

**OFFICE OF THE  
OMBUDSMAN**

ENGLISH SERVICES

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**ANNUAL REPORT  
2004-2005**

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## THE OMBUDSMAN'S REPORT

*"Like a factory on a river daily journalism is an industry that produces pollution. Our pollution comes in the form of errors. America's river of public discourse---if I may extend this figure of speech---is polluted by our mistakes. A good newspaper cleans up after itself."*

John S. Carroll, Editor, Los Angeles Times, Lecture on Ethics,  
The University of Oregon, May 6, 2004.

The image isn't flattering, and neither is editor Carroll's view of the journalistic landscape. He sees an America invaded by pseudo-journalism, by what he describes as wolves in reporters' clothing, by an array of talk shows and web sites that seek to manipulate the public. At a time when falsehood has never had a larger megaphone, he argues, it's more important than ever for traditional journalists to demonstrate their commitment to accuracy by correcting the mistakes they make. He noted that the year his newspaper won five Pulitzer Prizes for outstanding journalism it also published 2,759 corrections. For, as he put it, "corrections large and small are essential to our credibility."

I couldn't agree more. And that's why, in my tenth and final report as Ombudsman for CBC's English services, I would like to applaud an initiative the public broadcaster will take this fall when CBC News will launch a new format for making on-air corrections across the full range of its information programming. This is something I recommended three years ago. I understand why this project has been so long in gestation: the initiative is unprecedented. No major broadcaster has ever planned to give such high profile to its corrections---and its mistakes. Historically, broadcasters around the world have been, and largely remain, much more reluctant than newspapers to acknowledge their errors. I can recall the day back in the 1980s when, as the new Executive Producer of The National, I asked one of the program's senior editors why I could not recall ever seeing the program broadcast a correction. The editor snapped: "The National never makes mistakes." That wasn't true then; it's not true now. But attitudes have been changing and I look forward to seeing how well this new format for corrections will work.

This wouldn't be the first time the CBC has played a leading role among broadcasters in the development of methods to help ensure the credibility of its information programming. Some 15 years or so ago the CBC led the way by establishing an independent Office of the Ombudsman to adjudicate complaints about the accuracy, fairness and integrity of its journalism. Over the past decade, both as Ombudsman and as Director, Vice-President and then President of the international Organization of News Ombudsmen, I have witnessed the growth of news ombudsmanship around the world. Public broadcasters in the United States, in France, in Denmark and in

Australia built on the CBC's experience to establish ombuds of their own. In the same period leading newspapers like The Guardian in London, Le Monde in Paris and The New York Times joined the ranks of publications with an Ombudsman or Public Editor. I think it worth noting that no media Ombudsman anywhere in the world enjoys greater independence than the Ombudsman at the CBC. As an example, the CBC Ombudsman does not have to show anyone inside the organization his/her finding before making it public. That kind of independence remains relatively rare in the news media.

In the fiscal year 2004-05 the Office of the Ombudsman dealt with 2,050 complaints, communications and expressions of concern, including 1,809 about information programming. More than a thousand complaints flowed into this office during the federal election in 2004 as a result of the Green Party of Canada's e-mail campaign to protest against the decision of the consortium of broadcasters not to invite the Green Party leader to the leaders' debate. CBC's election coverage gave rise to 99 complaints, including 44 from Greens who felt their party did not get enough attention during the campaign. Supporters of the Conservative Party of Canada filed 22 complaints saying either their leader or their policies were not given fair treatment. CBC's programmers dealt promptly with all these complaints, saying, e.g., that while this or that politician did not appear in a given news bulletin he or she was given voice either earlier or later in the day. Three independent advice panels of citizens established by this office concluded that the election coverage of The National, CBC Radio News and CBC.ca respected the public broadcaster's journalism policy and its principles of accuracy, fairness and integrity. I found no reason to disagree with these findings.

In my ten years as CBC Ombudsman I've noted a considerable improvement in the way CBC's information programmers deal with the citizens the public broadcaster was created to serve. Serious complaints are dealt with much more promptly, and much more seriously, than they were 10 years ago. And nowadays programmers appear to me to be much more willing to acknowledge fault where fault exists. In the past year, e.g., I conducted independent reviews of 69 complaints, finding fault with programmers in 19 cases. Programmers themselves admitted fault in 72 other cases.

Year in year out complaints about fairness and balance, about bias, are dominant. If there's one group that feels aggrieved by CBC's coverage it's the conservatives in our midst, particularly the social conservatives, the folks who are opposed to the prevailing public policies concerning same-sex marriage, abortion and so on. On occasion I've found their complaints to be justified. One example was the Feb. 2<sup>nd</sup> edition of The Current, a one-sided celebration of same-sex marriage (See Appendix I). And, on other occasions, I've found their complaints to be way off the mark. One example occurred this spring when more than 200 people angrily complained that CBC News had ignored a large rally on Parliament Hill to protest against the same-sex marriage legislation. But CBC News had covered the April 9<sup>th</sup> demonstration very

well with a full item on Saturday Report. The organizers of the e-mail campaign ended up apologizing to the CBC for their mistake. So long as there remain contentious issues in our society there's bound to be controversy over the news media's coverage. CBC journalism policy compels programmers to treat relevant points of view equitably, taking into consideration the weight of their opinions. Of course, equitable doesn't mean equal. And since opinions on political issues tend to be volatile and tend to vary from one region of the country to another, there will always be the need to make fine editorial judgments, judgments that can, and should, be openly debated in our democracy. On the basis of several reviews conducted over the years my own view is that CBC's information programmers do a pretty good job weighing and reflecting the relevant points of view. However, as I've said in the past, I think they can afford to be more sensitive towards those who find themselves in the minority.

Some final thoughts, and recommendations, about the role of the Ombudsman at the CBC:

- The genius of CBC's system of accountability is that it puts the responsibility for accuracy, fairness and integrity exactly where it belongs---on the shoulders of the journalists who go into the field to gather information, the editors and producers who make the programs and the managers who oversee all this. The CBC Ombudsman is, and should remain, an appeal authority with a mandate to determine whether information programmers have violated the public broadcaster's journalism policy.
- Public access to the services of the Ombudsman should be improved. We're requesting that, beginning this fall, the Ombudsman be placed on the list of CBC services on the main news page of CBC.ca ([www.cbc.ca/news](http://www.cbc.ca/news)).
- At present the Ombudsman publishes some findings in their entirety on the website and a summary of all findings in the annual report. I agree that consideration should be given to the possibility of publishing all the findings of the Ombudsman at the Ombudsman's home page ([www.cbc.ca/ombudsman](http://www.cbc.ca/ombudsman)). If this were done all news items, reports and programs archived on CBC.ca and subject to an Ombudsman's finding should be flagged and linked to the Ombudsman's site.
- The CBC might consider following the example of the BBC, which has decided to publish a complaints page on its website ([www.bbc.co.uk/complaints](http://www.bbc.co.uk/complaints)). This site, announced at BBC's home page, illustrates how much more seriously that public broadcaster deals with complaints in the aftermath of the scandal over an inaccurate news report that ended up toppling the BBC's two most senior executives.

My final word is one of thanks. Thanks to the CBC's journalists for their excellent co-operation in the hundreds of reviews I've conducted over the years. Thanks to the CBC President and Board of Directors for their support. Thanks to my assistant,

Laura Marshall, without whose help none of this would have been possible. And, above all, thanks to the thousands and thousands of CBC's listeners, viewers and users of CBC.ca for bringing their concerns to my attention.

David Bazay  
Ombudsman, English Services  
June 2005

## RAPPORT DE L'OMBUDSMAN DES SERVICES ANGLAIS

« Le journalisme est à l'image d'une usine qui pollue un peu chaque jour le cours d'eau au bord duquel elle est installée. Nous polluons de nos erreurs le discours public américain, si je puis me permettre cette image. Or, un bon journal se doit de laisser les lieux aussi propres qu'il les a trouvés. »

John S. Carroll, rédacteur en chef, *Los Angeles Times*, conférence sur l'éthique, Université de l'Oregon, 6 mai 2004.

L'image est peu flatteuse, et John S. Carrol porte un regard plutôt critique sur le milieu du journalisme. Selon lui, l'Amérique est envahie par des pseudojournalistes, « des loups déguisés en reporters », qui ne cherchent qu'à manipuler le public en utilisant toute une panoplie de talk-shows et de sites Web. Dans un monde où la désinformation n'a jamais eu autant de moyens d'expression, il affirme qu'il est primordial que les journalistes traditionnels fassent de l'exactitude des faits leur credo et qu'ils admettent leurs erreurs. Il ajoute que, l'année où son journal a reçu cinq prix Pulitzer d'excellence en journalisme, on a publié des corrections d'erreurs à 2 759 reprises. Parce que, selon lui, « notre crédibilité repose sur la correction de nos erreurs, qu'elles soient importantes ou non ».

Il n'y a rien de plus juste. C'est pour cette raison que, pour mon dixième et dernier rapport à titre d'ombudsman des Services anglais, je voudrais saluer l'initiative que le radiodiffuseur public mettra en œuvre l'automne prochain. En effet, CBC News va lancer une nouvelle formule pour corriger ses erreurs en ondes, et ce, pour l'ensemble de ses émissions d'information. Ce point faisait déjà partie de mes recommandations il y a trois ans et, étant donné son caractère inédit, je comprends que ce projet ait mis tant de temps à voir le jour. Aucun autre grand radiodiffuseur n'a jamais mis autant d'effort à faire ses mea-culpa en ondes. Depuis toujours, et aujourd'hui plus encore, les radiodiffuseurs du monde entier se montrent bien plus réticents à reconnaître leurs erreurs que les entreprises de presse écrite. Lorsque j'ai été nommé au poste de réalisateur-coordonnateur de *The National* en 1980, j'ai demandé à l'un des rédacteurs les plus haut placés pourquoi l'émission ne corrigeait jamais ses erreurs en ondes. Il m'a répondu aussi sec: « *The National* ne fait jamais d'erreur! ». C'était faux à l'époque, et c'est encore faux aujourd'hui. Mais les comportements changent et je me réjouis de voir cette nouvelle formule à l'œuvre.

