's a very humane comment.

Krystal: Well, but, there's a lot of, you've heard that before, right Paul?

Watson: Yeah, it doesn't really bother me. I'm not really too concerned what people think. I don't do what I do for people. My clients are whales, seals, fish, sharks, sea turtles and sea birds.

Krystal: You see, I view it as, uh, democracy is democracy. And democracy is messy. And if everybody agreed, it'd be pretty boring.

Watson: That's true.

Krystal: 1-877-801-8255 or 405-6000. Rebecca in Fall River, welcome to *Maritime Morning*. Paul Watson is an anti-sealer. He joins us on *Maritime Morning*.

Rebecca: Hey, Paul, Hey, Andrew. Um, I had to call in. I'm a huge, huge animal lover. I'm the person that saves worms off the street when it rains hard so they don't get run over. And I teach that to my daughter. Um, I think, Paul, and no disrespect intended by this, it is, some of the comments you've made have been, you know, to the point, I didn't agree with the way he put it, but to the point of the last caller, it does in some ways do damage to say, you know, that a human life is not as important as a seal's life. I'm paraphrasing, of course. But I think what people have to realize is we are all equal at the end of the day and every single species on this planet plays a role. Humans do tend to put themselves above everybody else and say what we need, what we do is more important. And I think if a human was plucked out onto one of those ice floes, there wouldn't be a single polar bear or anything

else out there that wouldn't kill them in a heartbeat as opposed to killing one of its own kind. So, you sort of have to look at it from both sides. Yes, Paul's radical, but he does get people thinking about it and he is radical for the purpose of making people think. And I think he does a great service to, you know, to the entire push behind, you know, conserving animals and helping, you know, helping our fellow creatures as opposed to just saying "oh, we're humans, we can kill whatever" –

Krystal: Actually, make sure your, uh, radio's down and you just listen on the telephone. Uh, Rebecca in Fall River, you're saying, uh, restate your last sentence, could you?

Rebecca: Sorry. I just, I just think that he does a great job at making people think about the fact that humans aren't, we're not the only important thing. We're not, I mean, we, we kill things, we just go out and do whatever we want and that's not necessarily the right way to think about it all the time.

Krystal: 1-877-801-8255 or 405-6000. I want to go back to Ashley in Dartmouth. Ashley, go ahead.

Ashley: Hi, Paul. Um, I just wanted to say that I totally agree with what you're doing. And if, like, people are goin' out there and just slaughterin' the animals for, for fun, that's totally disgusting and I just, I don't agree with it at all. It actually really, really upsets me and it's just not right. It's not right.

Krystal: What do you think, Paul, of their comments today?

Watson: Well, I think that people are concerned and I think people are beginning to realize also that this is not a necessary industry and it's one which gives Canada a very bad reputation around the world.

Ashley: That's right.

Watson: And, you know, I started, I started opposing the seal hunt when I was ten years of age. I was raised in an East Coast fishing village in New Brunswick and, uh, you know, some [call gets cut off]

Krystal: 1-877-801-8255 or 405-6000. This is *Maritime Morning*. I'm back in two minutes.

Krystal: Anti-sealer and animal rights activist Paul Watson joins us on *Maritime Morning*. You can too at 405-6000 or 1-877-801-8255. Paul Watson is at the Halifax Airport. He just landed and is joining us online now. Federal Fishery Minister Loyola Hearn is firing back at environmental crusader Paul Watson this hour, saying the deaths of at least three sailors is less tragic than the slaughter of seals. That's, uh, what Paul Watson was alleged to have said. Hearn says Watson, leader of the Sea Shepherd Conservation Society's gutless, shameless and has not one shred of human decency. Paul Watson, your reaction?

Watson: Wh-, the reaction to Loyola Hearn, you're saying?

Krystal: Yeah.

Watson: Uh, well, you know, we haven't broken any laws. We have right of free passage. We're on a European-registered vessel. We haven't entered Canadian waters and we're simply documenting, uh, what's happening out on the ice. We've gotten some very damning, uh, documentation showing that the so-called humane regulations of the seal hunt, uh, in fact are not being enforced.

Krystal: Do you maintain that the loss of three sealers, at least three sealers, is less tragic than the seal hunt?

Watson: Well, I'm saying that the loss of the, uh, four sealers actually, I believe four have died, is a very tragic, uh, episode, but I'm saying that overall it's a far greater tragedy that they're killing 325,000 seals and they're diminishing, uh, you know, the fisheries, uh, and the seals and the fish, uh, off the east coast of Canada. That is a greater tragedy, one that will affect all of our lives in the future.

Krystal: But, uh, aren't seals big fish eaters? Aren't we helping ourselves by killing these things?

Watson: Sorry, what was that again?

Krystal: Fish are, are really over-consumed by seals. Isn't this a good idea that we keep more fish around by killing the seals?

Watson: Yeah, I'm not getting a very clear question, but are you saying that, uh, --

Krystal: Well, we're killing, we're killing, uh, the seals to preserve the fish.

