
CANADIAN BROADCAST STANDARDS COUNCIL

NATIONAL SPECIALTY SERVICES PANEL

Sun News Network re *Canada Live* (Margie Gillis interview)

(CBSC Decision 10/11-1803+)

Decided December 15, 2011

R. Cohen (Chair), M. Bulgutch (*ad hoc*), S. Crawford (*ad hoc*), D. Dobbie (*ad hoc*),
D.-Y. Leu, D. Ward

THE FACTS

Sun News Network broadcasts a public affairs program called *Canada Live* hosted by Krista Erickson. The program consists of discussions and debates on political issues and current events. In one segment of the June 1, 2011 broadcast, Erickson interviewed Canadian interpretive dancer Margie Gillis about public funding to the arts (the full transcript of the interview is available in Appendix A). Erickson introduced the segment by saying “Friends, buckle up and get ready for some great TV.” She then introduced Gillis by listing some of the dancer’s accomplishments and calling her a “national treasure” and an “iconic interpretive dancer”. Sun News then displayed on the screen the dollar amounts of various government-administered grants that Gillis and her dance foundation had received since 1998. Erickson challenged Gillis on why she and her dance foundation should receive taxpayers’ money. Gillis argued that she and her foundation do research on creative issues that “have value for the soul” and the community. Gillis mentioned some of her national and international accomplishments. She also suggested that the numbers Erickson was presenting were possibly skewed and that the amounts had actually been distributed over a longer time frame. Gillis pointed out that the arts need government funding because they are often not profitable on their own and she argued that artists are good at making a small amount of money go a long way.

Erickson was forceful in her position against taxpayer funding of the arts and, at times, the two women talked over each other. Erickson stated that Gillis' style of art was not her "cup of tea" and waved her arms to imitate Gillis' style of dance. At one point in the exchange, Gillis commented that artists make sacrifices for their art. Erickson then played a clip of a statement Gillis had made previously in which Gillis had said that she no longer felt she was living in a compassionate society. Erickson asked Gillis if she felt that Canada had not demonstrated sufficient compassion by giving her large amounts of government grants and by sending soldiers to fight and die in Afghanistan. Gillis asserted that her comment had not at all meant to refer to the compassion of, or ultimate sacrifice made by, Canadian soldiers.

Just prior to a commercial break, Erickson asked Gillis if she would remain on the program to continue their discussion and Gillis said that she would. After that commercial break, Erickson allowed Gillis time to describe the type of dance research that her foundation undertakes in the area of conflict resolution, but continued to challenge Gillis on her receipt of government money. At the end of the interview, which had lasted just over 21 minutes, Erickson told Gillis that she appreciated that Gillis had taken the time to appear on the program and "we salute you for that".

The CBSC received 6,676 complaints about this broadcast, primarily as a result of a campaign orchestrated on the social media website Facebook. Complainants felt that Gillis and the arts had been treated unfairly. Some also mentioned that the dollar figures presented by Sun News were questionable. Due to the large number of complaints, the CBSC did not provide all complainants with the opportunity to request a ruling. Of the complainants who were provided with that opportunity, six individuals filed Ruling Requests (all correspondence relating to their files is available in Appendix B).

Sun News responded to the complainants. It pointed out that Sun News Network's mandate is "to explore topics and issues in a thought-provoking, fearless and hard-hitting way." The station pointed out that it was a lengthy interview in which Margie Gillis had been given the opportunity to defend her support for funding to the arts and that she "did so, forcefully and articulately." Sun News argued that it was allowed to be controversial and to take on contentious subjects.

THE DECISION

The National Specialty Services Panel examined the complaints under the following provisions of the Canadian Association of Broadcasters' (CAB) *Code of Ethics*:

Clause 6 – Full, Fair and Proper Presentation

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

Clause 7 – Controversial Public Issues

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

The Panel Adjudicators read all of the correspondence and viewed the interview segment in question. The Panel concludes that the broadcast did not violate either of the aforementioned clauses of the *CAB Code of Ethics*.

Fairness and Balance in the Interview

Almost all of the complainants took the view that host Krista Erickson had attacked Margie Gillis and treated her unfairly. On that specific point, the CBSC has explained in previous decisions that hosts of discussion programs are allowed to reveal their opinions on the topics being discussed, even if those opinions are controversial, unpopular and provocative.¹ Hosts are also fully entitled to determine the course of an interview and to raise topics that an interviewee might not have anticipated.²

The National Specialty Services Panel has no information as to whether or not Gillis had been advised beforehand that Erickson intended to challenge her on the funding she had received for her dance foundation. Although Gillis appeared somewhat unprepared to discuss precise numbers, she was nevertheless able to respond to Erickson's questions more generally by presenting her views on the social value of her form of dance and the arts. The Panel also considers that Erickson was somewhat mocking when she waved her hands in imitation of Gillis' dance style. The Panel concludes that these issues relate more to issues of courtesy and politeness and do not constitute Code breaches. Indeed, in many previous decisions, the CBSC has found that the Codes allow for hosts to be biased and aggressive in their presentation of views and questioning of interviewees. It is only when hosts have directed nasty personal insults at individuals that the CBSC has found violations of Clause 6.³ While Erickson was forceful, she did not make any nasty comments about Gillis personally. In fact, she

made positive comments about Gillis' accomplishments and expressed her appreciation for Gillis' participation in the interview.

