

**OFFICE OF THE
OMBUDSMAN**

ENGLISH SERVICES

**ANNUAL REPORT
2007-2008**

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THE OMBUDSMAN'S REPORT 2007-2008

During the fiscal year 2007-08 the Office of the Ombudsman dealt with 1,837 complaints, communications and expressions of concern, including 1,052 about information programming. This year the Office received a record 785 complaints, communications and expressions of concern about general programming and non-programming matters, including 115 about the cancellation of CBC Television's iPod and 60 about the disbanding of the CBC Vancouver orchestra. During the year I conducted 51 reviews. Another 20 were carried over to be completed in the next fiscal year.

One of the most significant events this past year was the increase in requests and complaints related to the "Comment" forums on CBC.ca. Some were purely technical, while others related to the content and monitoring of the service.

A positive development was the issuance of clear and understandable monitoring guidelines on "User Generated Content." The Information Service and the Ombudsman's office have worked out a useful "modus vivendi" to ensure that this office is not swamped in arguments over material not produced by CBC journalists. I should note the care and thoughtfulness of Esther Enkin, the Executive Editor of CBC News, in this process and the quick and insightful responses of Sharon Mulholland, the Moderation Manager.

As one can see from the statistics included in the report, the web service has been very good at responding quickly to complaints about a whole range of issues. Editorial matters have been dealt with expeditiously and with good sense by the service's Executive Producer of News, Mary Sheppard, while non-editorial matters have been trafficked with great energy by John McQuaker and others within the technical staff at CBC.ca.

On broader issues, I would like to echo some of the concerns raised by my colleague, Julie Miville-Dechêne. We have discussed these matters at some length, particularly during our very useful time spent at the annual meeting of the Organization of News Ombudsmen. Our conversations were enriched by the experience of other organizations to which she refers in her report.

As I signaled at last year's meeting of the Board of Directors, I believe that attention must be paid to the policy implications of some of our evolving program formats. In this year's summary of reviews you will find one concerning "On the Map" with Avi Lewis (see J.A., p. 8). While this program is no longer on the schedule, it does highlight the problems inherent in hiring intelligent, opinionated hosts for CBC

current affairs programs. My point at last year's meeting, and in the review, is that if the Corporation decides to follow that path on the air, or online, we must make serious effort to ensure that our hosts represent a range of views in keeping with our policies. If that is not to be, hosts should be reminded that they are not to express their personal opinions or, if conclusions are drawn, they should be appropriately sourced and based on facts available to the audience. Julie Miville-Dechêne writes persuasively on this matter.

I also noted another potentially emerging phenomenon: the use of "Eyewitness News" style promotion and introduction of CBC news items. In a review of a complaint by an official of Gander International Airport, I discovered that the item itself was a fair reflection of a relatively ordinary press conference at the airport. However, the introduction to the piece, not written by the reporter, used provocative language designed to give the impression that the CBC had "uncovered" something that, in fact, had not been hidden. It also hinted money was going where people might not expect it to go. Neither implication was borne out by the story. I also noted the reversioning of a Radio-Canada documentary as a much briefer item on The National. The script had been changed to use language similar to the Gander report: "uncovering" something that had, in fact, been a matter of public record. The original documentary was sound and complied with our standards. (See Reg Wright, p. 37 and W.B., p. 15.)

Through long experience, I am aware of the styles and techniques promoted by certain U.S. companies as methods to enhance visibility and ratings. Canadian broadcast journalism generally, and the CBC in particular, has been largely free of the hype and fear mongering inherent in these techniques. While the Ombudsman has no say in overall marketing campaigns, when marketing techniques are incorporated into news journalism, policy questions may be raised. Such techniques are, by my experience, inimical to good journalism and run counter to the basic principles of CBC's Journalistic Standards and Practices.

I understand the difficulties inherent in maintaining position in the ever-more crowded broadcast and cable universe. However, one of the healthy challenges for the CBC would seem to be maintaining its "head" while everyone else is losing theirs.

I look forward to working with the News Services as a new policy book is fashioned over the next year. I also anticipate that a good part of the year may be taken up with a federal election.

Vincent A. Carlin
Ombudsman, English Services

RAPPORT DE L'OMBUDSMAN DES SERVICES ANGLAIS 2007-2008

Au cours de l'exercice 2007-2008, le Bureau de l'ombudsman des Services anglais a traité 1837 plaintes, communications et expressions de préoccupation, dont 1052 avaient rapport à la programmation d'information. Par ailleurs, nous avons reçu 785 plaintes, communications et expressions de préoccupation au sujet de la programmation générale et de questions non liées à la programmation; de ce nombre record, 115 concernaient l'annulation de l'émission *jPod* de CBC Television et 60, la dissolution de l'Orchestre de Radio-Canada, qui était basé à Vancouver. Au cours de l'exercice, j'ai réalisé 51 révisions, et j'en terminerai 20 dans le courant du présent exercice.

L'un des faits marquants de l'année dernière a été l'augmentation du nombre de demandes et de plaintes concernant le forum de commentaires du site CBC.ca. Certaines de ces demandes et plaintes ne portaient que sur l'aspect technique du forum, tandis que d'autres visaient le contenu et la modération du service.

L'une des percées de l'année dernière a été l'adoption de lignes directrices claires et faciles à comprendre en ce qui a trait au contenu généré par les utilisateurs. Le service de l'information et le Bureau de l'ombudsman sont parvenus à un utile *modus vivendi* grâce auquel le Bureau ne sera pas submergé de plaintes portant sur du contenu ne provenant pas des journalistes de CBC/Radio-Canada. Je tiens à souligner l'attention et le sérieux avec lesquels la rédactrice en chef de CBC News, Esther Enkin, a pris part au processus, et la rapidité et la perspicacité de la chef de la Modération, Sharon Mulholland.

Comme le prouvent les statistiques présentées dans le rapport, le service Web a su répondre rapidement à des plaintes relatives à une multitude de sujets. La réalisatrice-coordonnatrice des Nouvelles, Mary Shepard, a promptement réglé les questions relatives au contenu rédactionnel, et John McQuaker ainsi que d'autres techniciens de CBC.ca ont géré avec beaucoup d'énergie les autres dossiers.

En ce qui concerne les dossiers plus généraux, j'aimerais me faire l'écho de certains des enjeux soulevés par ma collègue Julie Miville-Dechêne. Nous avons longuement discuté de ces questions, surtout lors de la très pertinente réunion annuelle de l'Organization of News Ombudsmen, où nos conversations ont été enrichies par l'expérience d'autres organisations que Mme Miville-Dechêne mentionne dans son rapport.

Comme je l'ai fait observer lors de mon compte rendu de l'an dernier devant le Conseil d'administration, je suis d'avis qu'il faut se pencher sur la portée politique de

certains de nos formats d'émission, qui sont en pleine évolution. Dans le résumé des révisions du dernier exercice, il est question de l'émission *On the Map*, animée par Avi Lewis. Même si cette émission ne fait plus partie de la programmation, la situation fait ressortir les difficultés auxquelles on se heurte lorsqu'on met des animateurs brillants et aux opinions arrêtées à la barre d'émissions d'actualité. Le message que je tenais à faire passer lors de la réunion de l'année dernière et dans le rapport de cette année est le suivant : si la Société décide de prendre cette voie sur les ondes ou sur Internet, elle doit veiller à ce que ses animateurs représentent une variété d'opinions, de manière à respecter ses politiques. Autrement, il faudrait rappeler aux animateurs qu'ils ne doivent pas exprimer leurs opinions personnelles, et que les conclusions qu'ils tirent doivent être appuyées de sources et fondées sur des faits accessibles à l'auditoire. Ce que Julie Miville-Dechêne a écrit à ce sujet est très convaincant.

J'ai également relevé un phénomène susceptible de se généraliser : le recours au sensationnalisme pour faire la promotion et la présentation de nouvelles de CBC. En examinant la plainte d'un représentant de l'aéroport international de Gander, j'ai découvert que le reportage en question rendait convenablement compte d'une conférence de presse de routine de l'aéroport, mais que le langage utilisé dans la bande-annonce, qui n'avait pas été rédigée par le journaliste, était provocateur et donnait l'impression que CBC avait découvert une histoire qui était en fait du domaine public. La bande-annonce donnait également à entendre que des sommes étaient utilisées à des fins inusitées aux yeux du public. Le reportage n'appuyait aucune de ces suppositions. J'ai aussi constaté la diffusion d'une version écourtée d'un documentaire de Radio-Canada dans l'émission *The National*. Le texte avait été modifié et le langage utilisé ressemblait à celui du cas susmentionné, c'est-à-dire qu'on laissait entendre avoir mis au jour une histoire, alors que le dossier était public. Le documentaire original était sérieux et conforme à nos normes.