Ce n'est pas la première fois que CBC/Radio-Canada joue un rôle de pionnier dans le monde de la radiodiffusion et qu'elle instaure des méthodes permettant d'assurer la crédibilité de l'information qu'elle diffuse. Il y a une quinzaine d'années, CBC/Radio-Canada a ouvert la voie en nommant un ombudsman indépendant dont le rôle consiste à juger les plaintes que formule le public en matière d'exactitude, d'équité et

d'intégrité de l'information diffusée. Au cours des dix dernières années, à titre d'ombudsman et de directeur, de vice-président puis de président de l'Organization of News Ombudsmen, j'ai été témoin de la place de plus en plus importante qu'ont prise les ombudsmans de presse dans le monde. Que ce soit aux États-Unis, en France, au Danemark ou en Australie, les radiodiffuseurs publics se sont appuyés sur l'expérience de CBC/Radio-Canada pour mettre en place leur propre ombudsman. Du côté de la presse écrite, plusieurs quotidiens de premier plan comme *The Guardian* à Londres, *Le Monde* à Paris ou *The New York Times* se sont eux aussi dotés d'un ombudsman ou d'un médiateur au cours de la même période. Je crois qu'il est important de souligner le fait qu'aucun autre ombudsman d'une entreprise médiatique dans le monde ne jouit d'une indépendance aussi importante que celle de l'ombudsman de CBC/Radio-Canada. À titre d'exemple, l'ombudsman de CBC/Radio-Canada n'est pas tenu d'informer le personnel interne des conclusions de ses enquêtes avant de les rendre publiques. C'est ce type d'indépendance qui est encore relativement rare dans le milieu des organes de presse.

Au cours de l'exercice 2004-2005, le Bureau de l'ombudsman a traité 2 050 plaintes, communications et expressions de préoccupation, dont 1 809 avaient rapport avec l'information. Pendant la campagne électorale fédérale de 2004, nous avons reçu plus de 1 000 plaintes dans le cadre de la campagne de courriels orchestrée par le Parti vert du Canada pour protester contre la décision du consortium de radiodiffuseurs de ne pas inviter leur chef à prendre part au débat des chefs. La couverture des élections fédérales par CBC a donné lieu à 99 plaintes, dont 44 émanaient du Parti vert qui s'est dit lésé pendant la campagne. De leur côté, les partisans du Parti conservateur du Canada ont déposé 22 plaintes, alléguant que leur chef et leurs politiques n'avaient pas reçu un traitement équitable. Les responsables de la programmation de CBC ont donné suite rapidement à l'ensemble de ces plaintes, en affirmant, par exemple, que si on n'avait pas parlé de tel aspect ou de tel politicien dans un bulletin d'information en particulier, il en avait été question plus tôt ou plus tard dans la journée. Les trois comités consultatifs de citoyens que nous avons mis sur pied ont conclu que la couverture des élections diffusée par *The National*, CBC Radio News et CBC.ca respectait en tous points les normes journalistiques du radiodiffuseur public et les principes qu'il a établis en matière d'exactitude, d'équité et d'intégrité. J'adhère moi aussi à cette conclusion.

Au cours de ces dix années à titre d'ombudsman des Services anglais, j'ai remarqué que les responsables des émissions d'information de CBC ont grandement amélioré leurs relations avec les citoyens que le radiodiffuseur public a le mandat de servir. Les plaintes graves sont traitées bien plus rapidement, avec beaucoup plus de sérieux qu'il y a dix ans. Aujourd'hui, les responsables de la programmation se montrent bien plus disposés à reconnaître leurs erreurs, lorsqu'il y a erreur. À titre d'exemple, pour les 69 examens indépendants auxquels j'ai procédé pendant la dernière année, j'ai relevé 19 cas où les responsables de la programmation étaient en tort. Or, les responsables de la programmation ont admis d'eux-mêmes avoir commis des erreurs dans 72 autres cas.

Année après année, les plaintes que nous recevons portent essentiellement sur des questions d'équité, d'équilibre des points de vue et de parti pris. S'il y a un groupe qui se sent lésé par la couverture présentée à CBC, ce sont bien les conservateurs, et particulièrement les partisans d'un certain conservatisme social, c'est-à-dire ceux qui s'opposent aux politiques publiques dominantes concernant le mariage entre personnes de même sexe, l'avortement, et d'autres sujets. Il est vrai qu'à certaines occasions, leurs plaintes sont justifiées. C'était le cas, par exemple, de l'émission *The Current* qui, dans son édition du 2 février dernier, présentait un reportage peu objectif sur le mariage entre personnes de même sexe (voir annexe I). Par contre, à d'autres occasions, ces plaintes n'avaient aucun fondement. Par exemple, au printemps dernier, plus de 200 personnes se sont plaintes avec vigueur que CBC News avait complètement ignoré une grande manifestation organisée sur la colline du Parlement pour protester contre le projet de loi sur le mariage entre personnes de même sexe. Or, CBC News avait très bien couvert cette manifestation du 9 avril, en présentant même un reportage complet à l'émission *Saturday Report*. Après avoir reconnu leur erreur, les organisateurs de la campagne de courriels ont finalement présenté leurs excuses à CBC. Tant qu'il y aura des questions litigieuses dans notre société, l'information présentée par les médias suscitera toujours la controverse. Les normes journalistiques de CBC obligent les responsables de la programmation à traiter les différents points de vue exprimés de façon équitable, en prenant en considération l'importance des opinions formulées. Mais traitement équitable ne signifie pas forcément traitement égal. Et puisque les opinions politiques ont tendance à fluctuer d'une région à l'autre, il faut toujours faire preuve d'un jugement poussé, qui peut et doit laisser place à un débat ouvert et démocratique. À la lumière des examens que j'ai effectués au fil des ans, j'estime pour ma part que les responsables de la programmation de CBC font un travail remarquable pour mettre en perspective les différents points de vue exprimés. Toutefois, comme je l'ai déjà souligné, je pense qu'ils pourraient également se montrer plus attentifs aux minorités.

Je voudrais, pour finir, formuler certaines remarques et recommandations sur le rôle de l'ombudsman à CBC/Radio-Canada:

- Le génie du système de responsabilisation de CBC/Radio-Canada tient au fait qu'il attribue la responsabilité de l'exactitude, de l'équité et de l'intégrité de l'information à ceux qui sont au cœur du processus, c'est-à-dire les journalistes qui vont sur le terrain recueillir l'information, les rédacteurs et les réalisateurs qui produisent les émissions, et les gestionnaires qui chapeautent tout le processus. Le bureau de l'ombudsman à CBC/Radio-Canada est, et doit rester, une instance d'appel, dont le mandat consiste à déterminer si les responsables de la programmation ont enfreint ou non les normes journalistiques du radiodiffuseur public.

- Il serait bon de faciliter l'accès aux services de l'ombudsman. Nous demandons que, à compter de l'automne prochain, l'ombudsman figure sur la liste des services de CBC, à la page d'accueil des nouvelles de CBC.ca ([www.cbc.ca/news](http://www.cbc.ca/news)).

■ Actuellement, l'ombudsman publie intégralement sur son site Web les conclusions de certains de ses examens seulement, ainsi qu'un résumé global dans son rapport annuel. Je pense qu'il serait bon d'envisager la possibilité de publier la conclusion de tous les examens effectués par l'ombudsman sur la page d'accueil ([www.cbc.ca/ombudsman](http://www.cbc.ca/ombudsman)). Ainsi, tous les articles, reportages et émissions d'information archivés sur le site CBC.ca et ayant fait l'objet d'un examen de l'ombudsman pourraient être signalés au moyen d'un lien conduisant l'internaute directement aux conclusions de l'examen, sur le site de l'ombudsman.

■ CBC devrait peut-être suivre l'exemple de la BBC, qui a décidé de créer une page consacrée aux plaintes sur son site Web ([www.bbc.co.uk/complaints](http://www.bbc.co.uk/complaints)). Accessible à partir de la page d'accueil de la BBC, cette section illustre bien le sérieux avec lequel ce radiodiffuseur public traite aujourd'hui les plaintes qu'il reçoit, à la suite du scandale qu'a soulevé la diffusion d'un reportage inexact, et qui a fait tomber deux des dirigeants les plus haut placés de la BBC.

Je ne pourrais terminer ce rapport sans vous adresser à tous mes sincères remerciements. Je remercie les journalistes de CBC de leur précieuse collaboration dans le cadre des centaines d'examens que j'ai effectués au fil des ans. Je remercie le président-directeur général et les membres du Conseil d'administration de leur soutien. Je remercie mon adjointe, Laura Marshall, sans l'aide de qui rien de tout cela n'aurait été possible. Et, par-dessus tout, je remercie les milliers d'auditeurs, de téléspectateurs et d'utilisateurs, de CBC et de CBC.ca, de m'avoir fait part de leurs préoccupations.

David Bazay  
Ombudsman, Services anglais  
Juin 2005

## **COMPLAINTS REVIEWED BY THE OMBUDSMAN**

**ANNE BOLTON**

Program: Canada Now, CBC TV (Manitoba)

Anne Bolton, the Public Trustee of Manitoba, complained about two reports concerning a woman who was battling the Public Trustee over the care of her brain-injured sister. She felt the stories contained inaccurate and unbalanced reporting.

The CBC's Cecil Rosner defended the report, saying that the reporter made sincere efforts to ascertain all sides of the story and report them fairly. He acknowledged that some imprecise language was used in the stories.

**Review**

I agreed that the language employed in part of the report could have and should have been more precise. However, I did not agree that CBC News portrayed this case in an "unfair and unbalanced light." I did not understand why Ms. Bolton could not have provided the reporter with the detailed information that she provided to this office and that was circulated among politicians and their aides at the legislature. I thought it was unfair to deny the media the right to accurate information and then to accuse the media of inaccuracy or unfairness, especially when the relevant information was made available on other doorsteps.

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**DOUG BRACEWELL**

Program: Radio and TV News

Mr. Bracewell complained about the failure to cover two stories: nine Israelis facing deportation from Canada as suspected foreign agents, and the UN's claim that Israeli restrictions were preventing food distribution in Gaza.

The CBC's George Hoff said that a reporter was assigned to the expulsion story but that in the end it was not reported. CBC News did not do an entire report focused exclusively on food distribution, but CBC Radio and TV correspondents have reported many times on the conditions in Gaza, both political and economic.

**Review**

The Ombudsman's mandate is to determine compliance with CBC's journalism policy. Editorial decisions about what programmers believe merits coverage on any given day are in the realm of editorial judgment. Judgment calls may be good or bad; they're almost always subject to dispute. But they're not, per se, policy violations.

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**BLAIN BUTYNIEC**

Program: Viewpoint (CBC News Online)

Mr. Butyniec complained about a Viewpoint article, “Same-sex Unions Are Not Marriages,” by Gwendolyn Landolt, national vice president of REAL Women of Canada, which he described as “homophobic crap filled with lies and based on untruths.”

The CBC’s Mary Sheppard replied that CBC News Viewpoint is CBC’s web-based op-ed page, open to a wide range of opinions on the issues of the day. She noted that CBC News Online published a number of letters below the column to reflect the range of discourse around this topic and also published a rebutting column by Don Kearney, treasurer of Egale Canada, an organization that defends the cause of lesbians and gay people and their families.