In addition, although there were moments when Erickson and Gillis were both talking at the same time, Gillis was provided ample time and opportunity in the course of the 21 minutes to state her position. Also, in the latter half of the interview, Erickson invited Gillis to explain further the work of her dance foundation. Gillis clearly "held her own" in the face of Erickson's aggressive questioning; she responded ably and articulately. Erickson also gave Gillis the opportunity to leave the program at the commercial break, but Gillis chose to stay. The positions both "for" and "against" government funding for the arts were clearly presented during the segment, so there is no violation of Clause 7 for lack of balance.

Accuracy

Some complainants questioned the accuracy of the dollar amounts presented by Erickson regarding the funding and grants received by the Margie Gillis Dance Foundation. While program hosts are fully entitled to present their opinions on various topics, any factual information used to support those opinions must be accurate.⁴ The Panel notes that the Canada Council for the Arts website allows users to search for the names of grant recipients, including year, amount and purpose. According to that website, the list of figures and information that *Canada Live* presented on screen were accurate. The Panel has some concerns about the accuracy of including the Walter Carsen prize in the list of taxpayer-funded grants because it is in fact an endowment fund established by Mr. Carsen and simply administered by the Canada Council for the Arts. Despite its concern, the Panel considers that that misrepresentation was minor and did not impact the overall debate that occurred between Erickson and Gillis on *Canada Live*. There is no violation of Clause 6 in that respect.

Broadcaster Responsiveness

In all CBSC decisions, the Panels assess the broadcaster's response to the complainant(s). The broadcaster certainly need not agree with the complainant's position, but it must respond in a courteous, thoughtful and thorough manner. In this case, Sun News provided a lengthy and detailed reply to the complainants outlining its position regarding the interview. Sun News Network has clearly met its obligations of responsiveness and nothing further is required in this regard in this instance.

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.

¹ *CTV re an episode of the Shirley Show* (CBSC Decision 93/94-0261, August 18, 1995); *CFUN-AM the Pia Shandel Show (Native Land Claims)* (CBSC Decision 98/99-0147, October 14, 1999); *CKTB-AM re the John Michael Show (Middle East Commentary)* (CBSC Decision 01/02-0651, June 7, 2002); *CKNW-AM re an episode of Bruce Allen's Reality Check* (CBSC Decision 05/06-0651, May 9, 2006)

² *CJMF-FM re an interview on Bouchard en parle* (CBSC Decision 04/05-1852, February 3, 2006)

³ *CHOI-FM re Le monde parallèle de Jeff Fillion* (CBSC Decision 02/03-0115, July 17, 2003); *CJRC-AM re an interview by Daniel Séguin on L'Outaouais ce matin* (CBSC Decision 03/04-2082 & 04/05-0023, April 4, 2005); *CJMF-FM re an interview on Bouchard en parle* (CBSC Decision 04/05-1852, February 3, 2006); *CHMP-FM re a segment on Le Journal du midi* (CBSC Decision 07/08-0553, April 7, 2008)

⁴ *CKTB-AM re The John Michael Show* (CBSC Decision 92/93-0173, February 15, 1994); *CILQ-FM re John Derringer's "Tool of the Day"* (CBSC Decision 02/03-1465, February 10, 2004); *CFRA-AM re an episode of the Lowell Green Show (the Qur'an)* (CBSC Decision 05/06-1380, May 18, 2006); *CHRB-AM (AM 1140) re an episode of Freedom Radio Network* (CBSC Decision 05/06-1959, January 9, 2007); *CITS-TV re Word.ca and Word TV* (CBSC Decision 08/09-2142 & 09/10-0383+, June 22, 2010); *CHOI-FM re Dupont le midi (community organizations)* (CBSC Decision 08/09-1506, September 23, 2010); *CITS-TV re Word TV* (CBSC Decisions 10/11-0068, April 5, 2011)

APPENDIX A

CBSC Decision 14/15-0124 Sun News Network re *The Source*

The Source with Ezra Levant is a political discussion program. Levant provides his opinions on various news stories, political events and current affairs. The program airs weekdays from 8:00 to 9:00 pm ET.

On September 15, 2014, Ezra Levant criticized and disparaged Justin Trudeau and his parents. The following is a transcript and description of the relevant portions of that episode.

[Clip of Ben Stiller in his 2001 film *Zoolander* is broadcast]

Stiller: Really, really, really ridiculously good looking.

[Caption: “*STILL AHEAD... TRUDEAU’S PHOTOBOMB DEVELOPING STORY*”]

Levant: Justin Trudeau poses with the wedding party, but did he take his desires too far?

[Photo of Justin Trudeau is shown and the words “Wedding Crasher” appear next to the photo]

[Same Ben Stiller clip is broadcast].

Stiller: Really, really, really ridiculously good looking.

