

**OFFICE OF THE
OMBUDSMAN**

ENGLISH SERVICES

**ANNUAL REPORT
2006-2007**



July 2007

Mr. Timothy Casgrain, Chair, Board of Directors, CBC/Radio-Canada

Mr. Robert Rabinovitch, President and CEO, CBC/Radio-Canada

Members of the Board of Directors, CBC/Radio-Canada

Dear Mr. Casgrain, Mr. Rabinovitch and Members of the Board of Directors:

I am pleased to submit the annual report of the Office of the Ombudsman, English Services, for the period April 1, 2006, to March 31, 2007.

Yours truly,

Vince Carlin
Ombudsman
English Services

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THE OMBUDSMAN'S REPORT 2006-07

My first full year has been an interesting one: the settling-in of Stephen Harper's government and the conflict in the Middle East being the two most significant events. Both of those produced a number of complaints.

Many of the complaints related to the Conservative government appeared to come from partisans who did not like reporting which covered views both pro and con the government. With the one notable exception noted in my report, the complaints did not justify a negative finding.

The Middle East conflict produced a flurry of complaints from all sides finding bias toward one side or the other, sometimes based on the same report. The reviews that were done did point up some deficiencies in the handling of information, apparently the result of a lack of rigour in training and in the application of relevant policies. Overall, however, the various services provided a broad sweep of news and viewpoints during a very difficult time.

On the logistical side, I note that response times from programmers are, generally, within accepted norms, although the Ombudsman himself has been somewhat slower than should be acceptable in doing reviews. This was the result of family circumstances it is not necessary to detail here, but I am endeavouring to deal with the backlog as quickly as possible.

During the fiscal year 2006-07, the office received 1,817 complaints, communications and expressions of concern, including 1,326 about information programming. There were 65 fewer communications about information programming than last year, which was an election year. During the year I conducted reviews of 37 complaints.

I did note one problem that arose a number of times: the lack of proper identification of sources. Two cases are covered in this report and there will be at least two more in the next report. In each case relevant information about either a source of information or a presenter was left out—information which would have been useful for a viewer/listener/reader in understanding the story. Does the person quoted have an interest in the story, or an ideology to propagate? In order to maintain our standards of fairness, it is vital that we provide that information.

I should also note a potential structural issue: The English Television service has created a Factual Entertainment department. Some of the programs falling under its umbrella (The Hour, for one) are, in essence, information programs presumably subject to Journalistic Standards and Practices. I think it important for producers in that area to be aware of the implications of policy on their programs.

Another event of some significance was the retirement of my colleague from Radio-Canada, Renaud Gilbert. He was of great assistance to me during my transition into this position and I will miss his counsel. I am looking forward to working with Julie Miville-Dechêne as our terms unfold.

Vincent A. Carlin
Ombudsman, English Services

RAPPORT DE L'OMBUDSMAN

2006-2007

Ma première année complète en fonction s'est avérée intéressante et marquée par deux évènements majeurs suscitant un certain nombre de plaintes: l'installation du gouvernement de Stephen Harper et le conflit au Moyen-Orient.

Nombre des plaintes concernant le gouvernement conservateur émanaient de partisans qui n'appréciaient pas les reportages reflétant des opinions à la fois pour et contre le gouvernement. Exception faite du cas mentionné dans mon rapport, aucune plainte ne justifiait une issue négative.

Le conflit au Moyen-Orient a provoqué une vague de plaintes de tous bords au motif de partialité en faveur d'un côté ou de l'autre, et qui concernaient parfois le même reportage. Les examens effectués ont effectivement mis en évidence certaines lacunes dans la manière de gérer l'information, visiblement dues à un manque de rigueur en matière de formation et d'application des politiques adéquates. Dans l'ensemble, toutefois, les différents Services ont su fournir une large couverture des nouvelles et des différents points de vue en ces temps particulièrement difficiles.

Du point de vue de la logistique, je constate que les responsables de la programmation réagissent généralement dans les délais prescrits par les normes. Par contre, l'ombudsman s'est lui-même avéré plus lent qu'il ne l'aurait dû pour effectuer les examens, lenteur attribuable à des circonstances familiales qu'il n'est nul besoin de préciser ici, mais je m'efforce de rattraper ce retard aussi rapidement que possible.

Au cours de l'exercice 2006-2007, le Bureau a reçu 1 817 plaintes, communications et expressions de préoccupation, dont 1 326 avait rapport à l'information. Au total, il y a eu 65 communications de moins concernant l'information comparativement à l'année précédente, qui était une année d'élections. Pendant cette même période, j'ai effectué l'examen de 37 plaintes.

J'ai remarqué un problème récurrent : l'absence d'une identification claire des sources d'information. Le présent rapport fait état de deux cas et le prochain rapport en mentionnera au moins deux autres. Dans chaque cas, des renseignements pertinents concernant une source d'information ou un présentateur ont été omis, alors que ces informations auraient été utiles à la compréhension du reportage par l'auditoire. La personne citée a-t-elle un quelconque intérêt dans le sujet ou une idéologie à propager? Afin de maintenir nos normes en matière d'impartialité, il est essentiel que nous fournissions ce genre d'informations.

J'ai également relevé un problème structurel potentiel en lien avec la création d'un service de Divertissement factuel par la Télévision anglaise. Certaines des émissions

relevant de ce service (par exemple, *The Hour*) sont, par essence, des émissions d'information vraisemblablement soumises aux Normes et pratiques journalistiques. Je pense qu'il est important que les producteurs de ce secteur soient conscients des répercussions de cette politique sur leurs émissions.

Un autre évènement significatif a été le départ en retraite de Renaud Gilbert, mon collègue de Radio-Canada. Il m'a été d'un grand secours durant la transition à mon poste actuel et ses conseils me manqueront. Enfin, je suis impatient de travailler avec Julie Miville-Dechêne dans l'exécution de nos mandats respectifs.

Vincent A. Carlin
Ombudsman, Services anglais

COMPLAINTS REVIEWED BY THE OMBUDSMAN

C.A.

The National

C.A. complained about CBC correspondent Nahlah Ayed's interview with Emile Lahoud, President of Lebanon, on The National on July 28, 2006. He felt that Ms. Ayed had posed "no relevant 'questions,' as that word means – the essential requirement of an 'interview.' Instead there was merely an invitation to rant without interruption."

Jonathan Whitten, Executive Producer of The National, replied, in part: "It was a provocative interview, and no doubt, one that would prompt questions in the mind of anyone watching it. In the relatively limited time available, she asked questions intended to elicit his views, and he took the opportunity to express them."

Review

The questions, as broadcast, seemed uniformly designed to elicit the president's views, but little challenge or context was offered by the interviewer. The full interview, as evidenced subsequently on the website, was an appropriate one, with questions designed not just to elicit views, but to provide journalist challenge and context. At different points in the process, these questions were edited out. Some were not fed from Beirut; some were cut in order to fit time requirements when being prepared for broadcast in Toronto. The interview as broadcast did not meet the requirements of CBC's Journalistic Standards and Practices. I assured myself that intentional bias was not at play. However, the handling of this item both in the field and at the Toronto end illustrated that remedial action was required to assure that all producers and editors are cognizant of the editorial implications of their work and not just the time implications.