**Review**

Ms. Landolt’s views fall within the range of opinion on this matter in Canada. Over time, CBC News Online dealt equitably with the views of Ms. Landolt’s critics. While I did not think that journalism policy was violated in this instance, I believed that the CBC’s objectives of fairness and balance could and would have been better achieved, more promptly, by the publication of a column like Mr. Kearney’s at the same time as Ms. Landolt’s column appeared, rather than three days later.

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**PATRICK CAIN**

Program: The Current, CBC Radio

Mr. Cain complained that the February 2, 2005, edition of The Current “took sides on the issue of same-sex marriage, characterizing it as a human rights issue and placing those opposed to it in the same context of deeply regrettable bigotry and discrimination that has occurred in this country.”

The CBC’s Pam Bertrand agreed that “on this occasion The Current looked at same sex marriage through the prism of human rights.” However, she denied the charge of bigotry, saying the views of the opponents of same-sex marriage had been reflected in various interviews in other editions of The Current over the past two years.

**Review**

CBC’s journalism policy states that continuing information programs like The Current “must present a balanced overall view of controversial matters.” This policy provides programmers with enough flexibility to devote an entire program to the exploration of the views of one side in any debate. But, in the interests of fairness and balance, any such exploration should be accompanied by a timely exploration of the

views held by those on the other side of the debate. As part of this review I examined The Current's handling of this issue over the past two years. And in my view, over time, The Current had given reasonable voice to supporters of same-sex marriage and supporters of traditional marriage. But, also in my view, this one-sided program tipped the balance. This exploration of the significance of the issue was incomplete and, in this sense, biased. So, upon review, I found this complaint to be largely justified. My review can be found in Appendix I.

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**BARBARA CARMICHAEL, SEAN HOGAN, ALAN KERSTENBECK**

Program: The Current, CBC Radio

Mrs. Carmichael, Mr. Hogan and Mr. Kerstenbeck complained that The Current sarcastically mocked the religious beliefs of the Hutterian Brethren Church of Canada in its opening satire. The Voice began by saying that "...the normally apolitical Hutterite community has come down hard against gay marriage, announcing that Canada is poised to become the next Sodom and Gomorrah and that God would get his revenge if same sex marriage was legalized." This was described as "another prediction for the apocalypse pile," and then other apocalyptic pronouncements were ridiculed one by one.

The CBC's Pam Bertrand defended the satire, saying that the target was not the Hutterites but the proliferation of apocalyptic pronouncements.

**Review**

CBC's Journalistic Standards and Practices states that satire can be used judiciously in certain information programs, provided that it can be easily recognized. In this case The Voice was clearly making light of the Hutterite community's intervention into the country's political debate over same-sex marriage, ridiculing it as "another prediction for the apocalypse pile." The journalism policy book is silent, I think understandably, on the question of what or what not might be ridiculed. However, I think it's fair to say that in our democracies the free press considers all pronouncements on public policy fair game for criticism. This was, in my view, a political initiative subject to the same treatment as other political initiatives. So while the satirical sketch offended the complainants, I did not believe that it offended CBC's journalism policies.

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**DONALD CARR**

Program: TV News

Mr. Carr complained about a news report concerning the collapse of a tunnel dug by Palestinians between Gaza and Egypt in which the news reader commented that

“these tunnels, ‘often built by Palestinians’ are used to smuggle things ‘like cigarettes’!!!!!!!...These tunnels have been proven beyond any shadow of a doubt to be used to transport the most lethal illegal arms from Egypt to Gaza for the sole purpose of killing Israelis!”

The CBC’s Alan Habbick replied that the report did not only refer to cigarettes. The anchor stated: “Palestinian militants have dug many tunnels along the border. They’re used to transport arms and sometimes to smuggle goods like cigarettes.”

### **Review**

Mr. Carr was right to state that CBC’s reporting on this matter should be judged in its entirety. A good place to check this out is at CBC News Online, where there are more than 40 news reports about the tunnels between Gaza and Egypt, and where CBC News cites the Israeli military as saying these tunnels are used by Palestinians to smuggle all sorts of weapons, including Katyusha rockets, anti-tank and anti-aircraft missiles, and other contraband, including drugs et al. The other side of the story is also found on the site, with human rights groups and others questioning Israeli military actions in this region.

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### **JACK CHIVO, ART HISTER, DONNA STARKMAN SHIFF, GORDON WISEMAN**

Program: The National, CBC TV

Mr. Chivo, Mr. Hister, Ms. Starkman Shiff and Mr. Wiseman complained about a report by Neil Macdonald that suggested a link between Israel and the abuse of Iraqi prisoners.

The CBC’s Tony Burman admitted fault. It was acknowledged on The National that there was no evidence that Israel was involved in what happened in the Iraqi prison.

### **Review**

What we witnessed here, in my view, was the absence of the journalistic rigour normally associated with the TV network’s flagship information program. While the mistakes exposed The National to the appearance of bias, I thought the programmers should be commended for the way they publicly owned up to their errors, apologized and set the record straight. My review can be found in Appendix II.

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### **CARMEN COCCIMIGLIO**

Program: The Current, CBC Radio

Mrs. Coccimiglio complained about The Current’s documentary concerning the police practice of “naming and shaming” people they accuse of child pornography.

She took issue with the inclusion of a video seized by police. For a few seconds we heard the cries of a young child being raped in a bathtub. She complained that this was “unacceptable, immoral, repulsive programming.”

The CBC’s Pam Bertrand defended the broadcast, citing letters from victims of sexual assault, including a victim of child rape who congratulated the program for documenting “a tiny moment of what that pain is all about.”

### **Review**

I did not believe this was a case where programmers set out to cause gratuitous offence to the audience. The appropriate cautionary announcements were made. The child’s cries were heard for just a few seconds in a story that took some 21 minutes to tell. The documentary was about the conduct of the police, who chose to tell their story, among other things, by showing the reporter the horrific material they have to deal with, ostensibly in defence of their practice of “naming and shaming.” I believed this was a case when, as CBC policy states, the public broadcaster’s audience should not be denied “access to certain events which may contribute materially to an understanding of the world in which they live.”

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### **CARLOS COIMBRA**

Program: The National, CBC TV

Mr. Coimbra complained that the CBC decided not to broadcast video of Margaret Hassan, director of Care International, who was being held hostage in Iraq. He described this as censorship, saying “the function of a news organization is to reveal the significant facts which they possess, not to hide some and play up others.”

The CBC’s Tony Burman defended the decision, saying the video was exploitive and that in any case the program described its contents in its brief report.

### **Review**

CBC’s Journalistic Standards and Practices discourages the broadcast of videos produced by hostage takers, warning that public broadcasters “must guard against being used or manipulated by the terrorists/hostage takers.” What we witnessed here was an example of sound editorial judgment, not censorship.

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### **DOMINIC CONVERSANO**

Program: The Current, CBC Radio

Mr. Conversano complained about the use of the word “occupation” in the context of coverage of Iraq. He felt it betrayed “a blatant anti-American bias.”

## **Review**

According to the Canadian Oxford Dictionary, occupation is defined as “the act of taking or holding possession of a country by military force.” That is why the word was widely used by the news media around the world, including the United States and Britain, to describe the situation in Iraq. The Americans and their allies in the coalition had in effect taken possession of Iraq by military force and announced plans to transfer sovereignty to the Iraqi people on June 30, 2004.

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### **PETER DIMITROV**

Program: As It Happens, CBC Radio

Mr. Dimitrov complained about a 25-minute-long interview with Stephen Harper in June, 2004, which he felt was “tantamount to free political advertising.”

The CBC’s Lynn Munkley assured Mr. Dimitrov that they had invited all of the party leaders to be interviewed on the program.

## **Review**

I listened to the first half hour of the program of June 18 when Stephen Harper was interviewed. Neither before, during or immediately after the interview did the programmers mention that the Harper interview was part of a series of interviews with the party leaders. While I agreed that this information should have been there, the fact remained that the program had dealt equitably with the party leaders by providing them with the opportunity to speak to the issues during this series of interviews.

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### **ANDREW DOLENUK, LUBOMYR LUCIUK**

Program: TV News

Mr. Dolenuk and Mr. Luciuk complained that a reporter referred to James Roszko, the alleged murderer of four RCMP officers in Mayerthorpe, Alberta, as being from a Ukrainian family.

The CBC’s Cynthia Kinch defended the report, saying that it was “information that is commonly described as ‘local colour,’ not vital to the story, perhaps, but important in helping viewers to understand it.”

## **Review**

While I had no doubt that the reporter mentioned the Roszko family’s Ukrainian background in the manner described by Ms. Kinch, I believed that Mr. Dolenuk and

Mr. Luciuk were right to complain. There should be no mention of ethnicity in the context of reports on criminal activity unless there is a compelling editorial reason to do so. And there wasn't one here.

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**PETE F.**

Program: Politics, CBC Newsworld

Pete F. complained that the CBC was deliberately ignoring the NDP.

**Review**

CBC's journalism policy requires that the public broadcaster deal equitably with individuals and institutions. But equitable does not mean equal. As the policy says, "Equitable in this context means fair and reasonable, taking into consideration the weight of opinion behind a point of view, as well as its significance or potential significance." I thought it fair to say the amount of coverage, in percentage terms, devoted to a political party during an election campaign should roughly equal the amount of support, in percentage terms, the party receives in popular vote. During the past two federal general elections the amount of coverage the NDP received from CBC News exceeded the amount of support the NDP attracted in the popular vote. So, in terms of its record, the CBC could hardly be accused of ignoring the NDP.

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**DAVID FERRIER**

Program: CBC News Online

Mr. Ferrier complained about a statement on the CBC website concerning power blackouts: "...[The 1965] blackout was blamed on the *failure* of a power relay at the Sir Adam Beck Station No. 2 in Niagara Falls..." He said the use of the word "failure" was inaccurate; that a protective relay did exactly what it was designed to do: trip a circuit breaker when the line load exceeded a specified power level. He also said it would be fair to say that the overload protection system containing the relay *malfunctioned*, in that it unnecessarily disconnected a transmission line capable of carrying a load that exceeded the power level specified.

**Review**

As the Canadian Oxford Dictionary points out, a malfunction is a failure to function in a normal or satisfactory manner. So I didn't understand how the use of malfunction in this context would amount to any significant change. It seemed to me that the text did provide a clear explanation of the failure/malfunction, notably that "the relay was set too low to handle the power."

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**DAVID FERRIER**

Program: CBC News Online

Mr. Ferrier complained about the headline of the CBC.ca story, “Calgary bishop wants government to act against gays.” He said that nothing in the story supported the suggestion in the headline that the Bishop wanted the government to act against lesbians or homosexuals.

The CBC’s Mary Sheppard defended the headline as accurate.