[Caption: “*NEXT... TRUDEAU’S BOLD MOVE IN WEDDING PHOTO*”]

Levant: Justin Trudeau shows his true colours by posing with a wedding party and you won’t believe the moves he made.

[Same photo of Justin Trudeau is shown and, again, the words “Wedding Crasher” appear next to it].

Levant: So on Saturday, the official Liberal campaign team tweeted this photo of their leader, Justin Trudeau.

[Official tweet is displayed on the screen: Adam Scotti@AdamScotti – Sep 13 Leaving @LPC_O AGM, @JustinTrudeau Photobombs a bridal party... #lib14 #cdnpoli]

[Photo of a bride and her seven bridesmaids posing on a staircase with Justin Trudeau is displayed on the screen. Mr. Trudeau is kissing the bride on the cheek].

Levant: It says: Leaving the Liberal Party of Canada in Ontario, Annual General Meeting. Justin Trudeau photobombs a bridal party. So this was an official campaign message. Look at the photo.

A young, beautiful bride, half Trudeau's age. [caption changes to: "TRUDEAU'S PHOTOBOMB"] He turns 43 this year. She's dressed in white. It's her special day, hers and her groom's, and Trudeau kisses her. That's what he does because you see, this isn't about her. Her own wedding isn't about her. It's about him. How do you feel about this photo? I know how the media party feels. They're made up of aging baby boomers, lots of cougars who remember Trudeau's father, Pierre and thought Pierre Trudeau was sexy or at least they think they did. [caption changes to: "LIKE FATHER LIKE SON"; photo of Pierre Trudeau is displayed on television set in background] The same way that people have a hazy, sentimental memory of the '60s and '70s. So a lot of baby boomer journalists in the press gallery were all "I wish Justin Trudeau would kiss me too". I mean, take the CBC's Hannah Thibedeau, for example. This is how she, a professional news reporter, talks about Justin Trudeau. Look. [caption changes to "TRUDEAU'S BAD JUDGEMENT"]

[Video clip of Hannah Thibedeau reporting with caption "CBC NEWS – PM SPEAKS AS PARLIAMENT RESUMES"]

Thibedeau: He's competing against a very young, uh, very flamboyant, very vivacious Justin Trudeau who's been leading in the polls. So that was kind of a little bit odd.

end of clip]

[caption changes to "MEDIA PARTY LOVE"]

Levant: Yeah. She's so excited and she just can't hide it. She's about to lose control and she thinks she likes it. It's not just women, of course. [shows photo of Justin Trudeau standing behind a chair with his tongue sticking out and index fingers pointing at Althia Raj (Huffington Post) and Paul Wells (MacLean magazine) who are sitting on the chair] I mean, you know what they say about super-hot guys? Girls want to be with them and guys want to be them. So that covers the Huffington Post Althia Raj here and, uh, MacLean's magazine's Paul Wells. That's what a certain class of political elites thinks of Trudeau. They love him. To them, this was just proof of how sexy and audacious, and vivacious, and delicious. Was that Thibedeau's line there? Did she say delicious or did she just think how delicious Trudeau is? Now, compare that to Harper. Harper occasionally bumps into brides and grooms too, as we all do, and he occasionally poses for photos with them also. [caption changes to "A CLASSY APPROACH"; photos of Stephen Harper shaking a bride's hand, and posing with the entire wedding party] Here he is, out for a walk, encountering a wedding, saying hello and shaking the bride's hand. Respectful. Wishing her well on her big day. The groom is right there. And they all did pose for a group photo, all of them together like this, also. Now, compare that again to Trudeau. See. To Trudeau, it's always about HIM. [caption changes to "TRUDEAU'S PHOTOBOMB"] When it comes to women too. They're for his use, you see. In this case, his campaign team felt that helped him look vivacious and audacious, and delicious. So they use this girl's wedding day, HER day, to make HIM look virile and sexy. A man twenty years her senior. A man, married to his own wife, Sophie. I suppose what you think of this picture depends in part on what you think of weddings... and marriages, and fidelity, and faithfulness. I mean, if they're no big deal, this picture's no big deal, right? I mean, if you love Justin Trudeau because you love Pierre Trudeau, you don't really mind open-marriages. [photo of Margaret and Pierre Trudeau appears on a television set in the background] I mean both Pierre Trudeau and Margaret Trudeau were promiscuous and publicized how many conquests they had. Uh, uh, I mean, they didn't even pretend to keep their oaths to each other. Trudeau thought it added to his virile-image, especially against fuddy-duddy conservatives. Lona Boyd. Margot Kidder. Kim Cattrall. He banged anyone. He was a slut. [photo of a young Margaret Trudeau wearing a skirt where part of her thighs and intimate parts are blurred appears on a television set in the background] And Justin Trudeau's Mom, showing her there at Studio 54. We had it blurred out cause she didn't like to wear panties back then. Well, she wasn't much different and reportedly tended towards rock musicians, but also Senator Ted Kennedy too. Now if that's your moral compass, huh, kissing another man's bride on