J.A.

Radio News

J.A. complained about what she felt was a lack of coverage of the Auditor General of Canada's report on the gun registry, specifically on the broadcasts of May 17, 2006.

Jamie Purdon, Director of CBC Radio News Programming, pointed out that National Radio News had extensive coverage of the report the day it came to the attention of CBC News, May 16; it was also covered on that day's As It Happens.

Review

I was baffled by the complaint. CBC Radio provided extensive and accurate coverage of the story on May 16, 2006, the date the report was tabled in Parliament. The newspapers, of course, reported on it the next day while CBC Radio had moved on to other matters on the news agenda, including other aspects of the Auditor General's report.

J.A.

Radio News

J.A. felt that reporter Mike Hornbrook “went out of his way to discredit bloggers and their contention that Hezbollah handed out counterfeit money to people in Lebanon. When the ‘report’ was over, the listener still had no hard evidence that there was no counterfeiting. So what was the purpose of the piece anyway, other than to discredit bloggers (minus any proof)?”

Review

Contrary to J.A.'s assertion that Mr. Hornbrook was out to discredit bloggers, he actually took the bloggers' assertions seriously enough to search for evidence that they might be true. The bloggers' stories were gaining some credence, so it was incumbent on journalists to check them out. Mr. Hornbrook was not the only person checking these stories, but he appeared to have been the only person actually in Lebanon. The bloggers, of course, were not and when Mr. Hornbrook communicated directly with the bloggers subsequently they seemed grateful that a source on the ground had taken the trouble to check out the facts.

C.C.

The National

C.C. complained about two issues. One was what he felt was a lack of attention to the return date of Parliament at the time of recess in December, 2006. The other was The National's handling of the events surrounding the attempted re-entry to Gaza of Palestinian Prime Minister Ismail Haniyeh. C.C. wondered whether there was a “cover-up” of the fact that Mr. Haniyeh was forced to leave behind a reported sum of more than \$30 million before he was allowed to cross into Gaza.

Jonathan Whitten, Executive Produce of The National, replied that, on the first question, one could hear the audio of the Speaker of the House announcing the return day, and the reporter concluded her report by saying that the MPs would return at “the end of January.” On the second question Mr. Whitten said that there had been a brief copy story on December 14, followed the next night by a lengthier report that included many of the details to which C.C. referred. He also made the observation that, in effect, The National assumes a certain amount of knowledge on the part of the audience so that the program can use time to provide context.

Review

On the first question, since the Speaker could be heard and the reporter provided sufficient information (“end of January”) for any viewer to envision how long the MPs would be off, I could not find any basis for complaint. On the second matter, on December 14, 2006, The National ran a very brief story on the confrontation at the border crossing. As noted by Mr. Whitten, a report earlier in the evening on CBC Radio had some of the details, but did say that reports were still sketchy. It was not clear to me why The National did not have a brief report with some of the pertinent details similar to Radio. It was a “breaking” story of considerable interest. I had to agree that the report of December 14, 2006, did not rise to the standard expected of The National on a major international story. The story the next night was an appropriate follow-up, assuming some knowledge on the part of the audience since the story had been widely covered throughout the day.

J.C.

Viewpoint (CBC.ca)

J.C. felt that a Viewpoint article by Jim Reed, “It’s the Lobby, stupid,” was inaccurate and anti-Semitic.

Tony Burman, Editor in Chief of CBC News, responded, in part, “...let me emphasize that Mr. Reed’s column – as the Viewpoint section heading suggests – is his opinion. It is his opinion, not the CBC’s.”

Review

Mr. Reed’s column was clearly marked as a ‘viewpoint,’ meaning that it was not information by a CBC journalist. Mr. Reed was entitled to his opinions, as long as they stemmed from a reasonable fact base and were not libelous or hate speech. While I may not have agreed with his conclusions, he was entitled, in fact,

encouraged, as a ‘Viewpoint,’ to come to a conclusion. The format of the Viewpoint section encourages others with differing viewpoints to make them known and participate in debate. J.C. could have participated in the discussion, rather than moving to prevent Mr. Reed from writing further. I could find no violation of CBC’s Journalistic Standards and Practices.

L.D.

Cross Country Checkup

L.D. complained about the November 5, 2006, edition of Cross Country Checkup, concerning the announcement by the Conservative government of a change in status for income trusts. He felt that Michael Hlinka, one of the commentators who appeared throughout the two-hour program, editorialized and was arrogant and argumentative.

Review

I found Mr. Hlinka’s contributions to be interesting, if not particularly deep. I did not find his comments, whether or not I agreed with them, to be arrogant. I found it somewhat confusing that someone brought on the program to give views might be accused of “editorializing” – Mr. Hlinka is not a CBC employee and is free to draw his own conclusions on the matters at hand, just as listeners are free to disagree with him. As a guest, his presence did not violate CBC’s Journalistic Standards and Practices, particularly in light of the rather broad sweep of views contained in the two-hour program.

P.D.

Radio News

P.D. complained about a CBC Radio report on The World at Six on January 30, 2007, that dealt with possible changes to the criminal code affecting the legal status of anal intercourse. He was appalled that he and his wife would be subjected to such a discussion during the dinner hour.

Jane Anido, Director of CBC Radio News Programming, agreed that the subject may be distasteful to some listeners, but it was their responsibility to report the news, and news is often about disturbing things.

Review

While the subject may be distasteful to many, it was a significant issue of discussion in the Parliament of Canada. CBC News had ample justification for carrying an item on this matter of public controversy. It was not handled in a gratuitous manner, but it would have been useful to have a cautionary announcement before the item aired.

L.F.

The Current, August 10, 2006

L.F. complained about remarks made by Robert Fisk, a foreign correspondent for The Independent newspaper, on The Current on August 10, 2006. The interview was one of a series of interviews that The Current broadcast on various aspects of, and with various viewpoints on, the situation in the Middle East at the moment when the Israeli move into Lebanon was just beginning. L.F. requested a review after an exchange of e-mails with guest host Terry Milewski, expressing concern about “the CBC disseminating misinformation and/or being slanted.”

Review

Mr. Milewski conducted the interview fairly, giving Mr. Fisk the opportunity to express his views. Mr. Milewski was correct when he said that he was “not paid to argue that (Mr. Fisk’s) opinions are wrong. I’m paid to let you know what his opinions are.” He did this in a professional manner, raising challenges where appropriate but, in the end, letting the subject unfold his opinions. The interview was not in violation of CBC’s Journalistic Standards and Practices. In fact, it was a very useful exploration of Mr. Fisk’s views.

M.H.