Grâce à mes longues années d'expérience, je connais les styles et les techniques que privilégient certaines entreprises américaines en vue d'accroître leur notoriété et leurs cotes d'écoute. Au Canada, et surtout à CBC/Radio-Canada, le journalisme de radiotélévision est en grande partie exempt du battage médiatique et de l'alarmisme inhérents à ces techniques. Même si l'ombudsman n'a pas voix au chapitre pour ce qui est des campagnes de marketing, lorsque le journalisme fait intervenir des techniques de marketing, des questions de principe peuvent être soulevées. D'après mon expérience, ces techniques vont à l'encontre du bon journalisme et sont contraires aux principes de base des normes et pratiques journalistiques de CBC/Radio-Canada.

Je reconnais qu'il est difficile d'adopter une position catégorique dans le monde de la radiodiffusion et du câble, qui compte un nombre grandissant d'acteurs. Cependant,

quel beau défi pour CBC que de garder son sang-froid tandis que tous peinent à le faire.

J'ai hâte de travailler avec le service de l'information à l'élaboration du nouveau manuel de politiques au cours de la prochaine année. Soit dit en passant, je m'attends à ce qu'une bonne partie de l'année soit monopolisée par une élection fédérale.

Vincent A. Carlin
Ombudsman, Services anglais

COMPLAINTS REVIEWED BY THE OMBUDSMAN

A.A.

The Current

A.A. complained about The Current's interview with John Mearsheimer, co-author of "The Israel Lobby and U.S. Foreign Policy," including the fact that it was aired on the eve of the Jewish New Year.

Pam Bertrand, Executive Producer of The Current, responded to his concerns. A.A. felt that they would have to "agree to disagree," but he still had concerns about the timing of the broadcast.

Review

I have received a number of communications complaining about various stories done at different times of the year. Last year during the Christian Easter some programs touched on studies questioning some of the bases of Christian faith. I have noted complaints concerning reporting on "Islamic" terrorism during Muslim holy days. I also received a number of complaints about a program examining 9/11 conspiracy theories on the anniversary of the event. I neither defended nor criticized these decisions. I merely pointed out that the notion that such a programming choice would only be made in relation to the Jewish community did not appear to be accurate. While I understood the increased sensitivities of any community at certain times of the year, programmers, aware of the strictures of policy, must be free to make their choices freely.

J.A.

On the Map

J.A. was concerned about the June 11, 2007, edition of Newsworld's On the Map, with host Avi Lewis. The program featured an interview with Ayaan Hirsi Ali, who had published her memoir, "Infidel," in which she made a number of very controversial statements about Islam and world politics. J.A. felt that Mr. Lewis's attitude was "juvenile, disrespectful, arrogant and ignorant."

Fred Youngs, Deputy Program Director of CBC Newsworld, thought it was fair to say that many of Ayaan Hirsi Ali's assertions were striking, and that Mr. Lewis met them with the questions a viewer might ask. "That is what an interviewer does, challenge the guest, put up other opinions – although not necessarily his own – to test his guest's views."

Review

It was clear that the encounter with Ms. Ali would take the form of what used to be called an “accountability” interview – i.e., not just an exposition of someone’s viewpoint, but a healthy challenging of assumptions by a knowledgeable interviewer. Ms. Ali answered Mr. Lewis’s provocative questions calmly and appeared to be in tune with the cut and thrust of a vigorous interview. However, Mr. Lewis would seem to have breached the parameters of “fairness” by implying that Evangelical Christians shoot abortion doctors. Which raised the question: Is there room for personal opinion on programs of journalism produced by the CBC? Within the Journalistic Standards and Practices there is the notion that there should be a vigorous interplay of points of view. In fact there is provision for “Guest Commentators,” specifically engaged to “pass judgment on public affairs.” At the same time, there is the fairly strict notion that hosts are not to use programs to promote their personal points of view. As the CBC adds to its journalistic texture with new formats and new hosts, policy should evolve to acknowledge these developments while maintaining the underlying principles of fairness, accuracy and integrity. Having hosts with well-developed views on public affairs is not an evil, but care must be taken to provide appropriate expression of a wide range of views.

J.A.

Politics

J.A. complained that on the March 13, 2008, edition of Politics, host Don Newman made “unprofessional” and “ad hominem” remarks to Conservative Member of Parliament Pierre Poilievre.

Senior producer Sharon Musgrave responded, pointing out that Mr. Poilievre had been designated by the PMO to speak and Mr. Newman was merely pointing out that fact.

Review

The segment was supposed to explore the topic of centralization of power in the Prime Minister’s Office (PMO). During the introduction Mr. Newman made the observation that other governments, both Liberal and Conservative, had tended at various points in their mandates to centralize decision making in the PMO. Both the Liberal MP and Mr. Poilievre strayed from the topic. One would have to view the segment through the most narrow of partisan filters to conclude that Mr. Newman was either unprofessional or biased in his handling of the matter. In fact, he had laid the groundwork for a more astute guest to argue that handling matters out of the PMO

was neither new, nor, perhaps, particularly troubling. Mr. Poilievre chose a different course. I found no violation of CBC's Journalistic Standards and Practices.

M.A.

As It Happens

M.A. complained about an interview on As It Happens with Dr. Chris Busby, who was termed the Scientific Director of the European Committee on Radiation Risk. He was interviewed after his committee issued a report suggesting that munitions containing enriched uranium tips might have been used in the conflict in Lebanon in the summer of 2006. M.A. wrote subsequent to another report, issued by the UN Environment Programme, which found no evidence that such weapons were used.

Esther Enkin, Deputy Editor in Chief of CBC News, replied, saying that the program would be doing a follow-up interview with a representative of the UN Environment Programme.

Review

The Busby interview was a justifiable response to a report from a non-governmental organization such as the European Committee on Radiation Risk. A journalist's function is to air significant opinions on matters of public controversy. It is not their function to prove or disprove what an interview subject says; in this case, not even a statement alleged as fact, but a hypothesis offered by Dr. Busby. However, appropriate skepticism must be brought to bear on the subject, and the background of the source should be adequately presented. In this case, insufficient information was shared with listeners to be able to judge the bona fides of the Committee. The nature of the Committee was not adequately explained, either in the introduction or the body of the interview. Nor was Dr. Busby's position as an activist for the Green Party mentioned. The delay in following up this interview could also be seen as a lack of vigorous pursuit of appropriate balance. However, the producers reacted appropriately when this failure was brought to their attention.

R.A.

The National

R.A. complained about an item on the June 5, 2007, edition of The National, in which reporter Carolyn Dunn covered the opening of the so-called Creation Science Museum. He said that "the entire tenor and tone of this report presented creationism as a serious scientific topic on the same level as evolution. The narrator referred to

the ‘science’ of creationism.” He concluded that creationism “is not [science] and there is no scientific evidence whatever to support any such conclusion. Creationism is a faith and nothing more.”

Jonathan Whitten, Executive Producer of The National, responded that Ms. Dunn treated creationism appropriately as a theory or belief, although she did make what was intended to be an inflected reference to the ‘science’ of creationism. The intent apparently being to signify that she was quoting proponents’ belief and not stating a fact.

Review

Given the on-going controversy surrounding the topic, it was appropriate to cover the opening of this museum. In her report Ms. Dunn did not, to my eyes and ears, treat creationism as a “serious scientific topic on the same level as evolution.” Her report treated the views of those she interviewed at the creation museum as “beliefs,” which is fair. However, in an effort to bridge from one segment of the report to another, Ms. Dunn used a method that is highly problematic in broadcast news: verbal quotes around the word science. There are occasions where that stylistic device works properly, but they are rarely found in relatively brief news reports. The default position for a news reporter should be to attribute everything. Ms. Dunn inadvertently left viewers with the impression that she was referring to creationism as “science.” I would urge producers to be vigilant in demanding attribution rather than style, particularly in relatively brief news items.

A.B., I.C., I.F.

The Fifth Estate (The Denial Machine)

A.B. and others felt that The Fifth Estate’s report, The Denial Machine, presented only one side of the “debate” over the effects of human activity on climate change; and that it was “designed to undermine (the) credibility of those scientists who dissent from the prevailing media view that humans and Western corporations are responsible for climate change.”