her wedding day is pretty cool. But what about if you think of marriage differently? I'm not saying Trudeau got sexual with this bride. I'm just saying he invaded a personal, intimate day. A day about the commitment of one man and one woman to each other. [caption changes to "TRUDEAU STEALS A KISS"] The idea of the nobleman of the estate, riding through like in medieval times to deflower whatever maidens he wanted. That's still there in Trudeau. Obviously, Trudeau didn't have sex with her but he pushed himself into the picture in an intimate way. [the "photobomb" photo appears on a television set in the background] Who kisses a bride on her wedding day, other than her father and her husband? Who thinks that's his right to do just to build up his image? Now I don't know what this bride thought. Maybe she felt pressured into it. Maybe she doesn't really care about her wedding day or its meaning. I doubt that. I'm pretty sure I can guess what her groom would say, or her groom's family, or her own father, mother. Justin Trudeau thinks he's in the movie *Wedding Crashers*, that sex comedy where slutty men go to weddings uninvited to bed the maids of honour. But even they had enough class to give the bride herself a pass. More *Source* still ahead.

-commercial break

Levant: No time left for letters. I'm curious about what you think of today's show. [caption changes to "THESOURCE@SUNMEDIA.CA"] You think I'm being too rough on the shiny pony? Too harsh on him for his foreign policy views and his engaging engagement? [caption changes to "@EZRALEVANT"] You think I'm being too mean by referring to his promiscuous mother and father when talking about that wedding photo, uh, crasher move that he did? Uh, you let me know, thesource@sunmedia.ca and tune-in tomorrow at 5 pm when my friend, David Akin, interviews the Premier of New-Brunswick. That's tomorrow. Good night everybody. Bye bye.

APPENDIX B

CBSC Decision 10/11-1803+ Sun News Network re *Canada Live* (Margie Gillis interview)

The Complaints

The CBSC received a total of 6,676 complaints about this broadcast in both English and French from across the country. Some of the initial complainants were provided with an opportunity to request a CBSC ruling, but then due to the large number of complaints, the CBSC stopped providing that opportunity and simply agree to adjudicate the matter. Of the people who were provided with the opportunity to request a ruling, 6 individuals did so. The correspondence related to those files is reproduced below.

File 10/11-1803

The CBSC received the following complaint on June 8:

Dear Sir/Madam,

I am writing to complain about the treatment dancer and choreographer Margie Gillis received on the *Canada Live* show aired on June 1st, 2011. Krista Erickson, anchorwoman for the Sun News Network, set about not only to publicly insult and humiliate one of Canada's most respected and admired artists on that occasion, but to make a political statement through her attack. Surely regulations must exist to prevent the media from taking such an aggressive and politically biased stance on prime-time TV?

Thank you for your attention.

The CBSC wrote back to the complainant, explaining that it needed the time of broadcast in order to pursue the complaint. The complainant wrote back with that information on June 9:

Many thanks for your reply. I saw the interview as part of *Canada Live* with Krista Erickson on June 1st, 2011 between 3pm and 5pm ET.

File 10/11-1805

The CBSC received the following complaint on June 8:

Dear Complaints Committee,

I am writing to complain about the methods used by Sun News to get an internationally renowned Canadian artist, and the most medaled artist in Canada, to interview. It is nothing short of entrapment and shows the very lack of compassion that Ms. Gillis referred to in her Governor General Award-filmed interview. Sun News Network is not news at all. It preys on unfamiliar and unsuspecting person of interests and uses the most crass and disrespectful

form of sensational journalism that reflects the least compassionate sector of our society. Sun News Network does is not worthy of a licence if its purpose is to carry out its business in this way. It is unacceptable treatment of anyone including an artist of this calibre. It was a public smear plot which reflected the personal opinion of this interviewer as well as her employer, Sun News Network. It was a disservice to our society and a horrendous attack on a graceful, unassuming artist who has indeed sacrificed throughout her life to hold and share a place for beauty in this world. The sacrifice begins by realizing that to create such beauty and inspiration in the world one will live at the economic margins of society for most of their lives. Krista Erickson failed to do any advance math which would point to how meager the grant values she brought up amount to and Ms. Gillis was not given a moment to grasp what was actually happening and then reply. Erickson's interview was a full-on and relentless attack. It was humiliating for me to witness and particularly because I am a tax-paying Canadian whose taxes support corporate tax cuts as well as arts funding. I am also an artist.

Everyone is entitled to their [*sic*] opinion, however, a minimum standard of ethics should prevail at all times in order for a tv station to deserve its licence. No station should enjoy a licence to misrepresent their intentions to their guests and publicly harass them with the clear intention of public embarrassment and humiliation.

I ask you to remove Sun TV from basic cable programming until it can demonstrate respect to its guests and its audience.

I look forward to your treating this matter with the seriousness it deserves.

Thank you.

The CBSC wrote back to the complainant, explaining that it needed the date and time of broadcast in order to pursue the complaint. The complainant wrote back with that information on June 9:

Thank you, [CBSC], for your email and your actions on this matter. I saw this interview on June 1 at 11:38 pm on the Sun News Network website. The live interview *Canada Live with Krista Erickson* aired on Sun News on June 1, 2011, at 4:15 pm Eastern Time and is shown in Nanaimo on channel 177 (Shaw TV).