Watson: Yes. Well, we need seals in order to protect fish. We need seals because the more, um, you know, seals control the predatory system within the ecological system so that the biggest predator of cod fish, for instance, are the fish, the very fish that harp seals prey upon. When you reduce harp seal populations, you increase those predatory fish populations. You know, this is, we're trying, there used to be 45 million seals on the east coast of Canada and, uh, now there's less than ten per cent and certainly the fish are down to less than four per cent.

Krystal: Well, so you're saying, like, the fisheries people are telling me that the seals consume way too many fish so we have to keep their populations low. We have to cull the herd. You're saying that's not true?

Watson: From an ecological point of view, we need more seals, not less seals.

Krystal: And that will help the fish population?

Watson: Yeah. You know, at the time of Jacques Cous-, uh, for instance, when Jacques Cartier first came over to Canada, he'd throw a wicker bos-, basket into the Gulf of St. Lawrence, pull it out brimming with cod fish. There were forty million seals including walrus. Incredible numbers of sea birds, incredible numbers of whales and dolphins and no shortage of fish. It was not these marine mammals and birds that wiped out the fish. It was human greed, human excess. That's why they've disappeared. We've disrupted the entire ecological system and, uh, we have to bring it back. If we're going to have a fishery in the future, bring it back. More seals, more whales, more sea birds.

Krystal: Well, right now, given our current fishing approaches, more seals mean a lot less fish.

Watson: The reason the fisheries in Canada have collapsed is because of the incompetence of the Canadian Department of Fisheries and Oceans. They are solely responsible. Their mismanagement has destroyed every single commercial fishery both on the east and west coast of Canada. You know, they should all be thrown out. And, in fact,

on the East coast, on the West Coast, I've advocated that the native communities manage the, uh, fisheries. They would do a far better job.

Krystal: Well, why aren't you protesting the Portuguese and Spanish trawlers that are raping the seas?

Watson: Yeah, well, we've gone out there. In fact, in 1993, I chased a Cuban and Spanish drag-trawling fleet off of the Grands Banks of Newfoundland and Canada arrested me and put me on trial for it. I was acquitted on the charges, but, uh, we were the only people doing anything about that overfishing. You know what happened when we came out there? We found out that the Cuban trawlers were licensed by the Canadian Government unbeknownst to the Canadian fishermen. They were actually giving revenue to Canada to fish the Grand Banks.

Krystal: We'll have Paul Watson return, uh, for a broadcast visit on *Maritime Morning* on Monday. Paul Watson, thanks for your contributions this morning. You have vessels in the Galapagos. Tell us what your day is and what is next for your anti-seal crusade.

Watson: Well, thank you.

Krystal: What is next for you?

Watson: Uh, we're go-, um, well, we're full-time patrols in the Galapagos trying to protect the Galapagos Marine Reserve. Last summer we busted forty-five thousand, uh, shark fins, seized them and broke open a shark fin mafia there. I actually got a medal from the president of Ecuador for that. And down in Australia we're trying to stop illegal whaling in the Aust-, in the Southern Whale Sanctuary.

Krystal: What are you doing in Halifax today, Paul Watson?

Watson: Actually, I just came back from, uh, St-Pierre and I'm on my way to, uh, New England and, um, I'm just arranging for a berth for the ship. And also we're opening our film on sharks. *Shark Water*, uh, is going to be released on DVD so I have to be there at the opening in New York City for that. Uh, it's a, it's actually an award-winning film that tries to change people's perceptions of sharks.

Krystal: The filmmaker's father is a friend of mine. Thank you very much. Thank you very much for joining us. And what are you going to do with, lastly, what are you going to do with your boat that the, uh, sealers attacked today and, uh, cut its mooring ropes? Your *Farley Mowat*, is it, uh, just floating out there? What's going on with your ship?

Watson: Well, the ship will be heading back into the Gulf, probably a few days earlier than we expected, but, uh, you know, there's no real damage. And, uh, and, uh, I think, you know, I certainly have nothing against the people of St-Pierre. We found them incredibly, uh, friendly, very supportive and we've actually worked very closely with the French Government on a lot of issues. So I think it was just a bunch of angry fishermen.

Krystal: Paul Watson, thank you. Anti-sealer Paul Watson and the most controversial man in the country today.

APPENDIX B

CBSC Decision 07/08-1611 CHNI-FM re an episode of *Maritime Morning*

The Complaint

The CBSC received the following complaint dated April 18, 2008:

Following on my conversations with [the CBSC Executive Director and Communications Coordinator] ... this letter. Re: Station News 88.9, St. John, N.B. (a Rogers station). Fri. morning call in show – host Andrew Krystal. Subject – seal hunt and protest.

My complaint is with a caller at close to the end of the morning show in a 3-way phone conversation with the host and Paul Watson. There was a direct threat made on the life of Mr. Watson and no air cut-off was made and no comment by the host.

I did reach News Director Mark Chapman by phone and he kindly looked into the matter, reviewed the tape and attempted to call me back ... much appreciated.

However, his explanation does not address the situation. He raised some pros and cons on both sides of the issue, made the points of the heatedness of the debate, the fact that they were the words of the caller not the station or host, and that much worse is heard on some radio programs.

