
APPENDIX B

CBSC Decision 10/11-2217 & 11/12-0442+ CITS-TV re *It's Your Call*

The Complaints

File 10/11-2217

The CBSC received the following complaint on July 28, 2011 via its webform:

station: CTS
program: Robert Melnichuk, *It's Your Call*
date: July 4, 5, 6, and 28, 2011
time: 1-2:30 am

concern: I am concerned that on the dates indicated that the host of this show violated the rights of gay people by posing the question of whether or not it is wrong to say that being gay is wrong. This query and the audience to whom it was posed drew the inevitable response from many viewers that it's okay to decry homosexuality. I bristle at the notion that it's within social acceptability in this day and age to pose a poll on television to an audience that can readily prove its collective homophobia, not to mention the fact that this was the show's topic two days running, not to mention the host's insistence on demonstrating that biblical scripture supports his position, without any willingness to divest himself of the pretense of objectivity. On July 6 he used the Bible to support a "modern" endorsement of the death penalty in a country that got rid of capital punishment 35 years ago. On the 28th (earlier today) he spoke of the issue of "curing" people of homosexuality, with many callers again demonstrating their intolerance for a lifestyle they didn't agree with, and the host categorizing gays as deceptive sinners. This program's format is problematic enough without begrudging the mere existence of historically marginalized people, and should be challenged by this council. Thank you for your consideration.

The complainant wrote again on August 5:

station: CTS-TV
program: (a) Robert Melnichuk, *It's Your Call*; (b) Charles McVety, *Word TV*
date: (a) July 9, August 4, 2011, (b) January 2011
time: (a) 1-2:30 am; (b) 11-11:30 pm

concern: Although this sort of concern probably cannot be settled in a CBSC hearing, I'd like to file a complaint nonetheless if for no one else's benefit than the broadcaster's. On the July broadcast of *It's Your Call*, the host's guest attributed North American affluence to democracy rather than the intelligence level of its citizens, which he characterized as "in the

middle or near the bottom", which I found to be an unwarranted and inappropriate slight. In the August broadcast, Mr. Melnichuk advised a viewer who professed to be a practising archaeologist that he could acquaint him with researchers prepared to refute commonly-held views in the scientific community re the age of the Earth, effectively making the show a vessel and disseminator of constructive ignorance. I should also like to point out here that I never received a response from CTS re my CBSC grievance filed months ago about the final editions of *Word TV*, which I would like sent to me immediately please. Thank you for your consideration.

File 11/12-0442

The following complaint was sent to the CRTC on October 4. The CRTC did not forward it to the CBSC until October 26.

The Crossroads Television System (CTS) program *It's Your Call* recently aired discriminatory material against the LGBT community (early morning of Mon. Oct. 3, 2011). The majority of the program expressed the sentiment that when schools teach the acceptance of transgender individuals, it corrupts the minds of children. The host suggested that transgender behaviour is immoral and comes from "Satan". This is a clear violation of both CBSC standards, and the *Canadian Human Rights Act*. No religion can be used to justify a thinly-veiled attack against a minority group. Without CTS' religious pretext, it is obvious that these remarks are bigoted. The implication that transgender people corrupt children is especially offensive. Had this material appeared on any secular station, it would have been recognized as hate-speech immediately. Many are thankful that you recently canceled *Word TV* from CTS. Please do something about *It's Your Call*. They cannot use a "call-in" show format to attempt to rationalize homophobic comments.

The CBSC wrote back to the complainant indicating that it would need the specific time of broadcast in order to pursue the complaint. The complainant provided that information and added another broadcast date to his file on October 29:

Thank you very much for reviewing my complaint. The specific episode of *It's Your Call* aired on Mon. Oct. 3, 2011 from 1:00 am to 2:30 am in the morning. It is important that I mention that *It's Your Call* aired yet another discussion about the same topic this morning (Sat. Oct. 29, 2011 from 1:00 am to 2:30 am in the morning). The discussions seem to be a frequent occurrence on the show.