**Review**

Bishop Henry’s pastoral letter included this statement: “Since homosexuality, adultery, prostitution and pornography undermine the foundations of the family, the basis of society, then the state must use its coercive power to proscribe or curtail them in the interests of the common good.” To ask the state to use its coercive powers to proscribe homosexuality is tantamount to asking the government to put homosexuals outside the protection of the law. I concluded that the headline did not violate CBC’s Journalistic Standards and Practices.

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**CHARLES FICNER**

Program: CBC Radio

Mr. Ficner complained that the CBC’s coverage of the issue of marriage between people of the same sex had been both misleading and biased.

The CBC’s Tony Burman defended the CBC’s coverage, saying it had given Canadians “...the opportunity and the information they need to make up their own minds.”

**Review**

As part of my review I examined CBC Radio’s coverage of the issue over the past two years, listening to hours and hours of programming that included The House, Commentary, The Current, As It Happens and Cross Country Checkup. I found that these programs gave voice to a wide range of Canadian opinion, and that their coverage of the issue had been much more varied, much more complex, and much more nuanced than Mr. Ficner’s complaint suggested. In my view the programmers at The Current could and should have done a better job in spreading their satire around. And an entire edition of The Current was devoted to the advocates of same-sex marriage without a corresponding program examining the issue from the perspective of the advocates of traditional marriage. With these exceptions, I found the complaint to be largely unjustified.

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**ISHAY FRIEDMAN**

Program: the fifth estate, CBC TV

Mr. Friedman asked the Ombudsman to investigate several issues related to the fifth estate's program about U.S. Vice-President Dick Cheney.

The CBC's David Studer addressed the points that Mr. Friedman raised. He disagreed with the assertion that the program misrepresented reality.

**Review**

I viewed the program and examined Mr. Friedman's complaint, Mr. Studer's response and Mr. Friedman's reaction to it. He argued that the program should have handled certain situations differently, notably in much greater detail. That certainly would have made the program much longer, but not in my opinion substantially different.

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**GERALD HALL**

Program: The National, CBC TV

Mr. Hall complained that he had heard "a profane utterance in reference to Jesus Christ" in a report on The National.

The CBC's Jonathan Whitten defended the report, saying that their job is to record and present a first draft of history and that it is not generally their practice to edit things out.

**Review**

While CBC's journalism policy recognizes that care must be taken not to cause gratuitous offence to the audience, it also states that there will be occasions when in reflecting reality it would be inappropriate to excise certain uses of language so as not to deny CBC audiences access to certain events. In my view, the only way the expression could have been taken out of this report about a propane explosion would have been by editing out the sound of the explosion. The editorial choice here was either to reflect reality or to deny viewers access to what had happened. While this brief news item offended the complainant, it did not offend CBC journalism policy.

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**JOHN HALLETT**

Program: Radio News

Mr. Hallett took issue with the use of the word "progressive" to describe the social views of two female judges named to serve on the Supreme Court. He complained that describing an individual who favours same sex marriage as progressive "leaves

the impression that the alternate viewpoint is not progressive, but rather is regressive and old fashioned. Newscast writers should leave their personal opinions out of their reports.”

The CBC’s Jamie Purdon defended the report, saying the reporter did not personally describe the new judges as progressive, but was reporting “an assessment commonly made by others who are familiar with the nominees’ work on the Ontario bench.”

### **Review**

The word progressive was accurately used in the report, in the sense that it is commonly used, according to the Canadian Oxford Dictionary, to describe people “holding liberal views.” Nevertheless, it has evidently fallen upon hard times in a significant part of the Canadian political community. So I agreed that this “positive, feel-good word” should be used with great care. The views of the judges’ admirers might have been better paraphrased with an expression like, “they are considered to be small l liberals on social issues such as same sex marriage.”

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### **TOM HARRIS**

Program: Canada Now, CBC TV

Mr. Harris complained about a report by David Halton, which he concluded by referring to President Bush’s foreign policy and other policy as “radical policies.” Mr. Harris felt that this was editorializing.

David Halton replied that “‘Radical’ is not necessarily a pejorative term and is defined in Webster’s as ‘marked by a considerable departure from the usual or traditional.’ Surely a fitting description of Bush’s bold approach to governance.”

### **Review**

I noted that the Canadian Oxford Dictionary defines a radical change in policy, in the first instance, as a change that’s “far-reaching, thorough.” Under CBC’s journalism policy correspondents are entitled to reach conclusions that are supported by the facts. David Halton gave some specific examples, including the American administration’s embrace of the concept of pre-emptive war, of why he concluded that President Bush’s policies reflected “considerable departure from the usual or traditional.” I found that this was a case where the correspondent’s conclusion was supported by the facts.

**BRIAN HENRY**

Program: Viewpoint (CBC News Online)

Mr. Henry complained that in Neil Macdonald's Viewpoint piece, "Defining 'terrorism' is harder than you'd think," he defamed Americans by writing, "One suspects that if Texas were occupied by a foreign power, its citizens would pull out their guns and start shooting at any enemy target that presented itself, civilian or not."

The CBC's Tony Burman responded by saying Macdonald employed this "somewhat far-fetched scenario" to make his point about the exercise of the right to resistance of peoples under foreign occupation.

**Review**

Mr. Macdonald's remark was a hypothetical statement, which by its very nature is not necessarily real or true. I could appreciate why Mr. Henry was offended, but one of the privileges of our democracy is a free press – free in an analysis like this one to advance suppositions for the basis of reasoning, without assuming their truth. That's what correspondent Macdonald did here. His remarks were hypothetical and should be taken as such.

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**DR. WARREN HINDLE**

Program: The Passionate Eye, CBC Newsworld

Dr. Hindle complained that the documentary, "The World According to Bush," was biased and its re-broadcast on the eve of the November 2, 2004 vote amounted to "a deliberate attempt to influence the United States presidential election."

The CBC's Catherine Olsen acknowledged that the program presented a particular point of view but said that "Overall we believe the CBC offered a very balanced and fair representation of the different views and opinions prior to this hotly contested election."

**Review**

Catherine Olsen pointed out that as a cable channel CBC Newsworld is seen only in Canada, "with no bleed whatsoever across the border." I spoke with an American consular official who told me that the November 1 program would have come too late in the day to influence Americans residing in Canada, given that Americans living abroad generally mail in their ballots well before election day in the United States. Concerning the issue of bias, the CBC's Journalistic Standards and Practices recognizes that appropriate balance in the coverage of elections can only be achieved over time. I thought it fair to say that over time CBC Newsworld respected the policy by giving equitable treatment to the relevant points of view. The Passionate

Eye planned to broadcast an American documentary with a more favourable opinion of President Bush around the time of the inauguration.

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**DR. STANLEY JACOBSON**

Program: Radio News

Dr. Jacobson complained about a news report about a man who was arrested for distributing “anti-Muslim or anti-Arab literature.” He felt that identifying the man as Jewish was “totally irrelevant to the event.”

The CBC’s Esther Enkin defended the report, saying that “Since the story revolved around the relationship between the two religious groups, the religion of the man said to be attempting to undermine that relationship is relevant to the story.”

**Review**

According to the CBC’s Journalistic Standards and Practices, “The CBC would fail to live up to its mandate if, in the attempt to upset no one, to disturb no institution, it undertook to limit the comprehensiveness of its reporting of contemporary society...There must also be depth, the capturing of dimensions and nuances. Without these elements the programming becomes too simplistic to permit adequate comprehension of issues put before the public.” I agreed that there should be no mention of religion or ethnicity, e.g., in the context of reports about alleged criminal activity, unless there is compelling reason to do so. In this particular case I believed Ms. Enkin had demonstrated why this person’s religion was relevant to the story and why, without its mention, this report would become too simplistic to permit adequate comprehension of the issues involved.

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**KLAUS KACZOR**

Program: News

Mr. Kaczor felt that statements made by some officials about marijuana growers at the time of the murder of four RCMP officers were inaccurate and in some cases had been retracted.

**Review**

CBC News reports what people like these say as part of its mandate to inform Canadians. The CBC does not adopt as its own the comments of the many people whose remarks it reports. It’s up to listeners and viewers to determine whether there is any merit to their comments.

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**MAUREEN KHAN**

Program: CBC News Online

Ms. Khan complained that CBC News had not dealt with the issues raised by the Swift Boat Veterans for Truth and the possible impact on the American election.

**Review**

Both the CBC's Mary Sheppard and I pointed out that CBC News had dealt with this issue, in stories posted online and in a Viewpoint column, as well as in major news broadcasts on CBC Television and CBC Radio.

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**FRED KIELING**

Program: Noon Edition, CBC Radio (Regina)

Mr. Kieling complained that comments he had phoned in to the program on the subject of the disposition by the federal government of the fleet of grain hopper rail cars had been edited and the sound quality was poor. He felt that this was "an act of repressive censorship" and "deliberate sabotage."

The CBC's David Kyle replied that "editing is not 'repressive censorship' but the editorial act of boiling down a complex position to its essence. Making programs – especially on complicated topic areas – is always a balance between giving depth and holding the interest of a non-expert audience."

**Review**

The public broadcaster has a mandate to ensure that the widest possible range of views is expressed. However, in exercising this mandate, CBC's editors have a responsibility to ensure that their programs "permit adequate comprehension of issues put before the public." In editing Mr. Kieling's contribution to Talkback, the folks at CBC Radio in Regina did not censor his commentary or distort his views. They simply edited out some remarks that were unclear.

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**SHAYNA KRAVETZ**

Program: Radio News

Ms. Kravetz complained about a report by Iris Mackler about a housing project in the Gaza Strip. "She referred to families of those killed or imprisoned by Israelis as possibly eligible to receive free housing and went on to say that they would number 'in the hundreds of thousands.'" Ms. Kravetz wanted to know the source of this number. "Who counted? How did they count? What were the criteria for inclusion? This assertion is simply false and must be corrected."

The CBC's Jamie Purdon defended the report, saying "the hundreds of thousands" did not represent the number of Palestinians who had lost their homes or who had been killed or jailed by Israel. He said the reporter was referring to the extended families in Palestinian society.

## **Review**

There was merit to Ms. Kravetz's complaint. The report should have explained that the vague criteria established by the Palestinian housing minister opened the door to all members of extended Palestinian families since the beginning of the conflict. A brief explanation of what constituted an extended Palestinian family was also in order.

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## **VALERIE LEMAITRE**

Program: The Passionate Eye, CBC Newsworld

Ms. LeMaitre took issue with the content and scheduling of the program, The Passionate Eye, and the NFB documentary, Give Me Your Soul, which examined the pornographic film industry. The program appeared on CBC Newsworld in prime time (7-9 p.m.) in Vancouver. She felt it was inappropriate for family viewing.

CBC management pointed out that an advisory stating that the documentary was not intended for family viewing was broadcast seven times, once before the program began and once after every commercial break.