The Business Network (CBC Radio)

M.H. complained about a commentary by Debra Yedlin on the CBC Business Network on January 26, 2007. He wrote that he was puzzled how Ms. Yedlin could use the State of the Union address “as a vehicle to criticize President Bush for pushing corn based ethanol, when the word ‘corn’ does not appear in his address...This is an absolutely egregious misrepresentation of what the President said in his remarks during his address.” He also found fault with the statement:

“That would probably eliminate all those nuts in the hot southern states who think they need a four wheel drive SUV.”

Marie Clark, Executive Producer of the National Content Unit of CBC Radio, replied that Ms. Yedlin was a commentator and that the unit engaged such people to “provoke thought and discussion.”

Review

The CBC’s Journalistic Standards and Practices says: “The guest commentator is by definition engaged to pass judgment on public affairs. 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. The CBC’s concern is to ensure the presentation of a wide spectrum of opinion, particularly when the matter is sharply controversial...The CBC therefore seeks to select commentators whose backgrounds qualify them to give expert opinion based on accurate information.” Ms. Yedlin was an appropriate commentator on the subject. One could freely disagree with her opinion on the subject of corn-based ethanol, but that opinion was not based on an “egregious misrepresentation of what the President said...” The commentary appeared to be focused on the short-term impact of “alternative fuels” and it would not appear unreasonable to conclude that the substance most likely to be used was corn. That was based on the observation of the industry, the White House briefing notes and other journalism. I agreed with M.H.’s view that Ms. Yedlin’s characterization of four-wheel-drive SUV owners in the southern U.S. was “stereotypical.” It appeared to be unnecessary and unwarranted in the context of the piece.

B.H.

CBC News: Online

B.H. complained that an online report about a march for Mideast peace in Montreal incorrectly represented Rabbi Yisroel Dovid Weiss, who carried the lead banner, as Canadian and as a moderate voice for peace, when in fact he was American and a member of the fanatical Neturei Karta sect, which opposes Israel’s existence.

Mary Sheppard, Executive Producer of CBC News: Online, replied that the story did not specifically identify Rabbi Weiss’s nationality at all, and that the article was not about him or Neturei Karta or the group’s unconventional views. She did

agree that the story would have been clearer had it identified Rabbi Weiss as the leader of Neturei Karta, a group that has denounced Israel and Zionism.

Review

Identifying Weiss merely as a “Rabbi” without appropriate context was misleading. Also, calling his message one of “peace” might be technically accurate, but it certainly would have helped readers to know that his view was that one side of the conflict should not exist at all. Overall, the story was worth carrying – the presence of significant Quebec politicians was certainly newsworthy, as was the general call for peace. But readers would have been better able to make assessments of the actions of the demonstrators had they known that the “leader” of the procession held such significant views. It is certainly true that journalists are required to telescope a lot of information into short items. However, such selection should not lead to significant distortion. The item failed to meet CBC’s standards of accuracy and fairness. It appeared that this was the result of a lack of attention to significant details while preparing the item.

L.H.

The National

L.H. complained about Neil Macdonald’s report concerning the U.S. federal government’s reaction to Hurricane Katrina, which he felt was biased.

The report had two main thrusts: one, that President Bush had been warned of a “breach” of the levees, and two, that based on a tape of his part of a briefing, he had assured state and local governments that the federal government was “fully prepared” – apparently implying “prepared for any eventuality.” What he actually said was “...we are fully prepared to not only help you during the storm, but we will move in whatever resources and assets we have at our disposal after the storm to help you deal with the loss of property. And we pray for no loss of life, of course.”

Jonathan Whitten, Executive Producer of The National, responded, saying that the fifteen words used in the report were the “most pertinent” in the statement, and, “I suppose it would have been preferable to carry all of the President’s statement (which runs to 325 words), but the media (and certainly the electronic media) rarely affords that luxury.”

Review

The item, while a worthy attempt to provide background on this major story, did not clearly lead us to the conclusion that the President had been warned that the levees could be breached – at least as far as the information in the item was concerned. The fuller quotation of President Bush might have been helpful for viewers in understanding what the President was doing, or not doing, at that point in time, but it seemed clear from the longer quote that the President was trying to send the message of full preparedness.

Sgt. Ed Humphries, Vice President, Winnipeg Police Association
TV News, Winnipeg

Sgt. Humphries complained about several reports from CBC Winnipeg concerning what is called a “LERA” hearing into accusations of police misconduct. He said, in part: “I believe that the staff at the CBC Winnipeg have definitely crossed the line and lost sight of the issues at hand and made the issue very personal in nature.” The main complaint dealt with a story in which the reporter outlined the claims of three men who said they were assaulted by officers of the Winnipeg Police Service.

The CBC’s Cecil Rosner said that Sgt. Humphries’ complaints were incorrect in most particulars, or that they could be subject to differing interpretations.

Review

Because of the complexity of the issues, I visited Winnipeg to speak with Sgt. Humphries and, as it turned out, several of the subject officers. I also spoke with the CBC journalists involved in coverage of the case, and with the Commissioner of LERA (Law Enforcement Review Agency), Mr. George Wright. I agreed that the reporting of the civil suit may have been coy (“artfully or affectedly shy, esp. in a provocative manner), (or) irritatingly reticent”: The Canadian Oxford Dictionary), but it did not violate either the publication ban or CBC’s Journalistic Standards and Practices. CBC’s journalists were not fully prepared for the nature of the LERA proceedings. Members of the Police Service were, perhaps, overly prepared. While I could sympathize with the desire to support fellow members of the Service, the atmosphere created in the courtroom by both journalists and members of the Police Service clearly led to a sense of hostility. I also thought that the initial reports themselves were not fully balanced. We had powerful images of individuals recounting serious charges against police officers, but little context. For instance, and not exhaustively, how often are police charged in this

way? How often are they convicted? What was the provenance of the pictures that were shown? The Service and the officers said, quite reasonably, that they could not comment. While this alone should not have prevented the CBC from doing a story, it did place a heavy obligation on the journalists to be fair to all players in the story.

B.K.

The Current, As It Happens, Radio News

There was a history of crossed signals in dealing with B.K.'s concerns. Esther Enkin, Deputy Editor in Chief, responded in detail to his original queries. He subsequently said that he did not wish answers to those ten queries, but only to two others: (1) Why did the CBC not report on the kidnapping of two Palestinian civilians – Osama and Mustafa Muamar – by the IDF on June 24, while it gave extensive coverage to the lesser and subsequent Palestinian crime of the capture of the IDF soldier, Gilad Shalit? (Incidentally, referred to inaccurately and repeatedly by the CBC as a 'kidnapping.')

(2) Why did the CBC refer to the capture of Shalit repeatedly as the beginning of the violence or the beginning of the conflict?