David Studer, Executive Producer of The Fifth Estate, responded that the report was not a discussion of climate change itself, but an examination of the efforts to cast the issue as a real debate and about who is carrying out those efforts and how they are funded.

Review

The program was not about climate change, but about the effort to challenge the scientific consensus on the issue. The Fifth Estate's research showed that a number of the prominent challengers also worked on the smoking controversy. The parties appeared to be treated equitably, given an opportunity to express their views and to discuss their support. Other than the lack of information on an "environmental" group mentioned, overall I could find no violation of CBC's Journalistic Standards and Practices.

C.B.

The National

C.B. complained about a report on The National about Facebook postings by members of the Canadian Border Services Agency. C.B. complained that he was named and pictured publicly and prominently for what he felt was a private activity.

Jonathan Whitten, Executive Producer of The National, responded that the material was publicly available on Facebook for anyone logging in to see. He agreed to have the phrase, "inappropriate behaviour" edited away from a photo of the complainant.

Review

The report was unfair to C.B. in that it appeared to single him out for prominent mention and identification in what was, in fact, a more general report about a group. I applauded The National's quick action to lessen the inadvertent impact of the joining of a phrase and a photo. I urged the program to determine if the item was still available and take appropriate steps to eliminate the unfair spotlighting.

G.B.

CBC News

G.B. felt that a report by Peter Armstrong about a meeting between United States Secretary of State Condoleezza Rice and Israeli Prime Minister Ehud Olmert was, as claimed by HonestReporting.ca, an "error-plagued, one sided analysis." He also complained about a report by Nahlah Ayed about the efforts to save the Palm Islands Nature Reserve which was severely damaged during the war between Israel and Hezbollah. He felt that it "made no attempt to contextualize the circumstances in which the oil spill occurred."

Cynthia Kinch, Director of CBC TV News Programming, replied, in relation to the Armstrong item, that saying both sides were committed to the “road map” was correct in context – that the senior elected official of the Palestinians, Mahmoud Abbas, had indeed committed to the road map. She also said that balance can be achieved over a reasonable time, that in relatively brief items some knowledge of the situation can be assumed, and that balance is not a mathematical equation. In relation to the Ayed item, Ms. Kinch said that the report was “clear about the reasons for the oil spill and the circumstances in which it occurred.”

Review

Both reports met the provisions of CBC’s Journalistic Standards and Practices. It is illogical to believe that any single news item can carry the burden of providing a full recounting of background to any particular issue. Stories on the Middle East, in particular, could conceivably summon up hundreds (if not thousands) of years of background. I suspect that reasonable people can agree that a daily news item focusing on on-going events needs to supply enough context to make that item understandable to an average viewer. One would have had to be in isolation to not accept Mr. Armstrong’s report as part of a continuum of coverage. Ms. Ayed’s report, about environmental damage, did not require full background on the genesis of the war. It had to be accurate in its details on the damage and cleanup, which, as far as I could tell, it was.

N.B.

The National

N.B. complained about a report concerning the previous criminal conviction of a Mr. Cheema in Winnipeg. His wife had died under mysterious circumstances in the Vancouver area. N.B. said, in part, “...the reporter covering the case apparently ‘unearthed’ court records in Winnipeg from 12 years ago...This is known in the legal profession as ‘similar fact evidence.’ I would venture to say in totality it would not be admissible evidence against the husband if he were charged as the probative value is far outweighed by the prejudice it creates. It is probably known to the police who must now be cursing the stupidity of the reporter...”

The CBC’s Deputy Editor in Chief, Esther Enkin, replied, “In fact, Mr. Cheema has not been charged with any offence in this regard. As I am advised on the law, there can be no prejudice to a proceeding, in the absence of a proceeding. It is our role to inform Canadians about information that is of interest to them...”

Review

The item was prompted by the investigation into the death of Shemina Hirji in British Columbia in early July, 2007. Ms. Hirji was killed during what her husband described as a home invasion. At the time of the story, the police had arrested Mr. Cheema, but then released him. Several journalistic outlets unearthed the information that Mr. Cheema had been convicted in Winnipeg twelve years before for trying to abduct his fiancée and threatening to kill her family. The job of any journalist is to bring forward relevant information on topics of public interest within the constraints of the law. In this case, no such restrictions were operative: Mr. Cheema at that point was not even in custody. The publication of this truthful information on a matter of great interest to the public, particularly the public in British Columbia, was not a violation of CBC's Journalistic Standards and Practices.

T.B.

CBCNews.ca

T.B. complained about an article concerning a speech delivered by Lieutenant General (Ret) Ricardo Sanchez to military reporters and editors in Washington. The article covered Gen. Sanchez's criticism of the State Department and the National Security Council, and implied criticism of President Bush's strategy in Iraq, but no mention was made of his attack on the media.

Mary Sheppard, Executive Producer of CBCNews.ca, responded that General Sanchez's "words may be strong, but his criticism of the media is not particularly new," and that "what was newsworthy was what he said in the bulk of his speech..." i.e., his harsh criticism of what he called "incompetent strategic leadership."

Review

While I did not find that there was a political "bias" involved, it struck me that journalistic media in general have an aversion to covering criticism of their own work. However, as someone who has done two different programs of media "criticism" over the years, I have generally found the CBC, in particular, more than willing to discuss criticism. It appeared that the lack of a sentence or paragraph encapsulating Gen. Sanchez's views on the media that he evidently blamed for his shortened career was more the result of taking the line of least resistance. The item in question would have better met the obligation to provide context if it had included reference to the substantial and forceful, if not specific, criticism of the media.

W. B.
The National

W.B. complained about a report on The National on January 17, 2007, by Guy Gendron, which was based on his reporting for a documentary that was to be run on Radio-Canada's Zone Libre. The introduction to the item stated: "But just as Ottawa vows real action on climate change, there are new questions about one of Canada's worst polluters, the Alberta oil sands. Our colleagues at Radio-Canada's Zone Libre have uncovered plans for a dramatic expansion, in part to satisfy an American objective." W.B.'s complaint centered on the use of the term 'uncovered' since, according to him and others who complained, the information was publicly available and the meeting from which the plans came was not secret.

Review

A cursory trolling of internet resources showed that the minutes of the meeting of US and Canadian oil executives, indicating the plans for expansion of oil sands output, were readily available. The structure of the item was also somewhat confusing, since it appeared to link the meeting with the swearing-in of the new Prime Minister. Of course, the meeting had been set up under the previous government and did not have an apparent connection to the new government, aside from possible alignments of policy. The item could serve as object lesson #1 in the perils of excerpting a long and complex story. I viewed the English language version of Mr. Gendron's documentary. It was a careful, nuanced review of developments over the year between January 2006 and January 2007. None of the confusion evident in the short item was present in the documentary. The framing devices used for this story failed to meet the test of "accuracy" in the CBC's Journalistic Standards and Practices. The information itself was not widely known and deserved to be surfaced and discussed. One would have hoped that the care and precision evident in the documentary could have been applied to the shorter item.

J.C.
CBCNews.ca

J.C. complained about a story on CBC.ca concerning the Canadian Navy's decision to pull three ships out of planned NATO exercises due to a lack of funding. She found fault with a quote from Steve Staples, who was referred to as a "defense analyst" and as associated with the "Ottawa-based Rideau Institute." He suggested that the navy "may be playing politics to get more money in the next budget." J.C. said that Mr. Staples was involved with the "'peace and justice' movement in Canada, which is not

to be considered an objective or particularly fair source of information on defense subjects.”

Mary Sheppard, Executive Producer of CBCNews.ca, responded that the story reported the Navy’s position and other views; and that Mr. Staples was identified as a defense analyst because it was the term used to describe his position within the Rideau Institute. She said he was “an acknowledged expert in the area.”

Review

Ms. Sheppard’s observation that the story accurately reflected some of the differing views on this story appeared to be correct. However, how we present those views often raises issues of fairness. It is not sufficient to identify someone as a representative of a particular group with an official sounding name if a bit of further identification would help readers/listeners/viewers assess the information presented. CBC.ca identifies the Rideau Institute as “Ottawa-based.” In other stories it has been called a “think-tank.” In fact, on its own website it calls itself a “public policy research and advocacy group.” One could easily conclude that it advocates specific positions rather than merely analyzing material. I would urge programmers to be vigilant in avoiding easy labeling (“think-tank,” “research institute”) and find appropriate ways within time and space limitations to communicate useful context.