Thank you as well for forwarding my complaint to CTS (Crossroads Television System). The issue is that CTS has a history of airing anti-gay and anti-transgender propaganda in the name of Christianity, and refuses to alter its programming. Its daytime shows attempt to distance themselves from the more radical prejudice which airs late at night on *It's Your Call*. The show facilitates hate speech, as it incites bigoted viewers to call in with prejudicial comments. Their rationalization that it is a call-in show, which allows a "discussion" of both sides, vastly misrepresents what is actually taking place. Anti-gay sentiments are validated by the host and the majority of the callers, while other callers promoting equality for everyone are eventually cut off, or reprimanded with Bible passages. Their discussions about how they believe gay and transgender material in the Canadian school curriculum will "corrupt the minds of children" are common. Viewers are intelligent enough to realize that freedom of speech and religious freedom are purposely being misused to allow prejudiced comments about LGBT individuals. If any other broadcaster did this against a minority or ethnic group, their show would be taken off the air. It is offensive to imply that a given minority group is

"immoral" according to one's own religion. CTS needs to be reminded that Canada includes many citizens who are both Christian and gay, or both Christian and transgender, who are entitled to the exact same degree of decent treatment as anyone else. They are not "immoral", "corrupt" or "confused".

Several links of commercials currently being aired on Canadian television illustrate the hatred promoted by former CTS member Charles McVety (the host of CTS' recently canceled *Word TV*), and are representative of the underlying attitudes of CTS:

<http://www.youtube.com/watch?v=blkFI0-ZJdY&feature=related>

<http://www.youtube.com/watch?v=IUgvoTp76PU>

<http://www.youtube.com/watch?v=07-xb8q9Yf8>

By this time, the logger files for the October 3 broadcast had already been recycled. The loggers for the October 29 episode were still available so the CBSC accepted that portion of the complaint. The CBSC explained this situation to the complainant and he wrote back on November 8:

Thank you very much for all of your assistance. I will see what CITS-TV says when they e-mail me. Either way, I hope that the CBSC will review the logger tape from the October 29 broadcast.

File 11/12-1177

The same complainant added another date to his complaint on February 3, 2012, but the CBSC opened a new file number for it:

I apologize for having to bother you again. It is important to note that *It's Your Call* aired another anti-gay episode early this morning (Fri. Feb. 3, 2012 from 1:00 am to 2:30 am in the morning), which involved a public forum on whether being gay is a "choice". The host made several homophobic comments, including that homosexuality is a "sin", and that being gay is "like any other sexual perversion". I would like to add the tape of this recent episode to my CBSC complaint file (CBSC File C11/12-442).

It is unacceptable for any Canadian broadcaster to use the word "perversion" to categorize members of any minority group. The program continues to find clever ways of expressing an extreme anti-LGBT attitude, and disguising bigotry as a public forum. It is obvious that CITS-TV is continuing to place homophobic programming on air at times of the day when they can get away with it.

Broadcaster Responses

File 10/11-2217

CTS responded to the complainant on August 11, 2011:

I have received your complaint concerning *It's Your Call* broadcasts on CTS TV, July 5, 6, 7, 28, 2011. I have carefully reviewed the programs and offer the following comments.

It's Your Call is a live religious phone-in program produced by Crossroads Christian Communications Inc. In the July 5, 6, 7 episodes the topic of discussion is generally about Biblical morality and is it acceptable in today's society. These programs covered a variety of moral issues (including homosexuality) and the Biblical reference to these moral issues. This is an open-line program and many viewers accept the teaching of the Bible as truth and some don't. It's important to note that some callers and emails to the show (read on air) presented a different perspective and argued Biblical teachings shouldn't be accepted as a moral compass for our society.

As you have indicated in your complaint, the July 28th episode deals with the topic "Is Conversion Therapy Possible?" (as the host states: to convert to "straight" lifestyle or "gay" lifestyle) and does the Bible support it. As the host states, this topic was chosen because of recent news stories in the US and UK concerning psychologists offering conversion therapy. The host states that Christians believe the Bible (Corinthians 1:6 v9) categorizes the act of homosexuality a sin.