Review

CBC did report on the detention of Osama and Mustafa Muamar, on World Report and throughout the day. My review did not show that anyone referred to the abduction of Corporal Shalit as the "beginning of the violence." Trying to pick out a "beginning" to violence in the Middle East is a fruitless exercise. However, the Israeli reaction to the abduction triggered a major escalation of the violence. Without taking sides, it seemed to me that the Shalit capture and the Israeli response was a comprehensible short-term point of departure in a sometimes incomprehensible morass. CBC Radio did, from time to time, refer to the seizure of Corporal Shalit as a "kidnapping." I shared B.K.'s view that it was not the appropriate word in the circumstances.

F.L.

Various programs, including The Hour

F.L. asked "why there are no persons of right wing or conservative viewpoint hosting news shows on the CBC, radio or TV." He wrote, as his only example, that George Stroumboulopoulos, host of The Hour, "frequently...volunteers his simplistic socialist opinions and disparages right wing opinions."

Review

I thought it would be meretricious to introduce a political test for CBC News personnel. It appeared to me that CBC's existing policy framework was sufficient to insure that News personnel do not inject their opinions into stories, that Current Affairs hosts treat guests as fairly as possible, and that there is a wide range of political opinion reflected on those programs. If they fail to meet those policy standards on a regular basis, there are the means to correct those failings – through the Ombudsman process, for one.

A viewing of The Hour during the period of F.L.'s original complaint (and while the program was still produced by CBC News rather than by Factual Entertainment) did not provide grounds for a broad-based conclusion of bias on the part of the host. The selection of guests, however, was an area that needed to be addressed. In many situations, guests from a countervailing viewpoint were not always evident.

P.L.

Newsworld

P.L. complained about an item on CBC Newsworld on August 3, 2006. He said that correspondent Peter Armstrong had “trumpet(ed) Israel’s obscene contention that it is acceptable to murder people provided you have first told them that you are going to bomb them...” He referred to a conclusion from Human Rights Watch that its research confirmed that Israel was deliberately targeting civilians and that “Mr. Armstrong chose to not only report (the Israeli) message but to clarify it with a tone and enthusiasm suggesting it is one of those basic principles that is not to be challenged.”

Cynthia Kinch, Director of CBC News Programming, responded that Mr. Armstrong’s item was a “fair and accurate report of the Israeli government’s position.”

Review

Mr. Armstrong was clearly within the policy guidelines of CBC’s Journalistic Standards and Practices in giving an accurate account of what the Israeli government was saying. He did not take a position on the information but reported it as part of an on-going, virtually continuous stream of information about various aspects of the Middle East conflict.

T.M.

The Sunday Edition

T.M. complained about an essay by Michael Enright on the May 14, 2006, edition of The Sunday Edition. He felt that Mr. Enright slanted his essay in favour of the gun registry by misstating facts, by stating that 100 percent of police officers were in favour of the registry. He wrote: “No mention was made that the police officers’ union does NOT support the registry...”

Review

The first point to be made was that the item was an essay, not a news report. CBC’s journalists and program hosts are expected to refrain from personal advocacy of a particular point of view. However, this does not preclude experienced journalists from bringing their knowledge and backgrounds to bear on a question. It appeared to me that Mr. Enright’s point was that the two associations that represent both chiefs and officers endorsed a registry, but the government, a strong supporter of police, did not agree with them on this point. He went on to say, “Perhaps not every cop in the land is in favour of registering guns.” An accurate point, which T.M. had been making. However, Mr. Enright concluded his essay with this: “The question remains, however, why the crime busting government is set on killing the gun registry when every cop in the country is in favour of it.” Up until the last sentence, the essay was well within CBC’s Journalistic Standards and Practices. The final remark was inaccurate on its face and contradicted by other observations within the essay. However, I did not find that this hyperbole fatally undermined the journalistic purpose of the essay.

G.M.

The Sunday Edition

G.M. complained about an interview by guest host Karin Wells on The Sunday Edition on July 30, 2006. He said that there were “continuous interruptions” by one of the guests, an Israeli journalist named Amotz Asa-El, while the other guest, Rami Khouri from Beirut, was speaking, and that “at no point did the host ask Mr. Asa-El to stop interrupting...”

Executive producer Lynda Shorten responded with a detailed explanation of the technical problems surrounding the interview.

Review

The interruptions may have been regrettable, but by any technical or linguistic standard they were not ‘continuous.’ By my calculations they involved less than a minute in total out of a fifteen-minute segment. It was also incorrect to say that Ms. Wells made no attempt to step in. She clearly did on three occasions and on one of them gave Mr. Khouri the opportunity to repeat his answer because of the interruption. It was a shame that the technical quality inhibited to a degree our ability to fully appreciate that both subjects had interesting and important things to say. It was clear that Mr. Khouri had a fair hearing and a more than equitable chance to express himself without interruption. Ms. Wells conducted an intelligent interview under difficult circumstances.

R.M.

The Current

R.M. felt that an item on the April 23, 2005, edition of The Current concerning a proposed change in Ontario’s adoption laws contained inaccuracies. He felt that the CBC had an obligation to demonstrate the truth or falsity of statements made by a guest on the program.

Review

Journalists, CBC journalists in particular, have an obligation to determine the truth of what they present as fact, but are not, and should not be, obliged to prove the truth of statements made by others. They should only be obliged to give a fair accounting of what a person has said, or give that person a reasonable opportunity to present his or her views. In an Ontario Superior Court judgment in a case involving the Toronto Star, the judge underlined that public debate would cease if journalists were obliged to prove the truth or falsity of everything which they have accurately reported. While a senior public official has a right to her opinion (even a misguided opinion), it is the obligation of the CBC to bring other opinions to light. In this case, the debate that took place provided a good opportunity for people to form judgments, thus fulfilling the CBC’s obligations.

A.N.

The Current, May 3, 2006

A.N. complained that the satire performed by “The Voice” on May 3, 2006, was demeaning to working people because The Voice boasted about his salary.

Executive producer Pam Bertrand replied that the target of the satire was the Conservative initiative on the GST, and that no mention was made of salary. “The point we were making was that while a one percent drop in the GST might be significant for those buying big ticket luxury items, for the average Canadian buying day-to-day items like gas and cigarettes, the savings would be slim.”

Review

The item made no mention of salary, so I was puzzled at the nature of A.N.’s reaction. If he was objecting to using the government as an object of satire I could understand his view, although I would disagree. Satire, by its definition, is meant to ridicule and provoke. This item did that without being overly vicious or demeaning. I could find no violation of CBC’s policies.

J.N.

Canada Now & The National

J.N. wrote about two stories concerning a family in Montreal that lost relatives in an attack in Lebanon. In the Canada Now report, prepared in Montreal, a family member is shown saying, “Everyone says it’s the fault of Hezbollah. Hezbollah is our protector.” The report on The National, prepared in Toronto by a different reporter, did not include the Hezbollah reference. J.N. felt this was an “egregious case of bias.”

Jonathan Whitten, Executive Producer of The National, replied that while two of the clips were taken from the same news conference, they were different clips chosen by the reporters to suit the items to which they were assigned.