## **Review**

CBC's journalism policy states that "Should a program contain material which may be disturbing to some segments of the audience – and particularly children – because of scenes of violence, sexual behaviour or language, cautionary announcements before or during the program should be used." I therefore concluded that this program was aired in conformity with CBC's journalism policy. I would also argue that cable channels like CBC Newsworld are primarily there to inform adults, who I think have the right, in prime time, to watch programs that provide serious journalistic treatment of relevant issues, including what Ms. LeMaitre described as "the bad stuff" in our society. Perhaps one day technology will help parents better control what their children can watch on TV. But for the time being we're in a system where the TV networks publish advisories about the nature of the program that's about to be shown and parents have the responsibility to supervise what their children should be watching.

**MURRAY LEVINE**

Program: The National, CBC TV

Mr. Levine sent an article about a Palestinian film that claimed Israel committed genocide in the Jenin refugee camp in April, 2002. He said that the film was “a deeply dishonest and deliberately misleading piece of pro-terror propaganda.” He noted that CBC had reported on the incident and asked: “...will the CBC be reporting the truth and when?”

**Review**

CBC News reported what both the Israelis and Palestinians were saying until Israel's Defence Force allowed reporters to enter Jenin, but once allowed in CBC was among the first news organizations to say there was no massacre. The CBC's Neil Macdonald was given permission to enter Jenin on April 19, 2002, and the very same day he reported on The National that, “A legend is in the making of a massacre, hundreds of dead. But the true number would appear to be more like 40 or 50, mostly armed fighters...” It would take a commission of the United Nations several months to come to substantially the same conclusion. Enough already with the myths about when “will the CBC be reporting the truth.”

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**VIGGO LEWIS**

Program: Metro Morning, CBC Radio (Toronto)

Mr. Lewis complained that during host Andy Barrie's interview with John Laschinger, who had been Toronto mayor David Miller's campaign manager, he referred to “the harm wrought by the Harris government.” He felt that this remark betrayed a personal bias against the former Ontario premier, Mike Harris.

The CBC's Susan Marjetti defended the host, saying Mr. Barrie did not offer a personal opinion about the former Conservative government.

**Review**

I encouraged Mr. Lewis to examine host Barrie's remarks in the context of the entire exchange. The point he was making was not that Mike Harris did a lot of damage to Ontario. His point was that it didn't matter (to either John Laschinger or David Miller) that Mr. Laschinger “came over from what he (Miller) had to consider ideologically as the enemy camp.” Here was Mr. Laschinger, one of the authors of Mike Harris's success, working for a local politician who was soliciting the votes of “an electorate that wanted to undo the damage that Mike Harris did.” This wasn't bias; it was a statement of verifiable fact, fact that political strategist Laschinger acknowledged with pride.

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**JACKIE MACNAIR**

Program: Metro Morning, CBC Radio (Toronto)

Ms. MacNair complained that Metro Morning's parenting columnist, Karen Horsman, stated her personal opinion in her piece about the sleep habits of children. She felt that stating her personal opinion unnecessarily influenced other parents.

Karen Horsman replied that she is a parenting "columnist" and was hired to state her opinion.

**Review**

Under CBC's journalism policy commentators are engaged to pass judgment on public affairs. As the policy book states, "Because of its character as a publicly owned institution the CBC does not adopt as its own the opinions of those commentators whom it invites to articulate the various shades of current opinion on a given subject."

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**T.J. MAIR**

Program: Edmonton AM, CBC Radio

Mr. Mair complained about remarks made by Terry Jones of The Edmonton Sun during a discussion about the Super Bowl and its controversial half-time show with the breast-baring incident involving singer Janet Jackson. Mr. Jones said, "If I was like the head of--in the Middle East or something like that...I would use that as a commercial about the Great Satan." Mr. Mair stated that, "Even in humour...it is wrong to paint a section of the map with one ideological brush. It is beliefs like this that allow people to rationalize and support things like war and genocide."

The CBC's Leslie Goldstone replied that Mr. Jones' comments were not meant to be derogatory and were only intended to point out "the excess of the half-time show of the Super Bowl."

**Review**

Mr. Mair made a valid point about the dangers of stereotyping. The public broadcaster is well aware of these dangers and indeed sends its own correspondents abroad, including to the Middle East, to help ensure that Canadians are well informed about the world around us. What was at issue here was an off-the-wall remark of a guest commentator. Mr. Mair recognized the remarks for what they appeared to me to be in the context of this program – an attempt to make a light-hearted quip. Columnists have the right to express their views; citizens have the right to disagree with them.

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**LUKE MCDOUGALL**

Program: The National, CBC TV

Mr. McDougall took issue with the way The National promoted its interview on April 20, 2004, with Bob Woodward, author of *Plan of Attack*, an account of the months leading up to President Bush's decision to go to war in Iraq. The promo indicated that "the White House isn't amused," which Mr. McDougall felt was misleading, saying he believed the White House viewed the book favourably. He also took issue with a report by Adrienne Arsenault about the assassination of a Hamas leader.

The CBC's Jonathan Whitten agreed that the choice of "not amused" was not perfect, "but given the concern and denials expressed by many members of the administration, it was defensible."

**Review**

Colin Powell and others in the administration denied some of the book's assertions. But, as reviewer Paul Harris wrote in *The Observer* in London, the book also gave Republicans a lot to smile about, notably that "Bush comes across well in the book." Mr. Harris's review, along with others I read, helped explain why Woodward's book was No. 1 on the Bush campaign's recommended reading list. On the basis of the evidence at hand, I thought there was merit to this part of Mr. McDougall's complaint. Mr. Whitten had already acknowledged that The National was at fault for failing to address the administration's reaction to the book; I agreed that this part of Mr. McDougall's complaint was also justified. However, I did not agree with his view that correspondent Adrienne Arsenault "chose unnecessarily loaded language" when she characterized the American president's support for Israel as unwavering in her report on the assassination of a Hamas leader on April 18.

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**STEVE METCALFE**

Program: Radio News

Mr. Metcalfe complained about CBC Radio's handling of Secretary of State Colin Powell's presentation to the United Nations in February, 2003, describing coverage that day as both incomplete and uncritical. He also deplored what he described as the decline in the quality of CBC News over the years.

**Review**

With the benefit of hindsight, and Mr. Powell's own *mea culpa*, it's not difficult to conclude that the entire news media, CBC included, should have been more skeptical about the American claims. In support of his allegation about the decline of CBC News, Mr. Metcalfe cited a couple of examples, including a report which he said failed to mention that an American taken hostage by the Iraqi resistance worked for a

subsidiary of Halliburton, whose former CEO was Dick Cheney, the American Vice President. He also maintained that the four Americans brutally killed in Fallujah should have been described as “mercenaries,” saying, “It’s much harder for us to understand how the Iraqis could hate “contractors” than it would be if they were named as “mercenaries.” While I conceded he might have a point, I said that (1) hourly newscasts like the one he heard amount to a headline service and are by definition incomplete, and (2) the Iraqi resistance appeared to be targeting Americans because they were part of the occupying force and not necessarily because they were employees of a particular company, even one with close ties to the American administration.

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**BRUCE O’NEILL**

Program: TV News

Mr. O’Neill, Senior Co-ordinator with Ontario’s Ministry of Community Safety and Correctional Services, complained about the conduct of reporter Carolyn Dunn of CBC TV’s Parliamentary Bureau in Ottawa. He said that he became the target of an international e-mail campaign as a result of Ms. Dunn’s actions in seeking to set up an interview with Mohamed Harkat, who was being held in a provincial institution on a federal security warrant. After Ms. Dunn provided Mr. O’Neill’s e-mail address to Ms. Harkat’s spouse, Sophie, he received more than 200 communications, including some threatening e-mails, supporting CBC’s request for the interview.

The CBC’s Tony Burman defended Ms. Dunn, saying the e-mail campaign “...was done without Ms. Dunn’s encouragement or knowledge.”

**Review**

Ms. Dunn acknowledged that she provided Mr. O’Neill’s e-mail address to Sophie Harkat. She felt Ms. Harkat’s support for the interview was relevant to her request and that in any case Mr. O’Neill’s e-mail address was published on a government website. She insisted that she was not aware of Ms. Harkat’s intention to launch an e-mail campaign, and said that Ms. Harkat’s actions surprised her. I don’t think it’s inappropriate for a reporter to share publicly available information with a spouse who wants to make her views known to the government. That said, information sharing has its hazards. CBC’s policy book warns journalists about the risk of compromising their credibility by maintaining “associations or contacts which could reasonably give rise to perceptions of partiality.” In my view it would have been unrealistic, in the circumstances, for Ms. Dunn to avoid contacting Ms. Harkat. With the benefit of hindsight, in this particular case, I thought the reporter should have informed Ms. Harkat that if she wanted Mr. O’Neill’s e-mail address she should have found it on her own.

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**GEOFFREY POUNDER**

Program: Radio News

Mr. Pounder objected to the use of the word “abuse” rather than “torture” in reports about the treatment of Iraqi prisoners.

**Review**

It was true that the word “abuse” was widely used by CBC News to describe the treatment of Iraqi prisoners. It was inaccurate, however, to state that CBC News had never employed the word “torture.” I conducted an extensive review of the available scripts and found that the word “torture” had been used, although sparingly, in CBC Radio News reports. However, a similar review of the scripts of CBC TV News revealed that the word “torture” had been used much more frequently. In my view CBC’s coverage of this affair had provided listeners and viewers with a great deal of detailed, relevant information, certainly enough to enable them to draw conclusions of their own.

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**TIM RHODES**

Program: CBC News Online

Mr. Rhodes complained that a chart of British Columbia federal election results on the CBC website did not include the Green Party. He felt this was evidence of editorial bias.

The CBC’s Tony Burman said that the table simply tallied seats won in British Columbia, not voting results by party. Since the Green Party did not win a seat, it did not show up in the table.

**Review**

During the federal election campaign CBC News provided extensive coverage of the Green Party on TV, Radio and on CBC News Online. So I thought that the allegation of bias, on the sole basis of the election tables, rang hollow. That said, I thought that once the Chief Electoral Officer presented the final report on the election, it would have been appropriate for CBC News Online to publish a table illustrating the full distribution of the popular vote.

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**GAYLE ROBERTS**

Program: the fifth estate, CBC TV

Ms. Roberts complained about “Becoming Ayden,” the fifth estate’s program about a young transsexual, which she felt was “a highly distorted, biased and ignorant

presentation of this subject.”

The CBC’s David Studer defended the program as fair and accurate.