Canada is a pluralistic society; however, as a religious broadcaster, CTS does attract a certain viewership that is interested in learning and discussing Christian Biblical teachings and beliefs. In comparison, the viewership of the Canadian channel Out TV would be interested in programming content relevant to the homosexual lifestyle. I understand your personal concern that a Religious program on CTS discussing Biblical moral teachings related to sexual practices shouldn't be allowed; however, the nature of our programming service is to offer faith groups the opportunity to express their faith or in the specific case of this program, provide an open-line discussion about religious beliefs.

CTS requires that all program producers adhere to the CRTC Religious Broadcasting Policy, CTS Code Of Ethics, Canadian Broadcast Regulations and Canadian Law. Your letter of complaint does not specifically mention what you saw or heard that would violate any of these regulations.

In my opinion, the episodes you have concerns about have adhered to these regulations and, specifically, have followed the CRTC Religious Broadcasting Policy applicable to the content of this religious program: "Programming Practices" item #3, Public Notice CRTC 1993-78: 3. *While groups and ministries are free to express their views about activities that they deem to be "sinful", they shall not call into question the human rights or dignity of any individual or group.*

It's important to note that CTS TV is a "balanced" religious broadcaster and provides opportunities for other points of view on matters of public concern in its program schedule. The open-line format of this program also offered other points of view through callers to the program and emails read on air.

File 11/12-0442

The broadcaster responded to this complainant on November 24:

I have received your complaint concerning the October 29th broadcast of *It's Your Call* on CTS TV, CBSC File #C11/12-442. I have reviewed the entire program in question and offer the following comments.

This daily program is a production of Crossroads Christian Communications and airs live Monday through Friday, 1:00 am-2:30 am on CTS TV. This particular program was hosted by a "guest" host, Crystal Lavallee. Ms. Lavallee is a young Christian woman involved in social justice issues. Ms. Lavallee explains at the beginning of the program that she is inviting viewers to call in with their comments concerning the Toronto School Board's Equity and Inclusive Curriculum. The producers made the decision to make this a topic of discussion with viewers because of coverage of this issue in mainstream news media coverage throughout that week. The host makes the point, however, that the discussion is not to focus on targeting a specific group, but to have a "well-rounded discussion on what is happening in our schools and what is most beneficial for the next generation to flourish."

Your complaint does not specifically quote a portion of the program that you feel is a violation of Canadian broadcasting regulations that would warrant removal of this program from CTS. The full hour-and-a-half program is an open-line opinion program with viewers providing their opinion on this new TDSB curriculum. At no point during this episode does it appear that any of the callers into the program were "cut off" as you suggest in your complaint. Opinions from several perspectives on this issue were clearly stated and the host allows opinions from both sides of this issue to state their thoughts. It is clear from this program that this is a topic that elicits some very passionate opinions from people who support and oppose the new curriculum. However, I did not see any comments that as you suggest in your complaint "would imply that a given minority group is immoral according to one's own religion". The anger by viewers seems to revolve around the fact that parents don't have a choice in what is being taught to their children in school.

I do find it interesting that your complaint contends that CTS is anti-gay and anti-transgender simply because one of our programs chooses to allow viewers an opportunity to air their opinions on controversial school curriculum. You've also stated in your complaint that CTS is guilty of "promoting hatred" simply because the host of a former program that aired on CTS (and other stations) is now involved in a public service announcement (PSA) campaign against the TDSB curriculum. A PSA that CTS doesn't even air because of our concerns over the images and creative content in the PSA. CTS TV does not allow the promotion of hatred of any identifiable group through any of its programming. All of our producers are required to adhere to Canadian broadcasting regulations, Canadian law and our own code of broadcasting ethics. CTS takes its role and responsibilities as a Canadian broadcaster very seriously and adheres to these regulations and laws. We believe that open-line discussions offer viewers the opportunity to freely express their opinions based on their religious belief, but must do so within the boundaries of broadcasting regulations and law and our code of ethics.