Review

I could not find the “egregious case of bias” J.N. pointed to, nor was I certain that including or excluding that particular statement would have changed the basic point that the subjects were making. I heard people in this country and in Lebanon expressing the view that Hezbollah was, in effect, “protecting” people in the area. While many would, on reasonable grounds, find this notion at odds with reality, it

was a belief that some had and still do. The two items were both journalistically sound and adhered to CBC's Journalistic Standards and Practices as they would apply to each item. The first was done by a local Montreal reporter shortly after the news conference and accurately conveyed the sense of what the family was trying to say. The second item, done later in the day, included a broader context, but also handled the family's concerns in a fair manner.

D.O.

The Current

D.O. complained about a panel on The Current in October, 2006, that included Frank Dimant from B'nai Brith. He said that "It is my contention that this panel was purposely constituted to enable the portrayal of Israel as the victim in a discussion that was only ostensibly concerned with the question of whether the Qana massacre was an Israeli war crime, as asserted by Michael Ignatieff."

Pam Bertrand, Executive Producer of The Current, replied that D.O. may have misunderstood the intention of the panel; that it "was not concerned with any issue that would have involved a side opposed to Israel. Rather it solely concerned Israel itself. The panel discussed the difficulty these days in criticizing Israel. The panelists were chosen because they are all closely associated with Israel and hold different points of view on the issue."

Review

I did not know where D.O. found the grounds for his contention that the panel was contrived to portray Israel as a "victim." At least two of the panel members quite clearly rejected the notion of the constant portrayal of Israel as victim. The subject of the panel was clearly stated: "how, when and if someone in Canada can criticize Israel." It seemed reasonable to me to convene a panel of three people, generally sympathetic to Israel, but with three different opinions on the matter. The presence of Frank Dimant, to my ears, did not create an imbalance, but was crucial to understanding the quite significant point of view he represented. The other panelists were knowledgeable and articulate, quite capable of holding their own in the discussion. The panel met the test of CBC's Journalistic Standards and Practices, particularly within the on-going effort of The Current to cover as many sides as possible on the various ramifications of the conflicts in the Middle East.

F.P.

CBC News: Online

F.P. wrote to ask why CBC stories refer to Hezbollah's Katyusha rockets from Iran, but not to Israel's weapons from the United States.

Mary Sheppard, Executive Producer of CBC News: Online, replied that it is well known that the U.S., among other countries, supplies arms to Israel. She pointed out that CBC.ca had covered the announcement, in July, 2006, that the Bush administration was rushing a delivery of precision-guided bombs to Israel.

Review

CBC.ca did not continuously label Katyusha rockets as having come from any place in particular, but it would be helpful to readers to have a quick reference as to the significance of the rockets and, when the information is available, their point of origin. I had to agree that most people coming to stories about the Middle East would be generally aware of the source of Israeli weaponry, but, for the sake of clarity and consistency, it would be useful to background, from time to time, the sources and characteristics of weaponry on all sides.

G.P.

Radio News and CBC News: Online

G.P. wrote a series of letters about coverage of the conflict in Afghanistan on CBC Radio News and CBC.ca. He cited some specific incidents which he felt showed a lack of objectivity on the part of the CBC: emphasis on Canadian casualties, acceptance of statements by Canadian Forces, perceived lack of follow-up on stories affecting Afghan civilians. He also took issue with the line-up of items on the main page of CBC.ca., saying that "...Canadians hear a great deal about Canadian casualties in Afghanistan to the virtual exclusion, in some cases, of details of the horrors of war faced by people in Iraq and Afghanistan."

Both Mary Sheppard, Executive Producer of CBC News: Online, and Esther Enkin, Deputy Editor in Chief of CBC News, addressed G.P.'s concerns. Ms. Sheppard pointed out the "rolling" nature of postings and how items are moved from the main page to topic pages.

Review

Although it may annoy some readers, it is not inappropriate to include less urgent stories on a service as expansive as CBC.ca.

Accepting as “fact” the assertions of one side in a conflict, even if the side is “ours,” is not congruent with CBC’s principles of accuracy and credibility. It is necessary to apply those principles rigorously even at the risk of provoking opposition from those who believe that it is the media’s obligation to support (as opposed to report) Canadian policies in a time of war.

Reporters, writers and editors should remind themselves of the basic principle of reporting as fact only that which they have seen or proved and attributing everything else to appropriate sources.

J.P.

CBC News: Online

J.P. wrote concerning a poll by Environics Research about attitudes of Muslims in Canada. He wanted to know who were the “other clients” of Environics Research Group (ERG) and whether the poll and its presentation were consistent with CBC’s Journalistic Standards and Practices.

Review

The survey was done as part of Environics’ on-going research and was not commissioned by anyone. The CBC was a “media partner” in publication of the material and the results were available for purchase through ERG. So the identification of it as an “Environics” survey was correct. The CBC knew the provenance of the poll and purchased material for its own use. The story on CBC.ca gave the appropriate information on sample size and margin of error. The CBC was aware of the methodology and background of the organization and that no one else had “commissioned” the poll. The stories concerning this survey met the tests of the CBC’s Journalistic Standards and Practices.

M.&D.P.

Ontario Morning

M. and D. P. complained that a segment of Ontario Morning on July 12, 2005, was less than thorough, fair and accurate. It concerned events in Windsor a few days earlier. The Roman Catholic Bishop of Windsor-London-Essex had written a letter concerning the activities of the local M.P., Joe Comartin. The Bishop said, in effect, that in light of Mr. Comartin's not only voting for the same-sex marriage bill, but speaking out in support of it, he would be barred from performing certain official church duties. This decision was contained in a letter that was read out at masses in the diocese on Sunday, July 10, 2005. A number of people (estimated at 30) apparently stood up and left one church after the reading of the letter. There were no reports of anyone leaving abruptly from any other churches.

CBC reporter Kimberley Juras was interviewed two days later on Ontario Morning. M and D. P. wrote that the tone of the interview made it appear that the reporter "must have been part of Mr. Comartin's campaign or office team." They said that the CBC should have reported "the rest of the story," i.e., that thousands of people did not walk out and that "not all the 30 people who stood up were from Mr. Comartin's parish...This protest was orchestrated."

Susan Marjetti, Regional Director of Radio for Toronto and Southern Ontario, defended the item as clearly being newsworthy. She agreed that "it would have been clearer had Ms. Juras used Mr. Comartin's last name throughout."

Review

Not only was this story worth doing, it was important that it be done. The intersection of Church and State is one of the crucial elements in a democratic society. It is well within any reasonable journalistic tradition to probe stories that raise those issues. A bishop disciplining a Member of Parliament for his public acts is clearly newsworthy. The next question is how one does the story. In this instance the story was deficient in several respects: it provided limited context in relation to the nature of the protest, it violated CBC News practices in how one refers to the subjects of stories, and it could have led someone to a reasonable apprehension of bias by the tone and manner of description. I spoke with the supervisor of CBC News in Windsor, and he assured me that the matter would be fully discussed and that steps had been taken to upgrade the training of part-time staff such as Ms. Juras.