I would like to add to my initial complaint the outrageous leap in logic with a tendentious comparison between Margie's expression of a general lack of compassion in society with the death of a soldier in Afghanistan.

Given that Sun TV (in Nanaimo at least) is a pick-and-pay channel, yet still has the capacity to make their programming available on their public website, my request, to be more specific for CBSC, would be that the Sun News licence be revoked.

Please let me know if there is any other information required or any concerns otherwise.

I look forward to hearing the results of the CBSC inquiry into this matter.

Thank you, again.

File 10/11-1900

The CBSC received the following complaint on June 8:

To Whom It May Concern:

I wish to register a complaint concerning a segment aired on Sun TV's *Canada Live* program (June 1, 2011) titled "A Lack of Compassion?". In this segment, host Krista Erickson interviews dancer and Governor General laureate Margie Gillis. What ensues during this interview is in direct violation of the Canadian Broadcast Standards Council's *Code of Ethics*, but especially Clauses 5 (News) and 6 (Full, Fair and Proper Presentation). Miss Erickson can hardly be said to interview Margie Gillis, as she basically uses the segment to air a virulently anti-arts tirade in which figures are skewed, facts distorted, and an emotional, almost-irrational bias against any form of publicly-funded culture forwarded. She barely lets her guest respond to any of the questions she poses, which are not actually questions but points in a narrow, ideologically driven agenda.

Sun TV is a member of CBSC and has agreed to adhere to a *Code of Ethics* in which "news shall not be selected for the purpose of furthering or hindering either side of any controversial public issue, nor shall it be formulated on the basis of the beliefs, opinions or desires of management, the editor or others engaged in its preparation or delivery," and in which "the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of each broadcaster." I urge you to take action against Sun TV for breaching this Code in the most flagrant way possible.

Thank you.

File 10/11-1911

The CBSC received the following complaint on June 8 via its webform:

station:	Sun News Media
program:	Krista Erickson (Prime time: " A lack of compassion?" interview)
date:	June 1 st , 2011
time:	17:30
concern:	The use of extreme political propaganda and misrepresentation in the media.

File 10/11-1921

The CBSC received the following complaint on June 8:

I was outraged to see Krista Erickson's disrespectful attack on Governor General-award recipient Margie Gillis. This wasn't an interview, this was a combative attack led by a biased ideology.

According to the CBSC's code clause 6 "The fundamental purpose of news dissemination in a democracy is to enable people to know what is happening, and to understand events so that they may form their own conclusions." At one point Ms. Gillis wasn't even able to talk because of Ms. Erickson's yelling over her guest. As Ms. Gillis pointed out, she was being interviewed as Ms. Erickson's guest and she should be allowed to talk.

I believe that Krista Erickson's "interview" was in violation of the *CAB Code of Ethics*.

The CBSC wrote back to the complainant, explaining that it needed the date and time of broadcast in order to pursue the complaint. The complainant wrote back with that information on June 15:

Thank you for your reply.

The interview I am referring to was entitled "A Lack of Compassion?" which aired June 1, 2011 at 5:30.

File 10/11-1965

The CBSC received the following complaint on June 8:

I wish to register a complaint about the piece by Krista Erickson, anchorwoman for the Sun News Network, which aired on June 1, 2011 on the network's *Canada Live* show. Ms. Erickson interviewed the distinguished dancer-choreographer, Margie Gillis, in an inappropriate and highly unethical manner. Ms. Gillis had just received a Governor General's Performing Arts Award for Lifetime Artistic Achievement. For more than three decades, she has served not only as an artist but a cultural ambassador for Canada.

The clip that accompanied the interview trivialized and misrepresented Ms. Gillis' work in several ways. It was extremely brief; it was presented out of context; it was manipulated and distorted -- altered by slow-motion and extreme closeup, and set up by Ms. Erickson's hand-waving mockery. Given the way it was presented, I have to wonder whether Ms. Erickson's rude remarks were based on this single, distorted fragment, or on actual viewing of the entire piece. And since her commentary denigrated not just this one piece, but virtually all of Margie Gillis' works, and all of contemporary dance, I wonder precisely how many contemporary danceworks Ms. Erickson has seen, before passing such damaging and gratuitous judgment.

As I wrote in my book, *Media Ethics and Social Change* (Edinburgh University Press and Routledge, NY, 2004, nominated for the Clifford Christians Ethics Award), it is not required that a journalist like or even appreciate an artist or her/his work. What is required is the basic respect for the people s/he interviews and depicts. "Journalism is ethical to the extent that it tells as much truth as possible ... and includes a range of observation that provides a context for the 'factual' information reported about people and events." I quoted an account by the singer Frances Somerville of a review published in a major magazine that praised her CBC Radio performance of a Bach aria. The only problem -- she was ill and had to cancel the broadcast. She said the music critic's praise of her performance 'would have thrilled me if I had sung the recital'.

I wrote, "I think we can agree that here is a moral absolute. No one should review a performance he or she has not attended!"