V.C.

TV News

V.C. complained about the decision by National Television News not to run the controversial cartoons depicting the Prophet Mohamed which were published in a Danish newspaper.

Then-Editor in Chief Tony Burman replied: “You called it an issue of free speech, but free speech is not an absolute right. It must be exercised with responsibility....”

Review

Freedom of speech applies to those making controversial statements, as well as to those who choose whether or not to report them. The National and other CBC News programs reported fully on the controversy and provided descriptions of the material at issue. Mr. Burman obviously felt that running the cartoons themselves would be irresponsible. I did not have to agree with Mr. Burman’s decision to find that it was made within the bounds of CBC’s Journalistic Standards and Practices. If the absence of a visual item seriously distorted our understanding of the events, it would have

been a violation. However, my review found that Canadians watching the CBC would have had adequate information to help them understand the events.

Lale Eskicioglu, Council of Turkish Canadians; and E.B. and K.O.
As It Happens

Lale Eskicioglu, Executive Director of the Council of Turkish Canadians, as well as E.B. and K.O., complained that interviews on As It Happens in the fall and winter of 2007 did not give sufficient attention to Turkey's official claim that the events of 1915 did not constitute a genocide but were legitimate military responses to revolution and banditry.

Review

The concept of balance is not mathematical. For a program like As It Happens, issues must be treated fairly, but the context of the item must be taken into consideration. In these cases, previous programs had elucidated the Turkish government's position and in these items mention was made of the Turkish government's disagreement with the consensus, but the focus of the items was on contemporary events, not on the historicity of the events of 1915. While I would encourage continued probing of this issue on a wider scale, I could find no violation of CBC's Journalistic Standards and Practices in the treatment of these items.

Mike Fegelman, HonestReporting Canada; and J.C.
CBC News: Around the World

Mike Fegelman, Executive Director of HonestReporting Canada, as well as J.C., complained about a report by Jacky Rowland on CBC News: Around the World on October 2, 2007. The report described the reaction of Palestinians to riots in Israeli jails. Ms. Rowland, a reporter for the English language service of Al Jazeera, spoke these words while standing in a street in Ramallah: "News of the prison riots has provoked outrage across the Occupied Territories. There are more than 10,000 Palestinian prisoners in Israeli jails and they are widely respected as fighters against the occupation." Mr. Fegelman felt that it should have been mentioned that a number of the prisoners "have blood on their hands" i.e., had engaged in criminal acts of terrorism and murder.

Esther Enkin, Acting Editor in Chief of CBC News at the time, responded that Ms. Rowland was not giving her own view, let alone CBC's, but referencing the opinions she heard in the street.

Review

Ms. Rowland appeared to have reported accurately on the belief of those in the "street" that many if not most of those in Israeli jails were "respected fighters against the occupation." Since on-going coverage had characterized the status and "resumés" of many of those imprisoned, no violation of the "balance" provisions of CBC's Journalistic Standards and Practices was evident.

Mike Fegelman, HonestReporting Canada
CBCNews.ca

Mike Fegelman, Executive Director of HonestReporting Canada, complained about a column on CBC.ca written by Jeremy Kinsman in which he used the word "settlements" referring to towns and villages in the north of Israel. He felt that the use of that word in the context was erroneous and implied that Israel had a tenuous claim on the territory.

Mary Sheppard, Executive Producer of CBCNews.ca, replied that most readers would not take the word as meaning anything other than "community."

Review

It seemed obvious that both Mr. Kinsman and Ms. Sheppard had the best of intentions in how the word was used. That being said, I had to agree that the use of the word "settlement" in any story about Israel immediately summons up in the minds of the most well-informed readers questions of controversy. While it is possible to use that word in almost any other context and summon up the notion of outlying communities, within Israel the word carries too heavy a freight to use it loosely. I agreed that it ran the clear and present risk of being misinterpreted.

C.G.
The National

C.G. complained about a report on The National by Ron Charles concerning the further cut to the GST announced in the Finance Minister's economic statement of

October 30, 2007. He wrote: “On the program they stated that such a cut would disproportionately benefit the rich. This is completely false. The GST as all sales taxes is a regressive tax – meaning that it disproportionately taxes the poor. The poor are forced to spend a higher portion of their income on items that are immediately consumable which means they have a higher proportion of their income taxed by the GST...How could The National make such a blatant error.”

Jonathan Whitten, Executive Producer of The National, replied that Mr. Charles was “not talking about proportionality, but the size of the break.” He also said that Mr. Charles was reporting “the view of leading economists to whom he had spoken...”

Review

The National went to some lengths to provide comprehensible coverage of complex issues and largely succeeded. However, in certain aspects of the Ron Charles report the reliance on simplistic and potentially misleading comparisons did not help our understanding of the fundamental issues at play. While the package was in the best tradition of full and explanatory journalism, the GST item did not provide sufficient context to rise to the standards of the rest of the material.

E.G.

CBCNews.ca

E.G. complained about the inclusion of the deaths of Armenians near the end of the First World War under the title “The World’s Genocides” on CBC.ca. He provided material designed to show that, while Armenians were, indeed, killed, the deaths were the result of defensive action by the Ottoman government.

Review

This feature of CBC.ca was obviously not intended to be a lengthy historical discussion of the various events, but a touchstone designed to stimulate readers to find further information. Overall, the brief item met the tests of CBC’s Journalistic Standards and Practices. The bulk of scholarship in the field would place the events within the definition of genocide. The item noted, quite properly, that the Turkish government disputes these assertions.

B.H.

The World At Six

B.H. complained about a report by Margaret Evans on June 5, 2007, about the 40th anniversary of the Six Day War. He was particularly concerned about the introduction to the item, which stated that Israel “lashed out” at the Arab countries and “seized” their territory.

Review

Since it was clear that it was Israel’s intention to move swiftly and suddenly and to strike violently – an intention realized with great success – I could not see that the description was in any way inaccurate, or unfair. To my mind, it did not summon up the image of an unprovoked action, but a response that might not have been anticipated by opponents. I had to agree with the CBC’s Esther Enkin that since the piece was not about the causes or strategies of the war, but about its effect on the lives of two men, no further characterization was required. The language used in the introduction to the report, although brief, was appropriate to the story being told and did not violate CBC’s Journalistic Standards and Practices.

Lorne Hepworth, President, CropLife Canada

The National

Lorne Hepworth complained about a report on The National about Genetically Modified (GM) crops. He felt that it “did not deal in a fair and balanced or equitable way with all significant points of view. The industry’s point of view was not included, nor was that of the farmers who have a ten-year history of growing GM crops.”

Jonathan Whitten, Executive Producer of The National, replied that the item “was not a debate about genetically modified foods. That was a topical and controversial issue ten years ago, not now.” He went on to say that the presence of a plant scientist at Guelph University provided a ‘balanced’ scientific viewpoint since the professor said he was not “anti-GM.”

Review

The report conveyed the views and warnings of those who have sincere concerns about the propagation of GM crops, both those already in production and those coming. However, the complete absence of the views of biotechnology developers and/or farmers left the item short of the principles of accuracy and fairness expressed in CBC’s Journalistic Standards and Practices. There appeared to be a lack of discipline not only in the language used, but also in the selection of voices heard. I strongly urged The National to return to this issue – one of great importance to all

Canadians – at its earliest opportunity. It appeared to this “civilian” that the debate was still on and viewers should be able to hear from all sides in it.

S.H.

The National

S.H. complained about a documentary on The National on March 6, 2007, “Who Speaks for Muslims?” He felt that the documentary appeared to “spin” the divisions in the Muslim community in order to “discredit Imams, Mosques and Muslims in general.”

Jonathan Whitten, Executive Producer of The National, responded: “It is no surprise that there are those on both sides of the issue who have a strong commitment to a particular point of view, and viewers heard some of those views in the documentary, but including them and presenting the issue in a fair and even-handed fashion is not disrespectful.”

Review

The documentary did not set out to be a theological explication of Islamic views. Its more narrow focus was on the concerns of some individuals who felt that they had been targeted for their views by more conservative Muslims. In an effort to provide various sides of the discussion, the producers approached Imams and other leaders of the community, many of whom, unfortunately, declined to participate. Their perspectives would have enriched the piece. But their refusal to participate could not be used to decry the efforts of the reporter and producer to continue with the item. The documentary met the tests of fairness, accuracy and balance within its context and did not violate CBC’s Journalistic Standards and Practices.