M.R.

CBC News: Online

M.R. complained that “the CBC repeatedly reports on events that occur in London Ontario and London England without distinguishing between the two. There are 400,000 people in Ontario that are left wondering where these reports are referring to.”

Mary Sheppard, Executive Producer on CBC News: Online, replied. “Rather than routinely including the name of the country or province, it is CBC News practice to write the stories in such a way that the location is very apparent...In any event, I do fully appreciate your point and have reminded CBC News: Online editors of the importance of ensuring that stories make a clear distinction between the two cities.”

Review

I agreed that London, Ontario’s place in our world should be readily acknowledged. I also noted that Ms. Sheppard had taken steps to ensure that her editors were attuned to the issue. Saying “London, England” or “London, Ontario” in every story would begin to sound very awkward over a period of time. As a regular listener and reader, I had not had any trouble distinguishing stories from the two places. I told M.R. that I would stay on the look-out for possible confusion which may suggest a need for a different practice.

A.S.

Radio News

A.S. complained that a CBC reporter had quoted only part of a statement made by French President Jacques Chirac regarding the conflict in the Middle East. President Chirac was quoted as saying that Israel’s actions in Lebanon were “completely disproportionate.” A.S. pointed out that Chirac had also commented on Hezbollah’s actions, calling them “unacceptable” and saying that “these people are totally irresponsible.”

Esther Enkin, Deputy Editor in Chief of CBC News, replied that while Chirac’s “words to both sides were strong, clearly, his views on Israel were the most newsworthy...and they were the ones quoted in the CBC News story and in media stories around the world.” She added that “it is difficult to summarize the views of four heads of government in fewer than three minutes, but that is what Mr. Boag did here...”

Review

In this case, radio journalists adapted an item prepared by Keith Boag for CBC Television's The National. The point of the story was to highlight Prime Minister Stephen Harper's vigorous support for Israel, in contrast to some of his erstwhile European partners. While it may have been preferable to have had the fuller quotation from Mr. Chirac, I did not find that the selection of his views in relation to Israel created a false impression of what he said. No doubt the various leaders of the G-8 agreed on a number of items, but the point of the story was where they disagreed with Mr. Harper.

A.S.
News

A.S. felt that the use of the term "Muslim Canadians" might lead viewers to think that all Muslim Canadians belong to the same sect.

Esther Enkin, Deputy Editor in Chief of CBC News, replied that "avoiding detrimental stereotypes, even challenging them when presented by others, is a matter of Corporate policy, good judgment and common sense."

Review

The question A.S. raised is an important one and is a challenge to all news outlets. In the brief, often terse style of news broadcasts, a convenient label for individuals or groups, helpful in time-sensitive reporting, can sometimes lead to misunderstanding. If those brief references were the only ones made, it would, indeed, summon up the problems A.S. envisaged. However, there have been numerous items and programs relating to various "sects" within Islam. One can also keep in mind that when some members of other communities join together for some kind of public action (say, for example, some Catholics protesting against the same-sex marriage law or some members of the Jewish community rallying in support of Israel's action in Lebanon), references to them as being Catholic or Jewish would not be taken as encompassing all Catholics or Jews. It appeared that the Radio, Television and Online Services attempted to provide a broader context in which listeners viewers and users of CBC.ca could judge how broad or narrow are the streams of Canadian Islam.

T.S.

On the Go (St. John's)

T.S. had a series of complaints about items concerning an incident involving his wife's German Shepherds and a puppy belonging to a neighbour, and, more generally, about the Schutzhund method of dog training. He felt that the items were not balanced or fair, and that they had detrimental consequences for his wife, Ms. H.

Diane Humber, Regional Director of CBC in St. John's responded that the interviews presented a balanced view of the issues involved and that Ms. H's reputation was not called into question.

Review

While the "attack" story was more a lesson in proper dog etiquette, it did provide a useful "peg" for the more general story about Schutzhund training. The story was balanced on the first day, the "attack" story being immediately counterbalanced with a defense both of the owner of the German Shepherds and the training method. The second day's coverage entailed a respectful interview with Ms. H. during which her views were given fair coverage. I could not see how the CBC acted in any unethical or inappropriate manner. The items attempted to explore Schutzhund training in a relatively even-handed manner, although I would have preferred more direct information on the training method itself.

D.W.

The Current

D.W. complained that The Current had used inappropriate expressions in reference to the Virgin Mary and, in doing so, disseminated "false information...about the Christian religion." Specifically, D.W. said that the program used the words "adoration" and "worship" in relation to Mary while Catholic catechetics prohibit the use of those words in that context.

Pam Bertrand, Executive Producer of The Current, replied that she could not find the word "worship" in that context and that the use of the word "adoration" was correct within the normal dictionary definition.

Review

I, too, was unable to find the word “worship” in the interviews or the introductions or conclusions to the interviews. While the use of the word “adoration” might not accord with the strictures of the Catechism of the Catholic Church, its use in a discussion aimed at laypeople of all beliefs was not a violation of CBC’s Journalistic Standards and Practices. The word accurately described the kind of attachment many Catholics have with the Virgin Mary, even if they, themselves, would avoid its use on theological grounds.

A.W.

CBC News: Online

A.W. was “highly offended” by what he felt was a biased story on the home page of CBC News: Online. He wrote that the story concerned refugees in Lebanon, but “completely ignored” the hundreds of thousands of Israeli citizens who fled to shelters to avoid Hezbollah rockets.

Mary Sheppard, Executive Producer of CBC News: Online, replied that “while the home page can only feature one story at a time, that story is regularly replaced by more newsworthy stories.”

Review

The stream of stories on CBC.ca attempted to capture events on all sides. While a summary story would be expected to have differing perspectives, it would be unrealistic to expect that every story, no matter what its focus, make reference to other events. Given the ready access on the website to material reflecting the broad range of events and perspectives, it appeared to me that the service did not violate CBC’s Journalistic Standards and Practices in this case.

A.W.

News (Newsworld)

A.W. complained about coverage of a speech by Hassan Nasrallah, the leader of Hezbollah. He said that Hezbollah was “neither a government nor an NGO but a terrorist organization.” He felt that remarks from a leader of that group should not be given equal weighting as statements of a democratically elected leader of a free country.

Cynthia Kinch, Director of CBC TV News Programming, responded that Nasrallah, in this context, was speaking as the head of one of the parties to a major conflict then going on.

Review

Newsworld was well within the guidelines of CBC's Journalistic Standards and Practices in allowing Canadians to hear and see the statements of one of the key actors in the recent conflict in the Middle East. It is clear from broad journalistic practice, and court judgment, that journalists, within the bounds of applicable law, are not required to prove the truth or falsity of every statement made to them. They are required to give an accurate rendering of statements by significant public figures on matters of controversy. No matter what our personal views of Hassan Nasrallah may be, he would appear on the facts to fit that description.