In 2004, I thought such things were relics of the journalistic past. But Krista Erickson has done essentially the same thing -- she evaluated a body of work that she could not possibly have seen. Even if she did see all of this particular Margie Gillis work, she most surely has not seen all of the works she derided in the broadcast.

The broadcast was unethical and insulting to the interviewee; the Governor General's Award nominators, judges and presenters; Canada's arts community; and the viewing public. I ask that you formally censure Krista Erickson, those with editorial responsibility for *Canada Live*, and Sun News Network.

Broadcaster Response

The CBSC did not oblige Sun News Network to respond to all complainants, only those who had filed their complaints before the CBSC posted its website message on June 24. To those complainants, Sun News sent the following letter on August 12:

I am writing in response to your complaint concerning Krista Erickson's interview with Margie Gillis, which was broadcast on Sun News on June 1, 2011.

Given the large number of complaints, we have chosen to provide a common response that addresses the main points made by those who took issue with the interview.

It is part of the mandate of Sun News to explore topics and issues that have not been fully explored in other media, including other broadcasters. It is also part of the mandate of Sun News to explore such topics and issues in a thought-provoking, fearless and hard-hitting way. We pride ourselves on this mandate.

One such issue is government funding for artists and for the arts in general. Sun News understands there are many people in Canada who strongly believe that government should fund the arts. There are many others who believe just as strongly that it should not, or who question what the justification might be for doing so. The very fact that there are strong differences of opinion underscores the importance of exploring the issue in a sustained and critical way.

Krista Erickson's interview with Ms. Gillis was part of Sun News's efforts to do so. Ms. Gillis is a member of the Canadian arts community. She is also a long-time recipient of government assistance to artists. In addition, at the time of her interview on Sun News, she had recently made a controversial, political statement on the need for further funding at the Governor General's Arts Awards. That made her an ideal interviewee for a segment on arts funding. Sun News thanks Ms. Gillis for agreeing to appear on the network to address this issue. It is important that different opinions be heard on Sun News.

The interview with Ms. Gillis ran for approximately 21 minutes. It was far from a "drive-by" that dealt with the issue in a brief and unsatisfactory fashion. Sun News suggests that the time devoted to a one-on-one discussion of this topic is a rarity in Canadian television journalism.

The interview gave Ms. Erickson the opportunity to question Ms. Gillis in great detail on her views on arts funding and push her aggressively to respond to the arguments made by those who do not support arts funding, nor see a justification for the substantial amount of funding Ms. Gillis herself has received. Ms. Erickson's interview gave Ms. Gillis a lengthy and equal opportunity to set out her views on the subject. And Ms. Gillis did so, forcefully and articulately.

Numerous complaints to the CBSC accused Ms. Erickson of in some way attacking Ms. Gillis. These statements do not do justice to Ms. Gillis. They minimize and downplay the tenacity with which she presented the other side of the debate.

The interview was more than just a polite and mild-mannered interview of the sort that is unfortunately all too common in Canadian broadcasting. It was a debate. Ms. Erickson did not simply accept Ms. Gillis's answers and move on to the next question. She took issue with Ms. Gillis's answers. She probed further. She raised analogous or related issues. This is

what viewers of Sun News expect. And Ms. Gillis held up her side of the debate ably and forcefully.

Sun News proudly stands by Ms. Erickson, who effectively carried out what Sun News considers to be the responsibility of an interviewer addressing a controversial topic. Sun News believes that the measure of good journalism includes challenging the point of view of the interviewee -- but also giving the interviewee the opportunity to respond and, in turn, to challenge the point of view being presented by the interviewer. Again, Sun News stresses that Ms. Gillis took up that challenge very effectively.

That is what the news media look like in a free and democratic society.

A large number of complaints suggest the proper remedy to the Krista Erickson interview with Margie Gillis is to have Sun News removed from the air. This reveals an intolerance for debate and a diversity of views that is not, and will never be, shared by the Sun News Network. Moreover, it runs counter to the fundamental principles, laws and constitutional rights afforded to a free media and on which a free society is based.

Sun News makes no apologies for being controversial, and will continue to take on contentious subjects.

Sun News, like all private media, is accountable to its audience and to the courts. Those who are offended by content have many remedies at their disposal, including changing the channel. One remedy that should never be on the table is to censor or ban voices one disagrees with or is offended by. Such a step would be inimical to the fundamental principles of freedom of speech.

In closing, Sun News and its parent company Quebecor Media respect, and always have respected, the rule of law under the Canadian constitution -- both the obligations that come with it, but also the freedoms it affords. No campaign, organization or complaint will change this fact.

Sun News submits that its interview with Ms. Gillis did not violate any CBSC broadcast guidelines or codes.

Additional Correspondence

File 10/11-1803

The complainant wrote back to the broadcaster on August 23:

Thank you very much for your reply to my complaint concerning Krista Erickson's interview with Margie Gillis, which was broadcast on Sun News on June 1, 2011.

I certainly appreciate that it is part of the mandate of Sun News to explore topics and issues that have not been fully explored in other media, and to explore them in what you describe as a hard-hitting way. Erickson's overtly aggressive attitude to Gillis, however, made it look much more like a criminal in the dock than a respected contemporary artist being put on the spot.