William P. Hogan, Mayor, Town of Placentia, Newfoundland

Here and Now

William P. Hogan complained that during a panel broadcast on November 30, 2006, “...your reporter, David Corcoran, all gushy and giggly and busting with joy claimed that INCO had bribed the Town/people of Placentia by donating monies for a new school. This in turn says that we, the town, the people of Placentia were bribed or could be bribed...”

Diane Humber, Regional Director for Newfoundland and Labrador, replied: “In political panels, as you know, there is a greater latitude in terms of how people express themselves; panels are meant to provide analysis, interpretation, differing points of view. They encourage public comment and debate.” She added that “the advisability of having news reporters participating in panels is an ongoing debate in the journalism profession.”

Review

Mr. Corcoran’s demeanour when he spoke of the INCO payment could not reasonably be characterized as “gushy and giggly and busting with joy.” He did not say that INCO paid a bribe. He said that some members of the business community in Newfoundland were of the opinion that the company had, in effect, paid a “bribe” to buy peace with the provincial government. My understanding was that INCO was compensating the Town of Placentia for the company’s decision to locate a new plant elsewhere. A reasonable viewer would not have concluded that Mr. Corcoran, or his sources, were implying any illegal (or even immoral) actions. The word was clearly used metaphorically rather than literally. That being said, it was a useful example of the care with which language should be used in less formal journalistic settings. It probably would have been wiser to use a less loaded word.

B.K.

As It Happens

B.K. originally wrote to Lynda Shorten, Executive Producer of As It Happens. He complained about the introduction to an interview on September 19, 2007, with Isaac Herzog, a member of Israel’s Security Cabinet. The introduction stated: “Today in Jerusalem, Israel’s Security cabinet passed a resolution that declared the Gaza Strip an ‘enemy zone.’ This allows Israel to cut off fuel, water and electricity under international law.” B.K. wanted to know which international law was being referred to. After further correspondence, Ms. Shorten suggested he go to the CBC Ombudsman. B.K. suggested that the program broadcast a correction and a balancing interview. In another note to this office, B.K. said that he was satisfied with the program’s interviews, several weeks later, that balanced Isaac Herzog’s position, but he was still concerned about the September 19 introduction.

Review

It struck me that the program could have said, in a sentence, something to the effect that “previously we reported that Israel’s actions were allowed under international law. We should have said that Israel claims its actions are allowed...” However, the

program chose to go further and deeper into the question in an interview with Sari Bashi, who represents an Israeli human rights group. By coincidence, the European Union had passed a resolution concerning some of these issues the day before. The program interviewed a representative of the EU parliament. All-in-all, the items gave a much fuller and deeper understanding of the issues involved than would a simple correction. It appeared to me that the program's efforts to revisit the question and give it a fuller and deeper treatment was in the best spirit of good journalism.

R.K.

The Current

R.K. took The Current's host, Anna Maria Tremonti, to task for what he felt was an inappropriate reference to former United States Secretary of Defense Donald Rumsfeld.

Executive Producer Pam Bertrand replied that, "You appeared to take Mr. Rumsfeld's commonly used nickname as disrespectful, when it is not..."

Review

The notion that "Rummy" as applied to Donald Rumsfeld is a derogatory nickname was clearly not supported by even a brief review of the question. As far as I could tell, Mr. Rumsfeld has been called that by his friend and employer, George W. Bush, by political operatives on the right as well as the left, and is routinely referred to that way by publications and outlets across the political spectrum. R.K. seemed to assume that it carried some notion of alcoholism, but no one with a passing knowledge of U.S. political discourse would agree that "Rummy" carried that connotation in the case of the former Secretary of Defense. Ms. Tremonti's reference was clearly appropriate in the circumstances and certainly not a violation of CBC's Journalistic Standards and Practices.

S.K.

As It Happens and CBC News at Six (Toronto)

S.K. disputed a "For the Record" segment on As It Happens and a report on CBC News at Six which stated that Herb Carnegie was kept out of the NHL because of his race. He said that statistics showed that any number of players would have been ahead of him to enter the six-team NHL.

Leslie Peck, former Executive Producer of *As It Happens*, replied that many other players and observers over the years held the opinion that Mr. Carnegie was prevented from playing in the NHL because of his race. Sophia Hadzipetros, Managing Editor of CBC News, Toronto, also responded that many references supported that view.

Review

CBC journalism should strive for accuracy when reporting, even reporting events of the distant past. Where there is doubt, or controversy, it should be noted. Where there is credible eye-witness and statistical evidence, that too should be given due note. S.K.'s statistics from the latter years of Mr. Carnegie's career were noteworthy. However, the statistics available from earlier in his career would seem to indicate real talent. It may be correct that Herb Carnegie was not an NHL-calibre player in the late 40s or early 50s, but there seemed to be sufficient testimony to allow the conclusion that, earlier in his career, something other than pure hockey judgment kept him from playing at the highest level.

A.L.

Radio News

A.L. felt that Middle East correspondent Margaret Evans was telling "very biased" stories about the Palestinians—human interest stories without similar coverage of Israeli problems.

Review

I listened to twelve months of coverage by Margaret Evans on *The World at Six*, which included the parliamentary elections in Israel and the war in Lebanon. One of the hallmarks of Ms. Evans' reporting is the inclusion of voices beyond the official. She appears to make extra effort to reflect views of "ordinary" people as well as those speaking officially for various groups and governments. In a time as intense and emotional as the conflict in Lebanon, some may view any interview with a citizen of the "other" side as a tacit endorsement of that position, or as somehow giving aid and comfort to an enemy. I often hear suggestions that an equal number of interviews must be done with those on the "other" side, whatever the relative impacts of the conflict – a notion which appears to me to defy editorial logic. My survey of Ms. Evans' daily work indicated an intelligent and fair reportage in an area where "fairness" can be interpreted as hostility to one point of view or another.

G.L. and A.S.

CBC News: Around the World

G.L. and A.S. complained, separately, about an item by Margaret Evans concerning a meeting between U.S., Israeli and Palestinian leaders. They felt that Ms. Evans' use of a framing device – the difficulty of Palestinians in crossing the Hawara checkpoint – was evidence of an anti-Israel, if not anti-Semitic, bias.

Then-Editor in Chief of CBC News, Tony Burman, responded that the focus of the report was the meeting itself, that in the sweep of CBC coverage no one would be in doubt as to the reason for checkpoints and that the item highlighted the fact that progress would be difficult because of the inability of the Palestinians to control violence among and between their own people.

Review

Ms. Evans prefaced the substance of her report with footage and reportage at one of the most contentious “checkpoints” in the region. To this viewer, this was clearly an attempt to illustrate at least part of the story in human terms – how these meetings could affect real people in real situations. I noted that none of the people interviewed at the checkpoint “blamed” Israel, but simply recounted their difficulties. Ms. Evans' report was factually correct and was not unfair in its use of the Hawara checkpoint as a framing device illustrating the effects of the failure of diplomacy.

L.L.

Information Morning, Saint John

L.L. felt that CBC Radio One in Saint John had a “clear and unmistakable pro-nuclear bias.”

Janet Irwin, then-Program Manager for CBC Radio in Saint John, replied that the principle argument over the past three years had been whether the province should refurbish Point Lepreau or close it down. “We believe that the anti-nuclear view is an integral part of that debate, but only one part.”

Review

The station appeared to have followed what might fairly be judged the “news agenda,” driven by announcements of various groups, and the statements of various politicians. There is another side to coverage that is also important: a more considered reflection on some of the more complicated aspects of such an important

project. While my review did not support the notion of a “clear and unmistakable pro-nuclear bias,” it struck me that leaving oneself captive of the daily news agenda does not provide ample opportunity to outline the context that is vital to a rational discussion. I did agree with L.L. that, based on my reading of the coverage, CBC New Brunswick could make a greater effort to go beyond the news agenda to significant contextual reporting.

R.L.

Radio and TV News

R.L. was concerned that science was being shortchanged in the debate over the herbicide spraying in New Brunswick forty years ago. He raised the issue with CBC journalists, but stories continued to emphasize the discussion over whether and how to compensate presumed victims.