R.W.

Ideas

R.W. felt that the Ideas program, Mood Hygiene, should have included additional information about the presenter, Monique Dull. The program concerned research which leads to the belief that drugs alone are not sufficient in dealing with various mood disorders, bi-polar disorder in particular. R.W. thought that Ms. Dull should have been identified as a director of the Victoria branch of the BC Schizophrenia Society.

Bernie Lucht, Executive Producer of Ideas, replied, in part, "Dr. Dull is, as you point out, a member of the board of directors of the Victoria Branch of the BC Schizophrenia Society. We did not disclose this because the program was not about schizophrenia, and the association seemed to me irrelevant..."

Review

In order to maintain its credibility, it is important for the CBC, in its journalistic programs, to offer its listeners sufficient information to be able to properly assess what is being said and to judge the credentials of a participant – particularly a presenter. I found the program to be well-prepared, interesting and challenging. However, Ideas should have identified Ms. Dull as a member of the Board of the BCSS since, by its own statement, the Society is actively involved in issues beyond schizophrenia, issues that would seem to be pertinent to the subject matter of "Mood Hygiene."

P.Z.

The fifth estate, November 23, 2005

P.Z. complained about the fifth estate's report, "Give Death a Hand," about Evelyn Martens, who was charged with assisting suicide and later acquitted.

Executive producer David Studer responded in detail, saying the story was not "slanted," but "a fair and balanced (if not necessarily unlimited) recounting of the life and actions of Ms. Martens, fair to her and also fair both to those who support and those who criticize assisted suicide."

Review

"Give Death a Hand" was a compelling and complex story. The issues it raised are important ones – they affect all of us and need to be presented as clearly as possible. This piece was enriched by the extensive interview with Ms. Martens, who effectively moved the discussion from abstruse legal matters to flesh and blood decisions. P.Z.'s complaint seemed to imply that close questioning of Ms. Martens and her positions inherently slanted the item against her and her views. This would seem to be a misunderstanding of the function of journalism. The producers have an obligation, by policy, to seek out other views on the subject – an obligation they carried out even given the confines of a weekly television program. I did note that on several smaller points the piece was misleading or unfair, but overall, and on the main themes, "Give Death a Hand" was a fair recounting of a complex and important story."

NAME WITHHELD ON REQUEST

The National

A prominent member of the Muslim community complained about a report concerning a mosque that was attended by several youths who were accused in an alleged bomb plot. Among other things, he felt that his comments were taken out of context, and he suggested that there was an "anti-Muslim agenda" behind the report.

Review

I would have liked to have heard more of the complainant's comments on the broader topic of a Muslim's place in contemporary Canadian society, but the selection of the clip did not distort his views. The instincts behind this report appeared to be entirely appropriate: find out if there was anything in the institution that might have contributed to the alleged violent plans of the accused. However, care needed to be taken to present facts that grounded the report in reality. The subject of the story, the imam, was given appropriate time to give his views in order for the public to begin to form an opinion about his activities. By happenstance, the reporter was at the mosque at the same time as the complainant, and, not inappropriately, he sought his views on the matter. While I found that the last line and image of the item overstated the conclusions that were evident in the report, the totality of the piece was an honest effort to enlighten viewers on the thinking of a crucial figure in Canadian Islamic thinking.

Eleven complainants

The National

Twenty-one people, eleven of whom requested reviews, complained about Nahlah Ayed's Sept. 4, 2006, report about Samir Qantar, imprisoned in Israel after being convicted in the 1979 murder of several people, including a four-year-old girl. The report included interviews with Qantar's family. A number of people felt that the item was overly sympathetic to the family, that the man was a killer who deserved to be where he was and that the item did not give sufficient weight to the horrific nature of the crimes.

Jonathan Whitten, Executive Producer of The National, replied, saying, in essence, that Samir Qantar's crimes were reported, that the story was appropriate at a time when prisoner exchanges were being discussed, and that Qantar had been made a centerpiece in the Hezbollah attack on Israel that prompted the Israeli invasion of Lebanon.

Review

Editorially, the item met the tests of CBC's Journalistic Standards and Practices. Several viewers questioned whether similar treatment would be given to such notorious killers as Paul Bernardo or Clifford Olson. The easy answer was "probably not." But the fact was that neither was at the center of major conflict, nor were their cases fraught with political and diplomatic issues beyond the fact of horrific murders. So the analogy did not hold. The public should know about this

person, who, rightly or wrongly, became a talisman for some of the parties to the conflict. One of the concerns with the Qantar item was that of “tone.” One could have concluded that Ms. Ayed’s naturally soft tone gave an overly sympathetic aura to the report. Certainly the words of the report did not support that conclusion, but I could understand how the manner of it might have given that impression.

Seven complainants

The National

One hundred and seventy-seven people, seven of whom requested reviews, complained about Christina Lawand’s report on August 4, 2006, concerning events during a Conservative Party caucus meeting in Cornwall, Ontario. They argued that the selection of a segment in which Mr. Harper was heard was inaccurate and misleading; that Ms. Lawand had deliberately misrepresented what Mr. Harper said in order to make it appear that he was unconcerned about civilian casualties in the Middle East.

Jonathan Whitten, Executive Producer of The National, replied that while he agreed with concerns about the structure of the report, he felt that the segment selected was not a misrepresentation of Mr. Harper’s position. He wrote that he regretted not taking the time to make it clear what prompted the Prime Minister’s response.

Review

The most dramatic element of the item was just unfair and violated the direct prohibition on using an answer from one question as if it were an answer to another. The producer argued that Mr. Harper’s views were fairly stated, but the context and structure were such as to mislead the viewer. The National attempted, on air, to clarify the matter for the audience. It would have been useful if it had done so as soon as the “structural” problem was noted, but I applauded the willingness to revisit the issue. The complete review may be found in Appendix I.

APPENDICES

Appendix I

Review of complaints about a report on The National concerning the Conservative Party caucus meeting, August 4, 2006

A considerable number of viewers wrote to complain about an item broadcast on The National on August 4, 2006. The item concerned events in Cornwall, Ontario during a Conservative Party caucus meeting.

They argued that the selection of a segment in which Mr. Harper is heard was inaccurate and misleading.

Jonathan Whitten, the Executive Producer of The National, replied, saying, in part, that while he agreed with concerns about the structure of the report, he felt that the segment selected was not a misrepresentation of Mr. Harper's position. He wrote that he regretted not taking the time to make it clear what prompted the Prime Minister's response.

Several sections in the CBC's Journalistic Standards and Practices come into play on this item. One would be the general statement in the preamble to the policy book which states: "The broadcast media in particular have an obligation to be fair, accurate, thorough, comprehensive and balanced in their presentation of information." And later, "...those principles must govern daily practice so the Corporation's journalism will meet the highest standards of excellence and integrity."