I do not agree that your interview was aimed at exploring the (apparently) contentious issue of state arts funding in a sustained and critical way. There was basically one argument that Erickson forcibly put forward: look how much you have received in arts funding, how can you

justify it when neither I nor anyone else in the country understand or appreciate it? If a journalist interviews a world leader, for example, they [sic] would be laughed off the screen if they hadn't done their homework regarding the relevant issues of the day. The same should apply here. Erickson made no attempt to understand Gillis's replies and showed herself to be wholly ignorant of both contemporary dance and the arts in general.

Anyone watching that interview was indeed left with the impression that Ms. Erickson verbally attacked Ms. Gillis and I have great difficulty in understanding how you can defend this as good journalism. Indeed playing the "free and democratic society" card as a justification for giving free rein to biased and profoundly ignorant reporting is very disappointing.

That complainant also filed his Ruling Request on August 23 and pasted the most relevant portions of the above letter into the document.

File 10/11-1805

The complainant wrote back to the broadcaster on August 26:

I appreciate your efforts at explaining the Sun/Erickson interview with Ms. Margie Gillis.

I am very familiar with the difference in opinion as to whether or not the arts should be funded by our government. The same argument is made with respect to education, poverty, social services, health care and sports. The arts advocates and artists in our country are well versed in the dialogue and can easily participate in a critical exploration of most of these issues and particularly any conversations or explorations that surround arts funding.

In reading your response, it would seem to me that we are talking about two distinctly different interviews. Your claim of a desire to explore the topic of art funding in this interview has no rationality to substantiate it.

I certainly appreciate thought-provoking and fearless critical thinking. As for hard-hitting, I am not clear what you mean by that. The interview I witnessed and complained about shows Krista Erickson, clearly with the support of Sun TV, in the act of bullying rather than dialoguing critically or thought provokingly. There was no dialogue here. Ms. Gillis was a sitting target for public mockery and humiliation. That, by our *Charter of Rights*, is bullying and is not acceptable by law in Canada. Ms. Gillis' conversation attempts were interrupted and over-run at critical moments including the final word. Ms. Gillis continually attempted to re-direct the mockery toward the respectful, engaged and civil dialogue that we were all led to believe was the agenda.

As a viewer, I was interested in hearing what the right-representing station might have to say and how they would listen to an advocate for freedom of expression. I was led to believe that Ms. Gillis would take questions about 'Arts Funding' in Canada and participate in a free and open dialogue in front of viewers.

What I witnessed was a public personal attack on her finances which lacked accuracy and humiliated me as a taxpaying Canadian Citizen.

The information on which Ms. Erickson based her diatribe was inaccurately represented. For instance, The Walter Carsen prize is not taxpayer money at all. It is private money awarded through a selection committee of The Canada Council for the Arts. Most of her funding is based on a lifelong investment in her art form and some are actual lifetime achievement

awards. A more realistic explanation of the funding Ms. Gillis received would have gone a long way to stimulating actual thought-provoking dialogue.

The interview encouraged the public to mock and humiliate the artist and the art form as opposed to engage in thought stimulating dialogue. It invited hate mail visible on Gillis' Facebook page and on your own YouTube comments section. On that same page Ms. Gillis encouraged her advocates to not engage in disrespectful communication, to use complaint systems in place if they desired to complain, yet to refrain from "fighting fire with fire". Yes, she was graceful, intelligent and articulate. Margie is a fiercely intelligent woman. She was prepared for the dialogue she was invited to participate in. She was not prepared for what transpired. It was clear in the watching that her invitation came under false pretenses. As one of the public, I was invited to witness under false pretenses and before my eyes Margie was assailed verbally and cut off at critical moments in the conversation. This, [Mr. M., Sun News Director of Legal Affairs], is bullying and is not acceptable. For your information, I did inquire as to the pretenses under which she was invited and my evaluation, as a certified movement analyst, was accurate.

Beyond the interview itself, the style and the purported purpose, the network misunderstood a line in a film made about Ms. Gillis for the Governor General Awards. She said that she used to think we live in a compassionate society and that she doesn't think that anymore. Ms. Gillis was speaking about the very humanitarian issues that would require soldiers to be in Afghanistan. She was speaking about a shift in society to one that is more self-engaged than engaged in the greater good. It doesn't take a scholar to get that, Mr. [M.]. Sun saw fit to extract that line, use it out of context in two ways: 1) to say that she meant the government was not generous enough in arts funding; and 2) to ask the public to compare the compassion level of arts funding to the fact of a soldier's death in Afghanistan. This was a sensationalized, manipulative and mis-representational twist on her words which was utterly inflammatory and disgusting. No one could be prepared for such a misrepresentation, especially given that Ms. Erickson did not allow Gillis time to respond. I have had a family member sacrifice in combat on the front lines, Mr. [M.]. He fought for freedom of expression and this is not a wasted fight. It includes the right to health care, education, politics, a humane standard of living, sports, arts and media (which also receives funding).