Review

The federal government’s own studies backed up R.L.’s premise that there was little evidence of the kind of harmful effects that have been alleged. The fact that the government was proceeding with some kind of compensation plan illustrated the political complexity of the question – although the science may be more clear-cut. The point in the end is that it is a requirement of CBC’s Journalistic Standards and Practices to give voice to various concerns – including those who thought they were harmed. But it is also a requirement to examine the underlying truth of whatever allegations are being made. The instinctive desire on the part of many journalists to “comfort the afflicted” should not blind us to the necessity of probing to see whether there is, indeed, an affliction. R.L. felt that the CBC was responsible for the sums spent by governments on this issue. While I could sympathize with his frustration at not being heard by CBC journalists, it has been my experience that governments are rarely moved solely by the CBC to do or not do anything. That being said, journalists should contemplate the potential effects of reporting. This case well illustrated the necessity for journalists to be open to contrary, even counter-intuitive views on subjects of controversy.

S.L.

The National

S.L. complained about a report on The National of April 24, 2007, which dealt with the screening of the film, “The Great Global Warming Swindle.” That film was

produced in response to the film, “An Inconvenient Truth,” produced and hosted by former U.S. Vice-President Al Gore. S.L. took issue with a reference to its being Al Gore’s “take” on the issue of global warming, and said that in reality it was the “take” of the IPCC (Intergovernmental Panel on Climate Change). He also took issue with what he perceived as the failure to note that Dr. Timothy Ball had not published peer-reviewed research for a considerable period of time. He also said Dr. Ball’s degree was in philosophy, not climate science.

Jonathan Whitten, Executive Producer of The National, replied that the term “take” appeared to fit Mr. Gore’s work on the film. He also noted that Dr. Ball does have an academic background in climate science. It appeared that his PhD was in geography with an emphasis on aspects of climate.

Review

The item was about the appearance of a film designed to rebut the claims in Al Gore’s film, “An Inconvenient Truth.” It was not an examination of the science of global warming. As far as I could tell, the CBC, in its various programs, has treated the IPCC report as the consensus view of the accepted science. However, it does not exclude appropriate mention of other views on the issue. Dr. Ball was referred to as a “retired climatologist,” signaling that he was not doing active science. The absence of a detailed description of Dr. Ball’s credentials (or the currency of them) did not appear to be a violation of policy, any more than did the absence of mention that Mr. Gore’s academic background is in government, not science. In the context of this story (as opposed to a detailed examination of the global warming issue) neither appeared particularly relevant.

V.L.

The Current

V.L. complained about items about minimum wages and executive pay levels on The Current on January 29, 2007. He prefaced his complaint with the implicit observation that views on these subjects fall into “left-right” divisions, with, in his view, the CBC falling on the “left” side of the equation.

Pam Bertrand, Executive Producer of The Current, responded that in the minimum wage segment, Douglas Peters was expressing the view that the minimum wage was, at base, an income redistribution policy and that as the economy grows so should the minimum wage. She said that Anna Maria Tremonti’s questioning was designed to raise contrary notions and that there had been an admittedly brief segment from Judith Andrews of the Canadian Federation of Independent Business making points opposite

to Mr. Peters. On the executive compensation segment, the interview was designed to explore the views of Sam Pizzigati, author and associate fellow at the Institute for Policy Studies in Washington. Ms. Bertrand said, in effect, that the interview was to explore Mr. Pizzigati's ideas and not necessarily to debate them – that it was a subject to which they might return in time.

Review

It is neither required nor desirable that every opinion be immediately “balanced” with a contrary opinion on any given subject. Consideration must be given to the weight of opinions expressed and the continuity of programming over an extended period of time. When opinions are expressed, it is important to know, to a reasonable degree, the background and bonafides of guests and organizations they may represent. For example, although I feel strongly that the issue of executive compensation does not fit on a neat “left-right” axis, it would have been useful for the listener to know that Mr. Pizzigati had been a labour journalist of long standing and that the Institute for Policy Studies is generally accepted as being on the “liberal” end of the spectrum. The fact that, on this question, those views may align with significant conservative views is, to me, of some significance. There is a broader question to which I do not have a ready answer: when and how should various think-tanks, foundations and the like be identified? The easy “right wing,” “left-wing” formula strikes me as overly simplistic and possibly misleading, but I will have to spend more time and research on that question.

W.L. TV News

W.L. complained about what she saw as unbalanced coverage of the Russian government. While her initial complaint seemed to center on a documentary by CBC correspondent Don Murray concerning the death of Alexander Litvinenko, in a subsequent note she said that it was wider: that CBC consistently avoided those speaking on behalf of the Russian government and its then President Vladimir Putin.

Programmers responded that Russia's point of view and Mr. Putin's point of view were clearly stated in the documentary, although the item concentrated on Mr. Litvinenko's death and the reaction of his family and friends to it.

Review

In addition to the documentary, I surveyed thirty television reports about issues concerning Russia that appeared from January through September 2007. I noted that

in those that clearly called for a statement of Russia's position on an issue, appropriate time was given, either in straight "voice" or in translation/paraphrase to Russian government spokespeople. I noted further that when no actual spokesperson appeared, the position of the government was offered in "voice-over" reporting. I could find no violation of CBC's Journalistic Standards and Practices, either in Don Murray's documentary, or in more general reportage.

Ali Mallah, Vice President, Ontario Region, Canadian Arab Federation
The National and CBC.ca (Your View)

Ali Mallah felt that comments posted in the "Your View" section of CBC.ca following the assassination of Benazir Bhutto "border the line of hate, racism and islamophobia." And he had concerns about Rex Murphy's segment on The National on January 3, 2008, about human rights commissions. He felt that Rex Murphy did not "present all the facts" concerning Mark Steyn's article in Maclean's.

The then-acting Editor in Chief, Esther Enkin, responded that "our editors review all submissions to ensure that they do not contain comments that contravene Canadian law, that they are not abusive or contain coarse language, and that their comments directly pertain to the topic at hand." She also quoted the Executive Producer of The National, Jonathan Whitten, who said that Mr. Murphy is a well-known contributor whose opinions are his own and not those of The National. He also said that all that Mr. Murphy said about the Maclean's article "was that the complainants read it as 'flagrantly islamophobic.' His point was the larger one about what he sees as the use of human rights commissions to impede free speech."

Review

Mr. Murphy's commentary was not about Mark Steyn's article, but about the appropriateness of a work of journalism and opinion being judged by a human rights tribunal. People were free, even encouraged, to disagree with Mr. Murphy's views and hundreds did, including Mr. Mallah. The submissions on both the Murphy forum and the "Your View" comments relating to the Benazir Bhutto story were often barbed, sometimes silly, occasionally insightful but generally a fair sampling of a wide range of views. Journalism by its nature, including viewer-generated comment, may offend some people. If it offended no one, it would be doing a poor job of exploring the universe of opinion. With proper monitoring in place, forums should have the widest latitude for free-wheeling debate. I found that the complaints were not justified.

G.M.

The National

G.M. complained about what he felt was the “lack of balanced viewpoints” on The National, specifically the “At Issue” panel.

Jonathan Whitten, Executive Producer of The National, replied that the program sought out a range of perspectives on the “At Issue” panel, but the application of the notion of “left” and “right” was, perhaps, not the clearest guiding principle that could be chosen.

Review

The panel appeared to be selected to reflect a knowledge of national and regional political strategy and tactics, as well as some intelligent reflection on the impact of the issues. The basic three panelists are Andrew Coyne, a well known and articulate writer of a generally conservative persuasion, late of the National Post, currently with Maclean’s; I have noted that Mr. Coyne is not doctrinaire on all issues; Chantal Hébert, the highly regarded columnist for the Toronto Star, more a journalist than commentator, although her employers are generally considered liberal; and Allan Gregg, somewhat more difficult to categorize – I first knew him as a polling expert for the Progressive Conservatives of Joe Clark, but I would submit that his personal views today are a bit harder to characterize. From time to time other voices are added for particular regional or topic reasons. The underlying theme of the segments is not the correctness of the topic at hand, but how politicians, national and regional, are dealing with it. For that, the various panelists would seem to be well-placed to reflect on political decisions actually being made. The “At Issue” panel is not a broad discussion of issues, but a more narrowly focused group of political observers. It should be judged on what it is, not on what one might want it to be. It is a useful and informative segment with insight into mainly national political affairs. I could find no violation of CBC’s Journalistic Standards and Practices.

R.M.

The Current

R.M. complained about Anna Maria Tremonti’s February 8, 2007, interview with Chris Hedges about his book, “American Fascists: The Christian Right and the War on America.” He said that the author made numerous fallacious claims about Evangelical Christianity, but that no representative of Evangelical Christianity was interviewed and few critical questions were asked by Ms. Tremonti.

Pam Bertrand, Executive Producer of The Current, did not share R.M.'s views.