Those principles are given more specific treatment in the section on Principles. Under "Accuracy" it states: "The information conforms with reality and is not in any way misleading or false. This demands not only careful and thorough research but a disciplined use of language and production techniques, including visuals." And this under "Fairness": "The information reports or reflects equitably the relevant facts and significant points of view, it deals fairly and ethically with persons, institutions, issues and events."

Also, a couple of points from the section on "Editing Interviews" (Section iv, Production Standards B, 2.1 b and c): "Answers to a question given in one context must not be edited into another (b)" and "An answer to a question must not be placed in a program so that it purports to be an answer to a question other than that actually posed.(c)"

With that as background I can turn to the report.

It began with a somewhat confusing introduction which said that the Prime Minister's policy toward the fighting in the Middle East had led to "questions and criticism at the Conservative caucus retreat" in Cornwall, Ontario. The implication that members of Mr. Harper's caucus might be criticizing him was dispelled in the first paragraph of the report which situated the "questions and criticism" not at the caucus but at a demonstration nearby. The report showed one of the protestors making an emotional plea to stop the "burning of children and the killing of innocent people by each side." The reporter then notes that the protester, Elsaadi Daad, was brought to meet a member of the government: "While Elsaadi was invited inside to deliver her message directly to Canada's Foreign Affairs Minister, Stephen Harper clearly wasn't swayed." I will leave aside the awkwardness of the phrasing. The implication is that her message was given to Stephen Harper and that he responded that he is "not preoccupied in any way with reaction within individual communities."

That phrase was part of an answer to a question at a press conference concerning the apparent rise in support for the Conservatives among members of the Jewish community and a fall in support among members of the Muslim community. It accurately captured his answer to that question. Unfortunately, anyone watching The National would have thought that it was in response to the emotional plea to stop the killing of children. This clearly is contrary to the direct implications of the policies quoted above. (As they often say on the US program, Law and Order, "it's black letter law".) Not only did it give the appearance of being an answer to an apparent question on that subject, coming immediately after Ms. Elsaadi's statements it makes a strong impression on viewers.

At the press conference that Mr. Harper held later in the day, during which he made these statements, he was actually asked a question about the demonstrators. His answer was that the government had "a responsibility to understand all perspectives," that various groups had views that were "unique and intensely held" and that those views "can't and shouldn't be ignored." He also restated the government still had to use its best judgment on the issues.

So, the reporter had available a question and answer directly on the subject of the demonstrators but chose a "clip" from a different question to follow the set-up of the demonstrators. I would suggest that it's just not a "structural" problem, but a misleading use of editing. Very simply, that wasn't the question he was asked and answered. And when asked directly about the protestors, he gave a more nuanced answer that The National did not broadcast.

Other parts of the report would be considered unexceptional as coverage of any government facing an issue like the Mid-East crisis: an apparent drop in support

in Quebec and the presence of some prominent Liberals among those supporting Mr. Harper.

Ms. Lawand concluded her piece by reporting that the Prime Minister said that his views, when properly understood, represent the views of most Canadians.

Conclusions:

Every government, in dealing with a crisis as acute and emotional as the current one in the Middle East, will endure criticism from many sides, as well as support. Partisans often see bias in the reporting of criticism, even though it is a news organization's obligation to report all sides of a controversy. My normal viewing and listening has not turned up a concerted effort to mischaracterize the Prime Minister's views.

However, while reporting on such important and emotional issues, it is vital that care be taken to capture the reality of any government's views and place them in a fair and intelligible context. Broadcasting is such a powerful medium that the CBC has seen fit to write specific and careful policies about how its journalists should use that power—in using images, sound and script.

In this case, the most dramatic element of the item was just unfair and, as I said above, violated the direct prohibition on using an answer from one question as if it were an answer to another. The producer argues that Mr. Harper's views were fairly stated, but the context and structure were such as to mislead the viewer.

I note that The National has attempted, on-air, to clarify the matter for the audience. It would have been useful if it had done so as soon as the "structural" problem was noted but I applaud the willingness to revisit the issue.

Vince Carlin, Ombudsman
CBC

Further Observations on the Conservative Caucus Report:

A number of people continue to write concerning what has been called the "Lawand Report." Some have not read the review of the matter which is available on the Ombudsman's website and I would direct them there.

Most of the correspondence appears to part of a campaign stimulated by an organization or person. There is a similarity in the style and content of the messages. Many imply or state that the report must be part of a broader, concerted effort by CBC News to misstate government policy and undermine the Conservative government.

I would like to make a few observations about this campaign:

- My review speaks for itself. The journalist used an answer to a separate question as an implied answer to the demonstrators outside the Conservative caucus meeting. This is a violation of CBC policy. I found that it was misleading in that it did not capture Mr. Harper's actual response to the demonstrators. However, Ms. Lawand did not misstate government policy. Even in his response to a question about the demonstrators, Mr. Harper concluded that, while it was important to listen to views from all sides, the government would still make its own decisions. In other parts of the press conference it was clear that, as Ms. Lawand reported, the government at that point was not changing its policy. She went on to report that Mr. Harper felt that, when all voices were heard, his policy would be endorsed by the majority of Canadians.
- During my time as Ombudsman, through the intense period of a closely fought Federal Election, I have not received a previous complaint about Ms. Lawand's work. Some may remember the work she did during the Gomery Commission.
- I have received many communications alleging a concerted plan within the CBC to skew editorial coverage. I have observed CBC editorial process for close to 30 years both within and outside the CBC, through Conservative and Liberal Federal governments, boards and Presidents appointed by those parties. I have never observed a directive from a President designed to set a policy of news coverage tending in one direction or another. Clearly, human beings making editorial decisions, or their supervisors making hundreds of decisions a day, sometimes make mistakes. If the mistakes are persistent, or the result of personal prejudice, action should, of course, be taken.
- The CBC has acknowledged that errors are sometimes made and created the Office of the Ombudsman independent of those in charge of news coverage. It is the only broadcast news organization in the country to have such a position. I should point out that the Ombudsman cannot order up coverage nor make personnel decisions.

- The defining ethic of good, aggressive journalism is skepticism, no matter what party is in power. It's been my observation that every government in history has felt that the media has been hostile to its policies and practices. It is the job of the journalist, the CBC in particular, to question and probe. That is often viewed as prejudice (or conspiracy) by whomever happens to be in power. The job of editorial supervisors and, subsequently, the Ombudsman, is to guard against cynicism replacing skepticism as the operating philosophy.

Vince Carlin
CBC Ombudsman

Appendix II

2006-2007

NUMBER OF COMMUNICATIONS RECEIVED

	INFORMATION PROGRAMMING	GENERAL PROGRAMMING	TOTAL
2006-2007	1326	491	1817
2005-2006	1391 (+ 43,466 Green Party petition)	477	1868
2004-2005	1809 (included 1077 re Green Party & debates)	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

Appendix III

AVERAGE RESPONSE TIMES

Programmers are asked to respond to complainants within 28 calendar days

	RADIO	TV	CBC.CA	AVERAGE
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.