Final point he made was that my complaint was the only one they had from the Maritimes.

If as bad and worse is heard on radio and if I am the only voice against, then it's important that I point out ...

In civil life, those exact words constitute cause for laying a criminal charge at the highest level of intent to injure and/or kill.

It makes no difference that the caller uses the "third person" to say "I hope that someone ..."; the intent and impact are the same as if he had said he would do the act.

If it is decided that this exchange falls within media standards then perhaps it is time for the CRTC and Parliament to revise those standards.

Broadcaster Response

The broadcaster responded to the complainant on June 11:

We have received your complaint to the Canadian Broadcast Standards Council (CBSC) regarding programming on *Maritime Morning* with Andrew Krystal which was broadcast on CHNI-FM on April 14, 2008.

CHNI-FM, or News 88.9 as it is known on the air, is owned and operated by Rogers Broadcasting. We are a member in good standing with the Canadian Broadcast Standards Council (CBSC) and we appreciate the opportunity to respond directly to your concerns.

Prior to dealing with your complaint, we must first apologize for the delay in responding to your complaint. Please do not take this delay as an indication of a lack of concern on our part. At News 88.9, we take each and every complaint seriously.

As you may be aware, Canadian broadcasters are subject to the Canadian Association of Broadcasters (CAB) *Code of Ethics* (the Code) and in particular, Clause 9 which relates directly to radio programming content. For your convenience, I have reproduced the entire clause below:

Clause 9 – Radio Broadcasting

Recognizing that radio is a local medium and, consequently, reflective of local community standards, programming broadcast on a local radio station shall take into consideration the generally recognized access to programming content available in the market, the demographic composition of the station's audience, and the station's format. Within this context, particular care shall be taken by radio broadcasters to ensure that programming on their stations does not contain:

- (a) Gratuitous violence in any form, or otherwise sanction, promote or glamorize violence;*
- (b) Unduly sexually explicit material; and/or*
- (c) Unduly coarse and offensive language.*

Maritime Morning is an open-line radio show broadcast each weekday morning between 9 am to noon on CJNI-FM Halifax (News 95.7), CHNI-FM Saint John (News 88.9) and CKNI-FM Moncton (News 91.9). The show's format consists of live local news reports, sports and traffic updates interspersed with Mr. Krystal's commentary in which he brings up various topics for discussion and solicits listener comments and opinions.

As you know, the programming format at News 88.9 is News/talk. As such, much of the programming is live. Live radio is dynamic and unpredictable and can present certain challenges regarding inappropriate remarks or poor choice of words.

Your complaint centres around comments by a caller whereby "there was a direct threat made on the life of Mr. Watson ...".

Paul Watson is the founder and current leader of the Sea Shepherd Conservation Society. Although the organization labels itself as an international non-profit, marine wildlife conservation organization, it is better known as an environmental group that engages in direct action tactics such as ramming whaling ships at sea.

We have carefully reviewed the logger tape of the broadcast and must respectfully disagree with your interpretation of the caller's words and/or intent. Earlier in the program, Mr. Watson had commented that the killing of 325,000 seals was a greater tragedy than the death of four sealers.

Below is a partial transcript of the caller's remarks.

A. Krystal: Joe ...

Caller: Good Morning. Uh, first off, Paul, I'd like to congratulate you for doing more damage to the ecological movement in, uh, in the last couple of days than any other person I know. Your, your comments have established, I think, without a shadow of a doubt, what a whackjob you really are, in that you would value a – a seal's life over another human being's. And, uh, I think you made a comment before that you didn't believe that, uh, you had a soul, or whatever, and I – I – I, agree. I don't think you have a soul, sir.

P. Watson: [chuckles] Well, I'm glad it got you thinking about it.

Caller: But, uh, you know, you know, what should be done with you? I think you should be put on the ice floe, with the sea – seals, ok? And you live out your existence out there, and hopefully, someone will come along with a hakapik and put it in your skull. Thank you.

The exchange reproduced above is a prime example of the challenges of live radio. While the producer of the program does screen each caller prior to putting them on the air, it can be difficult to control a caller's temper and the content of his/her remarks once they are on the air. Although News 88.9 does employ a time delay in its broadcast, it is used primarily to prevent offensive and/or coarse language from being broadcast on the air.

In this particular incident, while the caller did wish harm upon Mr. Watson, we do not believe it was with the intent to promote or sanction violence. As such, we do not believe News 88.9 breached Clause 9 of the Code.

However, regardless of our explanation, it is clear from your letter that you were offended by our programming, and for that we do apologize. Thank you for taking the time to express your thoughts about our station. We value the opinion of all our listeners.

Additional Correspondence

The complainant sent the following correspondence dated June 30:

Sorry for the briefness of this letter.

Just to get it in the mail within the time limit.

I am requesting that you proceed farther with my contestation of the broadcast of CHNI-FM – *Maritime Morning* of April 14, 2008.

I will follow with a more detailed letter if you wish.

Thank you.