CTS is concerned however that this guest host was not as prepared as she should have been in taking on such a controversial subject with calls from viewers. At some moments in this program, viewers do not have their facts correct with respect to the curriculum. It is important that the host be prepared to correct misinformation clearly and quickly on the air in order to prevent inappropriate discussion and misrepresentation of the topic of discussion.

I have made the producer aware of this very serious concern and taken steps with this producer to ensure that the highest level of host preparedness is expected in all future programs. The specific moments where information was incorrect or misrepresented has been addressed with this host and the producers have assured us that Ms. Lavallee will not be used as a guest host again until they are comfortable with her understanding of our concerns.

File 11/12-1177

CTS responded to the second complainant's second complaint on March 2, 2012:

I have received your complaint concerning the February 3rd broadcast of *It's Your Call* on CTS TV, CBSC File #C11/12-1177. I have reviewed the entire program in question and offer the following comments.

As I said in my last response to you, this daily program is a production of Crossroads Christian Communications and airs live Monday through Friday, 1:00 am-2:30 am on CTS TV. The topic of this episode was "Is There A Choice", meaning is gay sex a choice or are you born gay. The regular host, Robert Melnichuk invites callers to share their views on whether or not homosexuality is a choice. While explaining his own personal beliefs, the host makes the statement that he believes gay sex is a sin based on scripture and that his belief should never lead to hatred towards a person who commits a sin. In the context of explaining his beliefs of what is sin based on his faith, I do not believe this is a violation of any broadcasting or human rights laws.

You also mention that the "*host said that being gay is like any other sexual perversion*". I believe you may have misheard exactly what the host said. After listening to a gay Christian caller to the show, Mr. Melnichuk was agreeing with the caller that the church hasn't always dealt well with people searching for help from "*homosexuality, drugs, alcohol or any other abuse or sexual perversion*". Within the context of gay sex being a sin, according to God's law, gay sex is a sexual perversion. I do not believe this statement is a violation of any broadcasting or human rights laws.

It is never the intention of CTS TV to spread hatred toward any group at any time. We do not broadcast this program late at night, as you suggest, in order to "*broadcast homophobic programming when we can get away with it*". Crossroads, a Christian Television Ministry, uses the air time in the middle of the night to have an open dialogue with viewers because this time of day has proven to be a very good time to enter into an interactive dialogue with viewers about faith.

Additional Correspondence

File 10/11-2217

The complainant submitted his Ruling Request on November 8 with the following note:

I am dissatisfied, as I expected to be, with the responses of [other broadcasters for which he had filed other complaints] and CITS-TV respectively. [...] In addition, I would like to file a new complaint about CITS' *It's Your Call* with respect to its October 13 broadcast on the topic of gay clergy, on the basis that it violated CBSC codes with respect to sexual orientation. Thank you for your consideration.

The CBSC opened a separate file for his complaint about the October 13 broadcast, but the complainant did not submit a Ruling Request for that file.

File 11/12-0442

The complainant filed his Ruling Request via the webform on November 29:

Dear CBSC,

I have considered the response provided by [the Director of Programming] of CITS-TV, and I am not satisfied. I would like to request a ruling by a CBSC panel for the full October 29th broadcast of *It's Your Call*. It is unfortunate that the October 3rd broadcast cannot be reviewed as well, since many of the anti-LGBT sentiments I cited were present in both broadcasts. It is also important to note that topics involving the LGBT community appear frequently on the show.

[The Director of Programming] claims that the show merely invites "viewers to call in with their comments". This is a red herring. His response is simplistic, and deflects attention from my actual complaint. I did in fact "specifically quote a portion of the program" that is in violation of CBSC regulations. I reiterate -- the program provides a public forum for the prejudiced "opinions" of homophobic and transphobic individuals, and then attempts to rationalize hate speech from the standpoint of "religious freedom". CITS-TV is permitting and facilitating homophobia each time the program revisits LGBT topics. The inclusion of the ad sponsored by Dr. Charles McVety (<http://www.canadianvalues.ca/SCC/>) is especially relevant, since CITS-TV continued to air Dr. McVety's anti-LGBT material on *Word TV* for years -- until the CBSC pulled *Word TV* off the air in December of 2010. Anti-LGBT sentiments endorsed by Dr. McVety are now being aired on *It's Your Call*. Additionally, CITS-TV has led a long-standing campaign against same-sex marriage, in favour of "traditional" marriage alone. The anti-gay and anti-transgender attitudes of CITS-TV are obvious and undeniable.