Review

I noted that near the beginning of the interview, while being questioned by Ms. Tremonti, Mr. Hedges said that he was not talking about true Evangelicals or Fundamentalists, but a small group of what he termed radicals, an off-shoot of Evangelicalism which he called Christian dominionists. With that as the framework of the discussion, it was difficult to conclude that Mr. Hedges was talking about the broad stream of Evangelicals. The interview did not purport to be a broad exploration of Evangelical thought, but an exposition of Mr. Hedges' views and conclusions as found in his book. Not every interview on a particular subject can bear the onus of exploring all alternative views. My research indicated that over a period of time before this interview various representatives of Evangelical Christianity had appeared on The Current.

W.M.

CBC News: Morning

W.M. complained about an item on CBC News: Morning concerning lobbying by major motion picture studios, pressuring the Canadian government to enact new legislation to punish movie piracy. He said that the brief item by Marivel Taruc in a business segment was "a particularly obnoxious piece of press-release journalism." He said she "regurgitated the Warner Brothers line uncritically, no contrary view was presented or even referenced at any point."

Cynthia Kinch, Director of CBC TV News Programming at the time, responded that "over the course of the day or so the story was current we heard a range of views on the issue."

Review

At the time of the original item, there was clear evidence of a contrary view – that Warner Brothers, other studios and the Motion Picture Association of America may have been overstating, indeed misstating, the actual evidence for Canada's alleged leading role in movie piracy. Other experts, lawyer Michael Geist in particular, had already questioned the premise of the studios' claims. This information was available at the time of the item and should have been referenced, even briefly, during the item in order to achieve the level of balance and fairness called for in CBC's Journalistic Standards and Practices.

P.N.

The National

P.N. complained about the language used by Adrienne Arsenault to describe the actions of members of a group called the Christian Peacemaker Teams (CPT) in a report on The National in December, 2005. She said: “Escorting kids to and from school to ensure they aren’t attacked by radical Jewish settlers. It’s happened before.” He also objected to what he said was her description of the teams “escorting” Palestinians through checkpoints. He said that “Balance” required her to question the announced intentions of the CPTs and that Ms. Arsenault should have elaborated on the attacks on those going to and from school, “if such attacks ever happened before.”

Jonathan Whitten, Executive Producer of The National, responded that the item was an attempt to offer some background on the group which had been in the news after a number of its members were grabbed by gunmen off a street in Baghdad. He said Ms. Arsenault, in describing some of the group’s actions, merely stated that it “observed” the treatment of Palestinians at checkpoints, and, indeed, escorted children. He pointed out that The National had carried stories before on the problems between Palestinians and settlers in Hebron.

Review

Any item on the Middle East could conceivably include “context” going back dozens of years (if not thousands of years). The continuity of coverage must also be addressed. If the program has attempted to provide continual coverage of such a major area, and reflected in that coverage views from various sides, a single item should not be required to bear the burden of providing that kind of context. Then the focus should shift to whether the story, as told, was accurate as far as it went. Ms. Arsenault accurately described the CPT’s self-assigned tasks. My research on events in Hebron going back at least five years showed that organizations both within and outside Israel had reported some students had been attacked by apparent settlers. The simple statement, “it’s happened before” would appear to be accurate. The report did not violate CBC’s Journalistic Standards and Practices.

H.P.

As It Happens

H.P. complained about the use of the word “renegade” on As It Happens on May 15, 2007. Host Carol Off used the word to describe certain leaders who appeared to be

dissenting from the position of the Assembly of First Nations concerning the immediate prospect of direct action to pursue outstanding claims. He referred to the word as a “white, racist, derogatory term.”

Former Executive Producer Leslie Peck responded that “in the context of the interview, we used the term in its common usage, and as it is defined in several dictionaries, to mean ‘rebellious’ and as an antonym of ‘submissive’ or ‘passive.’”

Review

The allegation of racism against the host and program was not supportable. Ms. Off was clearly referencing certain leaders who were dissenting from the main-line view of the Assembly of First Nations and threatening to take action on their own. The ordinary and contemporary meaning of the word “renegade” does not carry “racist” connotations. I could find no violation of CBC’s Journalistic Standards and Practices.

T.P.

The Hour

T.P. complained about George Stroumboulopoulos’s interview with the so-called Adam Dreamhealer. He felt that the man was a charlatan and that the host did not adequately question his guest about his claims.

Jennifer Dettman, Executive Producer of The Hour, said that the subject was “unusual,” that he had published a number of best selling books and that Ronnie Hawkins claims that “Dreamhealer” cured his pancreatic cancer. This supported the notion that he was a subject of public interest. She went on to say that George Stroumboulopoulos did pose questions raising an opposing view.

Review

The Hour is a somewhat anomalous program. It is produced by the Factual Entertainment department, not the News and Current Affairs department. It contains both “hard” information segments and much lighter material. That being said, journalistic interviews such as the one at issue would still be subject to the broad strictures of CBC’s Journalistic Standards and Practices. The segment was not a “report” but an interview designed to expose the opinions and background of the guest. I noted that the majority of questions Mr. Stroumboulopoulos asked raised a skeptical premise. One could question the value of having such individuals on at all. This is trickier territory. Over the course of a perhaps overlong career in journalism I have received quite a lot of mail decrying interviews with people holding unpopular

or even wrong-headed views. My consistent answer has been that if those views, no matter how wrong-headed, are held by a significant number of people, it is better to get them out in the open where they can be judged on their merits. Exploring popular phenomena, including people like Adam Dreamhealer, is not a violation of CBC's Journalistic Standards and Practices, particularly when appropriate skeptical note is taken of countervailing opinion.

Joseph Quesnel

Documentaries, CBC Television

Columnist Joseph Quesnel complained about what he saw as the lack of “conservative or pro-Bush administration” documentaries on CBC. His complaint was prompted by, but not confined to, the airing of Michael Moore's “Bowling for Columbine.”

Executive Producer Catherine Olsen replied that “Bowling for Columbine” was just one of many documentaries aired on various CBC programs. In addition, she pointed to what she called “one of the most favorable portraits of the U.S. President produced to date,” i.e., “Journeys with George.”

Review

The point of really high quality documentaries should not be to be “pro” or “anti” anything, but to explore a serious topic in depth and with passion. While I did not find that there had been a violation of CBC's Standards and Practices, I thought that Mr. Quesnel's thoughtful observations should be shared with all our documentary programmers so they would be on the lookout for high-quality material no matter what the point of view. (I did enquire whether the CBC would be airing the documentary, “Manufacturing Dissent,” that took a critical look at Mr. Moore's work. It may appear at some future time, but the initial rights were already controlled by another broadcaster.)

J.S.

The National

J.S. raised concerns about Peter Armstrong's December, 2006, report about the sharp decline in the tourist trade in Bethlehem near the Christmas holiday. He felt that the report overemphasized the barrier that had been erected by the Israelis and under-emphasized other aspects, such as the conflict between Hamas and Fatah and what he characterized as the persecution of Christians in the town.

Jonathan Whitten, Executive Producer of The National, replied, in essence, that the wall was but one part of the story and that other elements, such as a more general “fear” of danger of possible tourists, were mentioned as well.

Review

J.S. felt that using 17 seconds of footage of various parts of the barrier was excessive. However, for those of us outside of the area it was useful to see the nature of the barrier. Mr. Armstrong did note Israel’s not-unreasonable security concerns. It would have been useful if Mr. Armstrong had expanded on the “fear” factors by referencing the Hamas/Fatah conflict. However, I noted that Mr. Armstrong, within the two weeks before and after this report, did a number of items centering on the continuing struggle between Hamas and Fatah, which provided true context for the feature done in Bethlehem. It was difficult for me to imagine that a significant number of viewers would see only the Bethlehem item and conclude that the barrier was the only irritant in play. I did note that the “tour” of the barrier was somewhat distracting. It is a basic tenet of television journalism that when one sets up a conflict between the eye and the ear, the eye wins. I found myself watching the footage, but realized that I hadn’t heard everything that Mr. Armstrong said so I went back and listened again—a privilege that few viewers would have. The report may have been deficient in some production values, and could have briefly expanded the reasons for the underlying fear among potential tourists. But taken together with the sweep of reports at the time, the short feature did not violate CBC’s Journalistic Standards and Practices.

L.S.