### **Review**

Ms. Roberts maintained that Ayden was “not representative of young transitioning individuals.” Nowhere did the fifth estate say or even suggest that Ayden was some sort of poster person transsexual. Ayden’s particular story, and the issues involved, remained a legitimate subject of inquiry for public service journalism. I concluded that while this documentary offended Ms. Roberts’ sensibilities, and the sensibilities of others in the trans community, it did not offend CBC’s Journalistic Standards and Practices.

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### **DAVID SINGER**

Program: Viewpoint (CBC News Online)

Mr. Singer disagreed with a column written by Jim Reed, “The Middle East: Roots of Responsibility,” published in the Viewpoint section of CBC News Online.

### **Review**

As part of its policy to reflect the range of Canadian views, Canada’s national public broadcaster engages commentators and columnists to pass judgment on public affairs. But, as CBC’s Journalistic Standards and Practices points out, the public broadcaster does not adopt as its own any of their opinions. Columnists are entitled to express their opinions, and their critics are free to disagree with them. I did not believe that it was the role of the CBC Ombudsman to declare some opinions to be “right” and others to be “wrong.”

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### **DOV SMITH, LEN PODHEISER, AMIR URSON**

Program: Dispatches, CBC Radio

Dov Smith, Executive Director of HonestReporting Canada, as well as Len Podheiser and Amir Urson, complained about the CBC Radio program Dispatches and the documentary, Lessons in Loathing. Mr. Smith wrote that several members of his organization complained that the documentary “...avoided any serious exploration of the Palestinian educational system’s indoctrination of children to hate Israel, and its incitement of Palestinian youth to commit acts of violence against Israelis.”

The CBC’s Esther Enkin defended the program, saying that “while that may be an important -- and even controversial -- subject, it is not the focus of this documentary.” She said that the program set out to explore what had happened to

“the ambitious plans for revamping the Israeli and Palestinian education systems,” plans that involved “peace studies, integrated schools, Palestinian and Israeli teachers training together and sharing lessons.”

## **Review**

The examination of what had become of the grand plans to bring the Palestinian and Israeli education systems closer together constituted a legitimate subject for journalistic inquiry. The documentary maker’s references to what is taught – and what is not taught – in the Israeli and Palestinian school systems, while brief, helped provide some context to the comments of the people at the centre of this program – the students and teachers who provided listeners with their first-person accounts of their experiences, and the attitudes they developed, in their segregated schools. HonestReporting Canada members may not have liked what they heard, but they heard it from Israelis and Palestinians in equal numbers. In fact, the most critical comments about the Israeli education system were made by Israelis themselves, just as the most critical remarks about the Palestinian system were made by Palestinians. In my view listeners were provided with enough information to be able to make judgments of their own, and that’s consistent with CBC’s Journalistic Standards and Practices.

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## **NICOLA STANFORD**

Program: Dispatches, CBC Radio

Ms. Stanford complained about the program Dispatches and the documentary Lessons in Loathing, which she complained was “a report of comparison” between “the national of Israel and the terrorist group known as Hamas.”

## **Review**

The report made no such comparison. It focused on the examination of what had happened to the grand plans, developed at the time of the Oslo accords, to try to bring the Palestinian and Israeli education systems closer together. There was just one reference to Hamas in the 30-minute program, and this to introduce the comments of a Palestinian high school student who expressed concern that many Palestinian children go to kindergartens run by Hamas. He said these schools praise suicide bombings, adding, “...If they find out what is Israeli and what’s Jewish they will find that there is some good Jewish and some bad Jewish and they will find that there’s some bad Arabs and some good Arabs.”

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**FRED STEININGER**

Program: Morning Edition, CBC Radio (Saskatchewan)

Mr. Steininger asked the Ombudsman to urge CBC Saskatchewan to replace a member of the political panel on Morning Edition, Murray Mandryk, who wrote for The Leader Post and appeared on both Global TV and CBC Radio One in Regina. He said “that is not a healthy situation,” and asked: “Who else has that much clout in this province as far as influencing public opinion with these three media sources?”

The CBC’s David Kyle defended Mr. Mandryk, saying his credentials as a legislative reporter for CanWest qualified him as an expert commentator under CBC’s Journalistic Standards and Practices, which he noted require the CBC to present a wide spectrum of opinion.

**Review**

The application of CBC’s Journalistic Standards and Practices should ensure that the widest possible range of views is expressed. As the policy manual states, this can be done by supplementing the exposition of one point of view with an equitable treatment of other relevant points of view. In other words, the CBC should not be banning commentators with relevant points of view from its airwaves; it should be ensuring that fair and reasonable voice is given to the full range of views in the communities it serves.

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**ABU SULIMAN**

Program: CBC News: Correspondent

Abu Suliman was not satisfied with the response he received from the CBC’s Tony Burman to his complaint about CBC News: Correspondent and the program, “Of Fatwas and Beauty Queens.” The program told the story of the young African journalist, Isioma Daniel, subject of a fatwa for her newspaper article about the Miss World beauty pageant in Nigeria. Mr. Suliman complained that the program was one-sided. Tony Burman defended the broadcast, saying “focusing on the woman...does not mean that the documentary is biased.”

**Review**

Mr. Suliman was offended by the programmers’ decision to include the phrase at the centre of the controversy, Ms. Daniel’s remark, “What would Mohammed think? In all honesty, he would probably have chosen a wife among them.” I agreed with Tony Burman, who felt it was essential to tell viewers what she had written “in order to appreciate why Nigerian Muslims had taken offence.” I did not see how the reality of the controversy could be reflected without informing viewers about the content of Ms. Daniel’s article. Mr. Suliman also felt that this report should have given voice to

the newspaper's editors, to the Nigerian government and to the clerics mentioned in the story. I would agree, without hesitation, had this report been done at the time the events were unfolding in Nigeria. But this documentary, focusing as it did on what had become of Ms. Daniel, was done two years after the violence, at a time when their views were all part of the public record. The real issue here was whether their views were accurately reflected in this documentary and, so far as I could tell, they were.

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**CHRIS TAIT**

Program: Radio and TV News

Mr. Tait complained that, "The term 'militant' is used exclusively to refer to Arabs, and only Arabs opposed to U.S. foreign policy."

The CBC's Tony Burman defended the use of the term, saying "CBC News often uses 'militant' to describe those who are not part of an established military, but who are engaged in fighting or violence, typically as part of a claimed struggle towards a political goal."

**Review**

I examined CBC's coverage and found that the term militant had been used to describe fighters in a great variety of conflicts, ranging from Northern Ireland through Chechnya, Zimbabwe, and Nigeria to Thailand and Indonesia. In all of those places, and in Iraq, the word was employed accurately to describe those fighting the existing regimes to advance their political cause. Mr. Tait also complained that CBC News had failed to describe the American abuse of prisoners at Abu Ghraib as "torture." That was not true. "Torture" was among the words CBC News used to describe the maltreatment of the prisoners. Finally, Mr. Tait argued that the term "hostage" should be employed to describe those imprisoned by the United States and by what he described as "its dictatorship in Iraq." The Canadian Oxford Dictionary definition, "a person seized or held as security for the fulfillment of a condition," did not accurately describe those imprisoned by the occupation forces in Iraq.

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**CHRIS TAIT**

Program: Canada Now, CBC TV

Mr. Tait had not received a response from Canada Now to his request for the source of Patrick Brown's claim that "90% of voters had registered in Afghanistan."

## **Review**

United Nations officials involved in the registration of voters there were the source of this information. As CBC News reported, the number of eligible voters could only be estimated, given that there had been no recent census in Afghanistan. I agreed that Mr. Brown should have attributed this information to UN officials, but at the same time, in the report the American defense minister cited the number of registered voters, attributing the information to the joint election commission (which involved UN officials), and Mr. Brown provided appropriate context by stating that “Some people are reported to have registered several times.” He went on to quote President Hamid Karzai, who said that didn’t matter since in his view measures were being taken to ensure that those registered could only vote once.

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### **DAVID TAIT**

Program: CBC News Online

Mr. Tait questioned the accuracy of casualty figures on the Iraq: After the War in-depth section of the CBC website.

## **Review**

My own view was that what was required was much more than a list of casualties, however well defined. I thought users would be better served by a lead article that provided an overview of the situation, including the politics involved, then walked us through the details about the hard numbers, the estimates and the guesstimates about the war’s casualties. I thought users should be better informed about the difficulty of gathering accurate information in the chaos of war.

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### **EMILE-J. THERIEN**

President, Canada Safety Council

Program: Disclosure, CBC TV

Mr. Therien complained about Disclosure’s report called “Elmer” that was broadcast in January, 2003. He felt that the report’s characterization of the Canada Safety Council was “inaccurate, lacked integrity and failed to reflect the relevant facts and significant points of view.”

The CBC’s Tony Burman defended the broadcast as fair and accurate.

## **Review**

I did not share Mr. Therien’s view that the programmers had embarked on some sort of malicious campaign, allowing themselves to be used by others “to drive their

agenda to discredit the Canada Safety Council. Nor did I see any merit to Mr. Therien's complaint that the program lacked proper balance. While it gave voice to some of the Council's critics, it also gave Mr. Therien the opportunity to defend the Council's views. While I agreed that, here and there, the report was not as fair with the Safety Council as it should have been, I also found that CBC News management had been largely justified in rejecting his complaints about inaccuracy, about lack of integrity and about "the unethical use of the editing process."

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**PAUL VAN CAESEELE**

Program: Radio News

Mr. Van Caeseele complained that a report about the National Hockey League's lockout contained language that was "beyond acceptable," notably the use of the word "scab."

The CBC's Jamie Purdon said the derogatory expression was used by one of the people interviewed for the item, and not by the CBC's reporter.

**Review**

While I agreed that the CBC reporter took care to use the expression "replacement players," and not "scabs," he did use the derogatory expression to describe the relevant Quebec and British Columbia legislation. Upon review, I found that the complaint was justified.

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**ROBIN WILCOX**

Program: Radio News

Robin Wilcox complained that the CBC did not cover the decision of certain groups to appeal a ruling of one of Canada's courts to the Supreme Court of Canada on the same sex marriage issue.

The CBC's Esther Enkin replied that CBC News covered developments in this story, among other occasions, in July and October, 2003.

**Review**

CBC News did cover the story. So I rejected this complaint as unfounded.

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**KRISTIN WORLEY**

Program: the fifth estate, CBC TV

Ms. Worley complained that the fifth estate’s documentary, “Becoming Ayden,” about a young transsexual, did not focus on what she described as “the leading edge of research,” questioning the view that transsexualism is a mental disorder. She also complained that “the documentary was not a factual portrayal of gender dysphoria.”

The CBC’s David Studer defended the broadcast as fair and balanced.