I am submitting this ruling request now, so it is received within the 14-day deadline. I intend to follow up with a detailed rebuttal of [The Director of Programming]'s letter, which I will e-mail to [the CBSC] shortly. Many other viewers have expressed similar complaints about *It's Your Call*.

He also sent an e-mail that same day:

I received a response from CITS-TV, but it does not address the concerns I raised. I have already filled and submitted a Ruling Request Form, and I have copied the contents below. Thank you very much for all of your assistance in this matter.

File 11/12-1177

The second complainant filed a Ruling Request for his second complaint via the CBSC webform on March 6, 2012:

Dear CBSC,

I have considered the response provided by [the Director of Programming] of CITS-TV on March 2nd, and I am not at all satisfied. I would like to request a ruling by a CBSC panel for the full February 3rd broadcast of *It's Your Call*.

The program continues to violate both broadcasting laws, and human rights laws – [the Director of Programming]'s belief otherwise is irrelevant. I must say quite bluntly that I did not mishear anything. Robert Melnichuk's actual words are present on the tape of the broadcast. [the Director of Programming] indicated that Mr. Melnichuk said the words "homosexuality, drugs, alcohol or any other abuse or SEXUAL PERVERSION". These words are a clear attempt to categorize being gay as one type of "sexual perversion". Mr. Melnichuk's comments directed at gay people are objectively homophobic, heteronormative, insulting, arrogant, and condescending. His manner of delivering them was abrasive, as usual. It is both a straw man argument, and insulting, for [the Director of Programming] to dismiss my complaint on the grounds of "mishearing" -- I did not mishear Mr. Melnichuk's statements.

Mr. Melnichuk should be made aware of the objective fact that people are not "perverted" simply by virtue of their sexual practices. Homosexual activity between consenting adults cannot be classified as a "perversion". Homosexuality is not a crime, it does not hurt people, and consent is involved. By contrast, rapists and pedophiles are perverted because the acts they commit are criminally reprehensible sexual assaults, which violate the autonomy of other people.

Additionally, [the Director of Programming] maintains that "according to God's law, gay sex is a sexual perversion". He reinforces the bigoted sentiments of Mr. Melnichuk. His letter is immensely offensive, and his reasoning defies logic. This is yet another flagrant, derogatory remark made by someone from CITS-TV. [The Director of Programming] should realize that certain utterances can violate laws whether he chooses to "believe" it or not. "Intent" is meaningless. Despite his claims to the contrary, CITS-TV is getting away with spreading hate against the LGBT community at times of the day when it is easiest to do so. If other broadcasters such as CTV, Citytv, CBC, or Global attempted to air a host calling gay people "perverted", there would be a massive public outcry. CITS-TV must be held to the SAME standard as other Canadian broadcasters -- regardless of their Christian values. There is no "context" which can be used to justify the host's statement -- Christian or otherwise. It is not the job of CITS-TV to judge, categorize, and police the sexual practices of Canadian viewers. It is entirely possible for CITS-TV to broadcast the message of Christianity without attacking the LGBT community. If CITS-TV has nothing good to say about the LGBT community, then they should avoid LGBT-themed topics and discussions on their show entirely. CITS-TV does not have the religious freedom to offend gay people.

He also sent an e-mail that same day:

I received another response from CITS-TV. Yet again, their response does not address my concerns -- in fact, they maintain their right to have made the offensive comments on air. I have filled and submitted another Ruling Request Form, and I have copied the contents below. Thank you very much once again.