Dispatches

L.S. complained about a section of a full-hour presentation on Dispatches entitled “The Paradox of Democracy.” He found several references in the section done by Margaret Evans to be problematic. He said that aid to Gaza was not diminished in the period in question, citing a New York Times article. He also objected to the use of a young Palestinian who had been shot during an Israeli incursion. He wrote: “...my complaint was and remains that Ms. Evans gratuitously used an alleged incident involving Israeli forces when it has nothing to do with the story she is supposedly trying to tell.”

Alan Guettel, Senior Producer of Dispatches, responded, saying that L.S. might have misunderstood the focus and intent of the report. He cited extensive excerpts to demonstrate that there were three main places involved and differing viewpoints. He went on to say that Israel was “scarcely mentioned in the report.” He also argued that

events in the Middle East are covered extensively on CBC Radio and that this program was specifically about the paradoxical difficulties which have arisen through the efforts of democratic countries involved in the Middle East.

Review

I noted that this was not a news report, but a seven minute forty-five second segment of an hour-long program. The program and its segments made up a meditation on how actions by some countries, ostensibly in support of democracy, might not have the desired effect. Ms. Evans highlighted three areas of the Middle East where things were not going well. In the case that caught L.S.'s attention, she interviewed the mother of a 16 year old girl who had been seriously wounded during an Israeli incursion into Gaza. Several paradoxes were evident – the mother was a Fatah supporter, while, presumably, Israel was conducting an operation against Hamas gunmen. Also, implicitly, was the paradox of the only real democracy in the region taking what it feels is justified action to protect itself. Those actions may be effective in the short-term, in disrupting the gunmen, but the longer-term impact on the democratic process in Gaza is obviously debatable. After listening carefully to the Middle East segment of “Paradox of Democracy,” I found that Ms. Evans tried to stay focused on the paradoxes in question, without going into detail on any given situation. While I could sympathize with L.S.'s wish that Ms. Evans tell a different story, the one she told was compelling and met policy standards for this kind of report.

B.T.

TV News

B.T. complained about the use of a military document labeled “Secret” in CBC News reports in January, 2007. He wrote: “What responsibilities does our national CBC news service have in protecting our national foreign affairs policies and more specifically our military strategies? What purpose would such information have other than to inform our enemies of our intentions? This could be a very serious breach of our national security.”

Cynthia Kinch, Director of TV News Programming, responded that the document was obtained through Freedom of Information, which implied that the Department of Defense was aware of its release.

Review

Journalists are supposed to be watch-dogs on the powerful; to help the public in holding officials accountable for what they do. The government of the day – any

government of the day in my memory – tries to keep many things confidential. Quite often, journalists honour such requests, having done the balance test as to whether the public interest is being served, or harm done. When it is in the public interest for information to come out in order to inform the public debate, journalists, CBC journalists in particular, would be derelict were they to routinely acquiesce to government fiat. In this case, we had a document that was openly obtained through the normal Freedom of Information process. The government, through the Defense Department, could have withheld anything it thought inimical to national security. They released the document, thereby obviating the notion of it still being “secret.” It is difficult to believe that the military command would be so worried about a claim of censorship that it would release material that might endanger our troops.

Reg Wright, Director of Marketing, Gander International Airport

Here and Now

Reg Wright complained about the tone of a report broadcast on Here and Now from St. John’s in November, 2007. The report was about a government program which is, in effect, a subsidy in order to expand shipments of Newfoundland goods to Europe. His concerns centered on the use of certain phrases, particularly in the introduction. For example, the announcer said, in part: “The government’s investing hundreds of thousands of dollars in the venture. But the taxpayers’ money isn’t going where you might think. Tonight Here and Now’s Christina Marshall uncovers the details...” Mr. Wright felt the language might “lead viewers to believe that some information had been withheld, or the report was generated through extensive Fifth Estate-style investigative journalism. At the press conference and in government’s own press release, it was quite transparent on its contribution to the project and how it would be used.”

Diane Humber, CBC’s Regional Director for Newfoundland and Labrador, responded that tone and delivery “are very subjective things,” but that it was not the station’s intention to sensationalize the facts, “rather to tell the story in an engaging way.”

Review

It is an interesting question whether an item with no obvious factual errors could still be considered to be in violation of the CBC’s Journalistic Standards and Practices. The answer is, of course, yes. A completely factual item, placed in the wrong context, or delivered in a certain tone, could indeed be misleading and, in effect, untruthful. This was not the first time I had encountered CBC journalists “uncovering” something which was, to all intents and purposes, on the public record. Coupled with the strong use of such phrases as “taxpayers’ money isn’t going where you think,” it has the ring

of a formula often used on local U.S. broadcast outlets: “uncovering” something someone is presumably trying to keep secret and which has a direct effect on “your” money, or life. Unfortunately, such formulas usually have more to do with marketing than with journalism. The reporter in this case seemed to have done a fine job of reporting interesting details on this government plan, and its possible downside. It was the kind of reporting one should expect from a CBC journalist. However, as far as I could determine, she did not “uncover” anything hidden, but asked good questions and received honest answers. Mr. Wright had reasonable grounds for being concerned about the “framing” of this story since none of the details seemed to justify the “Eyewitness” news introduction. The use of such devices on a regular basis tends to debase the “currency,” i.e., the CBC’s credibility as a fair and accurate journalistic organization.

J.Y.

World Report

J.Y. had questions about appropriateness and how decisions are made, particularly in the case of reports commemorating the anniversary of 9/11. He felt that the day’s broadcasts were “interesting, appropriate and respectful of the gravity of what had transpired then and since. However, on the morning news there was an interview broadcast with a Palestinian from the West Bank, Ramallah, I believe. The gist of that interview was that Israel had ‘hijacked’ 9/11. I found that sound bite to be out of character with what constitutes news and felt it would have been appropriate for a discussion or opinion show...What made the news department think that, given the nature of 9/11, that that personal opinion was newsworthy? Why didn’t the news department broadcast the opinions of the relatives of those killed on 9/11, or of someone from Israel, about what the day means to them? How does the news department determine what should be broadcast to give the listening public ‘news’ as opposed to ‘opinion’?”

Review

World Report carried a number of features related to the anniversary – from New York and Washington, among other places, including Pakistan, and on one edition of the program, Ramallah. The clip that J.Y. referenced was in a report from Mike Hornbrook concerning the effects of 9/11 on the Palestinian situation. The reason for the report seemed obvious: The Palestinian question is often cited as a motivating factor by various groups around the world. Mr. Hornbrook was trying to assess the situation five years after that major attack on the U.S., one of Israel’s staunchest supporters. He found that the situation was not much improved for the Palestinians; in fact, it might be worse given the factional in-fighting. The report concentrated on

internal matters within the Palestinian territories, although one person did, indeed, express the view that Israel had hijacked 9/11 for its own purposes by, in his view, equating Palestinian militants with the 9/11 attackers. The point of the piece was to give a sense of what had been happening in the five years intervening in what had been a “hotbed of Palestinian resistance.” Reporting what some people’s views are does not imply endorsement of those views and, when heard in the stream of daily news coverage of all aspects of the Middle East, does not summon up the need to immediately broadcast a contrary view. Judged against CBC’s Journalistic Standards and Practices, the piece was an appropriate story about people on whose behalf Al Qaeda said it was, at least in part, acting.

APPENDICES

Appendix I

2007-2008

NUMBER OF COMMUNICATIONS RECEIVED

	INFORMATION PROGRAMMING	GENERAL PROGRAMS/ OTHER	TOTAL	REVIEWED	REVIEW UNDER WAY/CARRIED OVER
2007-08	1052	785	1837	51	20
2006-07	1326	491	1817	37	17
2005-06	1391 (+ 43,466 Green Party petition)	477	1868	40	9
2004-05	1809 (included 1077 re Green Party & debates)	241	2050	69	1
2003-04	1590	326 (+239 Cherry)	2155	75	5
2002-03	1273	376	1649	73	6
2001-02	582	442	1024	54	1
2000-01	597	537	1134	45	3
1999-00	702	362	1064	48	1
1998-99	462	422	884	40	3
1997-98	348	356	704	62 (incl. 24 re Cherry)	4
1996-97	216	227	443	110 (incl. 87 re one doc)	5
1995-96	221	65	286	37	7

Appendix II

AVERAGE RESPONSE TIMES

Programmers are asked to respond to complainants within 28 calendar days

	RADIO	TV	CBC.CA	AVERAGE
2007-2008	23	25	12	20
2006-2007	22	28	17	22
2005-2006	28	22	19	23
2004-2005	24	25	17	22
2003-2004	21	12	12	15

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.