**Review**

The CBC’s programmers have the right to decide what stories they wish to tell, and in this case they chose to tell the story of a 17 year old who embarked upon “a journey into manhood” without parental consent. As Ombudsman I could not declare the story the fifth estate told to be in violation of CBC journalism policy on the grounds that Ms. Worley and some others thought the program should have told another story. In telling Ayden’s story the fifth estate told us about the experiences of some other transgendered individuals, some of whom made the transition successfully and some who apparently did not.

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**DR. DAVID YOUNG**, President, The Society of Obstetricians and Gynaecologists of Canada

**DR. CHARLES LYNDE**, President, the Canadian Dermatologists Association  
Program: Disclosure, CBC TV

Dr. David Young and Dr. Charles Lynde complained about Disclosure’s program about Diane-35, an acne drug that is also marketed as an oral contraceptive. The doctors complained that the program was one-sided and “unnecessarily alarmed millions of Canadian oral contraceptive users,” adding: “To make informed decisions about health care choices women need balanced information on risks and benefits – and risks need to be put into perspective with other risks of daily living so that people can understand the true level of risk.”

The CBC’s Harold Redekopp dismissed their complaint as entirely without foundation.

**Review**

I agreed that the program could have been improved by a fuller explanation of the risk statistics, but I did not share their view that the broadcast was one-sided. We heard from a doctor responsible for drug safety in Germany, who said he would never prescribe the pill “in the first instance for purpose of birth control.” We heard from two university students who had been prescribed Diane-35 for birth control

without, they said, having been properly informed about its risks. After gathering the relevant information to make an informed choice one made the decision to stop taking the drug and the other decided to continue using it. And the final word was given to a gynaecologist who dismissed the risks involved.

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### **Programs: Viewpoint (CBC News Online) and The National**

Ten people complained about a Viewpoint column written by Neil Macdonald, and/or about his December 6, 2004, report on The National.

#### **VIEWPOINT**

Complainants singled out the sentence, “If Palestinians have committed terror, the Israelis have certainly committed war crimes,” saying this constituted an expression of personal opinion or bias.

#### **Review**

I agreed that this section of the column was not as clear as it could and should have been. I therefore recommended that CBC News Online edit the column to make clear that correspondent Macdonald was identifying and summarizing arguments argued in the Middle East and not expressing his personal views. In particular, I recommended that the wording be changed as follows: “If Palestinians have committed terror, so the argument goes, the Israelis have certainly committed war crimes.” The column was edited to reflect the results of this review.

#### **THE NATIONAL**

Complainants described the appearance in the item of the former American diplomat Allen Kieswetter as an example of anti-Israeli bias. Mr. Kieswetter cited American policy regarding Israel as the primary reason for anti-American violence in the region. The CBC’s Tony Burman defended the report, saying it simply reflected the major points of view on a controversial matter.

#### **Review**

I agreed that the report was consistent with CBC’s Journalistic Standards and Practices and its requirement to report both the established views (in this case those of the American president) and to reflect the opinions of those (like the President’s critic) who challenge the accepted orthodoxies.

## **APPENDICES**

## Appendix I

### **Review of Patrick Cain's complaint about The Current's coverage of the same-sex marriage debate**

I write to share with you my review of your complaint about the Feb. 2<sup>nd</sup> edition of The Current.

You complained that this CBC information program “took sides on the issue of same-sex marriage, characterizing it as a human rights issue and placing those opposed to it in the same context of deeply regrettable bigotry and discrimination that has occurred in this country.” The CBC’s Pam Bertrand agreed that “on this occasion The Current looked at same sex marriage through the prism of human rights.” However, Ms. Bertrand denied the charge of bigotry, saying the views of the opponents of same-sex marriage had been reflected in various interviews in other editions of The Current over the past two years.

#### **REVIEW**

This program was broadcast the day after the federal government introduced legislation in Parliament to extend the right to civil marriage to same-sex couples. The introduction of any legislation opens the way to parliamentary debate about its merits. But, on this day, host Anna Maria Tremonti announced that, “The Current is opting out of the debate. Instead, we are exploring the significance of the legislation before Parliament.” And, as Executive Producer Pam Bertrand has acknowledged, the program conducted its exploration “from one perspective,” the perspective of gays and lesbians who, in Ms. Tremonti’s words, “have made it one step farther down the aisle to civil parity in Canada.”

We would hear that---even as Parliamentarians struggled with this issue---same-sex marriage had become a reality in most of the country, thanks to the way the courts have interpreted the Canadian Charter of Rights and Freedoms. We would hear gays and lesbians in Canada speak of “profound change;” we would hear them say “politicians are way behind the public on this issue.” We would hear a pollster say a majority of Canadians, including a majority of Catholics, supported the concept of same-sex marriage in a poll conducted last December and January. We would hear gushing praise for Canada from gays and lesbians around the world. And we would hear disparaging remarks about the opponents of same-sex marriage, not from the program host but from gays and lesbians who made remarks about “exclusion and discrimination,” remarks about “scary right-wing rhetoric that the sky will be falling.”

It may well be, as *The Current* suggested, that 60 years hence Canadians will look back at the struggle over same-sex marriage with the same incredulity as we look back today at certain forms of discrimination in our past. But, to my mind, this broadcast illustrates why information programs do not enjoy the luxury of “opting out” of debates under way either in Parliament or in the country. What we heard here was not a well-rounded exploration of “the significance of the legislation now before Parliament.” What we heard was, in Ms. Tremonti’s own words, a “celebration of the union of a movement and its impending right to marry.” Programs like *The Current* cannot announce they’re opting out of debate and then provide one side of that debate with the opportunity to score points by making arguments like “you can’t be a little bit pregnant and you can’t be a little bit equal.”

CBC’s journalism policy states that continuing information programs like *The Current* “must present a balanced overall view of controversial matters.” This policy provides programmers with enough flexibility to devote an entire program to the exploration of the views of one side in any debate. But, in the interests of fairness and balance, any such exploration should be accompanied by a timely exploration of the views held by those on the other side of the debate. As part of this review I examined *The Current*’s handling of this issue over the past two years. And in my view, over time, *The Current* has given reasonable voice to supporters of same-sex marriage and supporters of traditional marriage. But, also in my view, this one-sided program tipped the balance. This exploration of the significance of the issue was incomplete and, in this sense, biased. So, upon review, I find this complaint to be largely justified.

Yours truly,

David Bazay  
Ombudsman

## Appendix II

### **Review of complaints from Jack Chivo, Donna Starkman Shiff and Gordon Wiseman about Neil Macdonald's May 4, 2004, report**

I write to share with you my review of your complaint that correspondent Neil Macdonald's report from Washington on *The National* May 4, 2004, was "deliberately biased."

At issue is a part of the news item that dealt with the controversy over the abuse of Iraqis imprisoned by the Americans:

**Correspondent Macdonald:** And dozens of former American diplomats waded in too in a letter saying the occupation of Iraq and George Bush's unprecedented alliance with the right wing government of Israel has placed Americans overseas in danger.

**Eugene Bird** (Identified as a former U.S. diplomat): We know that the Israeli intelligence was operating in Iraq after the war was over. The question should be: Were there any foreign interrogators among those that were recommending very, very bad treatment for the prisoners?

**Macdonald:** There is of course some irony in all this outrage. The Arab countries themselves are generally unsurpassed when it comes to torturing prisoners, and few armies fight a conflict without committing abuses. But the administration here sees itself as leading a global crusade against evil, and after years of lecturing the rest of the world about right and wrong, ceding moral ground doesn't come easily.

In response to your complaint, the CBC's Editor in Chief, Tony Burman, admitted fault, saying that *The National* should not have broadcast Bird's comments. He wrote that, "Although it was one of a number of comments made that day on the developing abuse story, the inference it contained was unsubstantiated, and it should not have been in the report. We said so publicly. On the Friday, May 7<sup>th</sup> edition, *The National* acknowledged that there was no evidence that Israel was involved in what happened in the Iraqi prison. It went on to say the comment should not have been included in the report and that we regretted the error... We have also carefully examined your concern that this mistake may have been motivated by an 'anti-Israel bias' on the part of the reporter or *The National* itself. After discussions with those involved and a careful examination of everything that went on that day, I can assure you that that was not the case. There was no willful distortion. There was a mistake, a lapse that somehow slipped through the system."

While you expressed pleasure with Burman's admission of fault, you took issue with his comments that "there was no willful distortion." You stated that correspondent Macdonald's report was "deliberately biased," and asked for this review, saying: "...Nobody forced him to attend the press conference of a well-known anti-Israeli propagandist and to broadcast his fabrications, nobody forced Macdonald to introduce the distortion with an obvious anti-Israeli 'spin,' and nobody forced your news room to accept it without any thoughts or care for accuracy and, especially, without a clarification about this pro-Arab lobbyist and his known agenda."

The CBC Ombudsman has a mandate to determine whether an information program violated the Corporation's journalistic standards and practices. In this case, CBC News admitted fault, apologized and set the record straight on air. There's evidently no need for the Ombudsman to conduct a review to determine whether there was fault when CBC News admits fault. However, you based your request for a review on the contention that CBC News, and notably correspondent Macdonald, erred deliberately, displaying bias by intentionally broadcasting the views of "a well-known anti-Israel propagandist" without informing the audience about his "known agenda." So my review will focus on whether this report was "deliberately biased."

Here is what I learned during this review:

-- On May 4<sup>th</sup> correspondent Macdonald was assigned to do what's known in the trade as a 'melt,' i.e. assigned to put together the latest developments in a continuing story into a single report. Early in the day, from Toronto, came the request that the report deal with the news conference scheduled by the former U.S. diplomats. Senior Producer Mark Harrison told me that he made this request noting that, a week or so earlier, a group of former British diplomats had made a newsworthy critique of Tony Blair's policies in the Middle East.

-- Correspondent Macdonald did not attend the news conference. While a CBC camera recorded the proceedings Macdonald remained in the Washington bureau to work on an earlier version of this item for the supper hour program, *Canada Now*. He examined the statement issued by the diplomats but decided it did not merit inclusion in the *Canada Now* piece.

-- In editorial discussions with the *National* desk Macdonald would argue that the diplomats' statement--an attack on President Bush's Middle East policies--did not fit into that day's report, which was largely focused on developments surrounding prisoner abuse at Abu Ghraib. Without requesting any specific comment (No one in Toronto had seen the news conference), the *National* desk asked that the diplomats' views be included in the 'melt' as part of the day's developments.

-- Macdonald took another look at the news conference to determine whether there had been any mention of prisoner abuse. The only comment recorded was the one by

Eugene Bird, one of the spokespersons for the former diplomats. Macdonald had never heard of Bird before. He felt what the former diplomat had to say was ‘incendiary,’ (and would so inform the editor assigned to approve his script) but he also felt that he could counter-balance what Bird had said by making mention of torture in the Arab world. So he decided to include the Bird clip in the item and submitted his script to the desk for approval.