Further, it is an old media tactic to turn a complaint into a complaint and is easily seen through. Ms. Gillis, and the arts community in general, stands behind the principles of free speech as much as you purport Sun TV to. In fact, Sun TV stands to learn from artists about exploratory, thought-provoking dialogue that is frank and to the point. The difference is dialogue WITH. One dialogues and explores with another, one spars verbally with another. When a human being is set up under manipulative parameters as a target for verbal abuse, monologue style, we are talking about abuse of privilege.

I stand by my desire to see Sun TV's licence revoked until such time as your on-air work reflects honesty and expression which does not violate the *Charter of Rights*. Your response lacks reflection and is unacceptable.

That complainant also filed her Ruling Request on August 26 with the following letter:

I received a response from the broadcaster in regard to this complaint and am unsatisfied with its lack of depth, self reflection, and its apparent use of the tactic of turning my complaint into Sun TV's complaint.

I responded to his email and have included it below.

The broadcaster's response would seem to reflect an entirely different interview than the actual one of which I complained.

The interview:

- 1) was misrepresentative: I was led to believe that this would be an interview on arts funding rather than a full-scale attack on one artist's funding and her articulation of a point of view on global humanitarianism. It is clear that Ms. Gillis was equally unprepared for the point of view of the attacking interview.
- 2) was misleading: the information provided was presented in a way as to inflame and mislead. Funding sources and purpose as well as time lines were misrepresented.
- 3) used bullying as a tactic. In any instance when Ms. Gillis attempted to deal with exacerbated information Ms. Erickson cut her off. The interview resulted in hate mail on Sun TV, You Tube and Gillis' Facebook. We are protected from this power tactic by our *Charter of Rights*. The Sun TV response had the audacity to turn the public complaint around to accuse those who disagreed with their tactics of believing in Censorship and of being against Freedom of Speech. This furthers the example of their use of bullying.

Thank you for ruling on this matter.

File 10/11-1900

The complainant filed her Ruling Request on August 12 with the following note:

I was not even remotely satisfied with the broadcaster's response. It was just as offensive as the program in question. The broadcaster remains unapologetic and claims not to have violated CBSC's guidelines or codes. The evidence, however, is firmly against them.

File 10/11-1911

The complainant indicated his dissatisfaction with Sun's response on August 14:

I must ask, is this type of response typical?

By that I mean a response that completely ignores the issue that many people (more than ever recorded to date) have expressed towards the treatment Margie Gillis received by Sun News Media and Krista Erickson?

Is [Sun News' Director of Legal Affairs] aware that Sun News Media receives funding from the Canada Government as well, yet still found it reasonable to attack a world-renowned artist for doing the same?

Is it standard to use buzz words like "hard-hitting", "fearless" and "though-provoking" as if they actually mean anything in the real world? As if they are excuses to behave like children?

Is it also standard to turn around and accuse those that take issue with unfair, unbalanced, unprovoked attacks by claiming that we are in fact the problem, that we somehow have no faith in Margie Gillis?

I am wholly unsatisfied with this response from Sun News Media, as I am sure many others will be as well and will request a Ruling by a CBSC Panel.

It is time for Canadians to take a stand against news organizations that take the opinion of a small number of Canadians as fact. A time to take a stand against the divisive nature of opinion polls and soft news. I feel fairly certain that half-truths and rhetoric are not what the news media look like in a free and democratic society

I thank you both for taking the time to respond and deal with this issue.

File 10/11-1921

The complainant filed her Ruling Request on August 16 with the following note:

I was not happy with the Sun TV's response concerning my complaint. Because of the amount of complaints Sun TV received they supplied a mass response which attempted to answer everyone's complaint.

I feel that the response misses the point of my complaint and maybe many others. I have no issue with a good debate and I also have no issue that the topic under fire was arts funding. What I took issue with was the complete lack of respect that Ms. Erickson showed to Ms. Gillis during her attack and yes it was an attack not a debate. Ms. Erickson waving her arms in mimicry saying "what is this and I don't get it" was completely disrespectful and had nothing to do with addressing, as Sun TV wrote, "a controversial topic." I was not upset at the topic that was being debated but how Ms. Erickson chose to pursue it [*sic*]. I see a debate as a formal interaction and representation of an argument while an attack is done in a hostile manner. And this is why I made my complaint, I feel that Ms. Erickson was hostile towards Ms. Gillis which crossed the line in providing the viewers with a democratic debate.

File 10/11-1965

The complainant sent an e-mail to both the CBSC and Sun News on August 14:

As you must surely realize from the volume of complaints, and the journalistic principles you must surely have learned at some point in your career(s), the response from Sun News is an irresponsible dodge. Sun News has expressed concern only about its potential legal liability. I am not a lawyer, and cannot pass judgement on the legality of the company's and its employees' behaviour. However, as a media ethicist with considerable experience and relevant credentials, I feel qualified to say that the interview in question – and the company's decision to air it and continue to defend it – violates the principles of responsible journalism as most ethicists would understand it.

Along with countless others who have expressed their concerns, I continue to be deeply dissatisfied with the journalistic standards that you have demonstrated, and continue to demonstrate and defend.