-- The *National* desk took issue with two elements of the Macdonald script. The editors felt he should explain, within the item, why the program had chosen to begin the report with some cockpit video of the killing of a wounded Iraqi, available on the internet for some time; Macdonald argued that the explanation (it was showing up on TV around the world as an example of American brutality) should be written into the introduction to his item. The desk also requested a change in the wording of his closer, which initially described Arab countries as ‘world champions of torture.’ During these discussions no one on the desk questioned the Bird clip. Macdonald’s concern about the clip being ‘incendiary’ was not shared with the senior producers. His script was approved with the change in the wording of the closer and with the understanding that the use of the cockpit video would be explained in the intro.

-- The script editor, Derek Desouza, told me that he had never heard of Bird before, saying that Bird’s comments ‘went right by me,’ perhaps because Bird was put forward as a spokesperson for dozens of former diplomats with many years of experience in the Middle East. In fact, the remarks went by everyone in Toronto involved in the program that night. (For the record I should report that Eugene Bird himself contends that there was nothing there that should have pre-occupied the program’s editors, telling me that, “I was careful not to say that Israel was involved at Abu Ghraib.” I disagree. While Bird did not explicitly state that Israel was involved his remarks certainly suggested that Israeli intelligence might be. An allegation phrased in the form of speculation remains an allegation and should have been dealt with as such).

-- When the item went to air, as Macdonald put it, “Neither I nor the desk had the slightest idea that Eugene Bird was indeed a pro-Palestinian activist.”

What we witnessed here, in my view, was the absence of the journalistic rigour normally associated with the TV network’s flagship information program. Whenever unsubstantiated allegations make their way into print, or onto the airwaves, (and they often do) the news media has the responsibility to put these allegations into context so that we are well enough informed to make judgments of our own. At the very minimum we should be informed about the relevant credentials of the person or persons making the allegations; we should be informed about the response of the individual, institution or country targeted in the allegation. In broadcasting Eugene Bird’s suggestion that Israeli intelligence might be linked in some way to the prisoner abuse in Iraq, *The National* on May 4<sup>th</sup> failed to meet the journalistic standards

involved in dealing with an allegation: the program failed to inform us about Eugene Bird's credentials as an advocate of the Palestinian cause as President of the American Council for the National Interest; and it failed to provide the Israelis with the opportunity to respond.

This was a clear violation of the principle of fairness in CBC's Journalistic Standards and Practices, but in my view this was a case of negligence, not 'deliberate bias.' Macdonald told me that he would not have put the Bird clip in this item had he known about the man's background. Desouza said the same thing. But they should have known. And the same can be said about the senior programmers involved. Under CBC journalism policy reporters, editors and producers must not only avoid bias; they must avoid the appearance of bias. And, I agree, the May 4<sup>th</sup> report did expose *The National* to the appearance of bias.

I think it should be noted that this happened during an editorial process that casts the reporter in the role of a packager of information. Here the reporter is not out in the field, doing what's known as journalism of verification, where a reporter can personally attest to all the information he or she has gathered. As a packager the TV reporter tends to be bureau-bound, doing the so-called 'daily melt,' pulling together available pictures and voice clips that fit into the day's news narrative. While this process is as old as TV itself, it is fraught with perils if only because packagers of TV items routinely deal with pictures of events they haven't witnessed or with voice clips of people they haven't interviewed. One of the characteristics of this kind of journalism---call it the journalism of presentation---is the diffusion of personal responsibility, so central to CBC's Journalistic Standards and Practices. Typically, the TV reporter is just one of several people involved in the gestation and production of this kind of news item, one of several people responsible for the quality of the report. While the reporter must exercise his or her personal judgment, so must all the other journalists involved in the editorial system that generates these 'melts.'

Over the years *The National* has been well served by its system of editorial checks and balances. (Disclosure: From 1985 to 1993 I was Executive Producer of Network TV News, including *The National*). The program's script vetting process begins early in the day when items are filed for the early evening news, and routinely continues right through the first edition of the program when errors that slipped through are usually caught and rectified. The responsibility for vetting the scripts of reporters in the bureaus is shared by four editors who work under the supervision of a senior news producer, and a senior program producer. The program's executive producer normally watches the first edition of *The National* at home and can call in to order any change. On this particular night, as part of a cost-cutting initiative, the program was working with three editors. And Chief Correspondent Peter Mansbridge, normally actively engaged in the editing of the program, happened to be away. On May 4<sup>th</sup> this editorial system failed, resulting in the extraordinary need to make two corrections to a single item. Apart from missing the nature of the Bird clip, the programmers failed

to explain why they were using some old cockpit video and had to issue a clarification the next day.

Editor in Chief Burman ordered an internal review, which identified several problems within the program's editorial system, including a glaringly obvious one---the failure to run background checks on experts and spokespersons who make allegations in news stories. As part of this review I read the internal report drafted by Jonathan Whitten, the Executive Producer, and Cynthia Kinch, the Director of News Programming. I would describe their report as a frank, fair and factual account of what went wrong and what needs to be done, as Burman says, "to ensure that this situation is never repeated."

While the May 4<sup>th</sup> mistakes exposed *The National* to the appearance of bias, I think the programmers should be commended for the way they publicly owned up to their errors, apologized and set the record straight. Of course the best way for the public broadcaster to demonstrate its commitment to fairness and accuracy is never to make mistakes. But in the imperfect world of daily journalism this commitment is best reflected by those who are willing to acknowledge and correct their errors, learn from them and move on to better inform the citizens the CBC was created to serve.

Yours truly,

David Bazay  
CBC Ombudsman

Appendix III

**2004-2005**

**NUMBER OF COMMUNICATIONS RECEIVED**

	<b>INFORMATION PROGRAMMING</b>	<b>GENERAL PROGRAMMING</b>	<b>TOTAL</b>
2004-2005	1809	241	2050
2003-2004	1590	326 (+239 Cherry)	2155
2002-2003	1273	376	1649
2001-2002	582	442	1024
2000-2001	597	537	1134
1999-2000	702	362	1064
1998-1999	462	422	884
1997-1998	348	356	704
1996-1997	216	227	443
1995-1996	221	65	286

**AVERAGE RESPONSE TIMES**

Programmers are asked to respond to complainants within 28 calendar days

	<b>RADIO</b>	<b>TV</b>	<b>CBC.ca</b>
2004-2005	24	25	17
2003-2004	21	12	12

## **MANDATE OF THE OFFICE OF THE OMBUDSMAN**

### **I. PRINCIPLES**

The CBC is fully committed to maintaining accuracy, integrity and fairness in its journalism.

As a Canadian institution and a press undertaking, the CBC is committed to compliance with a number of principles. Foremost among those is our commitment to scrupulously abide by the journalistic code of ethics formulated in our own handbook of journalistic standards and practices which stresses lack of bias in reporting. We are committed to providing information that is factual, accurate and comprehensive. Balanced viewpoints must be presented through on-the-air discussions. As it is for other public and private journalistic undertakings, credibility in the eyes of the general population is our most valuable asset and must be protected.

The Ombudsman is completely independent of CBC program staff and management, reporting directly to the President of CBC and, through the President, to the Corporation's Board of Directors.

### **II. MANDATE**

#### **1. Audience complaints and comments**

- a) The Ombudsman acts as an appeal authority for complainants who are dissatisfied with responses from CBC program staff or management.
- b) The Ombudsman generally intervenes only when a correspondent deems a response from a representative of the Corporation unsatisfactory and so informs the Office of the Ombudsman. However, the Ombudsman may also intervene when the Corporation fails to respond to a complaint within a reasonable time.
- c) The Ombudsman determines whether the journalistic process or the broadcast involved in the complaint did, in fact, violate the Corporation's journalistic policies and standards. The gathering of facts is a non judicial process and the Ombudsman does not examine the civil liability of the Corporation or its journalists. The Ombudsman informs the complainant, and the staff and management concerned, of his/her finding.

- d) As necessary, the Ombudsman identifies major public concerns as gleaned from complaints received by his/her Office and advises CBC management and journalists accordingly. The Ombudsman may undertake periodic studies on overall coverage of specific issues when he/she feels that the number of public complaints indicates that there may be a problem.
- e) On occasion, the Ombudsman may convey to a wider audience, either within the CBC or among the general public, particular cases of concern or consequence to others than the complainant alone.
- f) The Ombudsman establishes a central registry of complaints and comments regarding information programs, and alerts journalists and managers, on a regular basis, to issues that are causing public concern.
- g) The Ombudsman prepares and presents an annual report to the President and the Board of Directors of the Corporation summarising how unsatisfied complaints were dealt with and reviewing the main issues handled by the Office of the Ombudsman in the previous year. The report includes mention of the actions, if any, taken by management as a result of the Ombudsman's findings, provided such disclosure does not contravene applicable laws, regulations or collective agreements. The annual report, or a summary thereof, is made public.
- h) The Office of the Ombudsman reports annually on how each media component has met the CBC standard of service for the expeditious handling of complaints.

## **2. Compliance with journalistic policy**

- a) The Office of the Ombudsman is responsible for evaluating compliance with journalistic policies in all programs under its jurisdiction. It is assisted in this role by independent advice panels. Panel members are chosen by the Ombudsman; their mandate is to assess individual or groups of programs over a period of time, or the overall coverage of a particular issue by many programs, and report their findings to the Ombudsman.
- b) The evaluation measures the programs' performance in respecting the three fundamental principles of CBC journalism, Accuracy, Integrity and Fairness.
- c) The Ombudsman aims to have all information programming reviewed over a five-year period. The Office reports annually.

### **III. JURISDICTION**

The jurisdiction of the Office of the Ombudsman covers all information programs on Radio, Television and the Internet. These programs include News and all aspects of Public Affairs (political, economic and social) as well as journalistic activities in agriculture, arts, music, religion, science, sports and variety. Complaints involving entertainment programming are generally beyond the Ombudsman's mandate and should be addressed directly to the programs concerned.

### **IV. APPOINTMENT**

- a) When filling the Ombudsman's position, the CBC openly seeks candidates from outside as well as inside the Corporation.
- b) After appropriate consultation, the President and CEO establishes a selection committee of four. Two members, including the committee chair, must be from the public. The other committee members are chosen, one among CBC management, the other among its working journalists. Members representing the Corporation and journalists jointly select the committee chair among the two representatives of the public.
- c) The selection committee examines applications and selects a candidate to be recommended for appointment by the President and CEO.
- d) The Ombudsman's appointment is for a term of five years. This term may be extended for no more than five additional years. The Ombudsman's contract cannot be terminated except for dereliction of duty or gross misconduct.
- e) The outgoing Ombudsman may not occupy any other position at the CBC for a period of two years following the end of his/her term but can, at the discretion of the incoming Ombudsman, be contracted to work for the Office of the Ombudsman.