

**OFFICE OF THE
OMBUDSMAN**

ENGLISH SERVICES

**ANNUAL REPORT
2008-2009**

TABLE OF CONTENTS

The Ombudsman's Report	2
Le Rapport de l'ombudsman des services anglais (French translation of The Ombudsman's Report)	5
Complaints reviewed by the Ombudsman	9

APPENDICES

I Review of complaints about Neil Macdonald's report about Vice-Presidential candidate Sarah Palin	42
II Review of complaints about Heather Mallick's column of September 5, 2008	47
III Review of complaints about the alleged sharing of questions with the Opposition	53
IV Chart: Number of communications received	60
V Mandate of the Office of the Ombudsman	61

THE OMBUDSMAN'S REPORT 2008-09

It was a record year. The bare numbers support that hypothesis: 2,666 complaints, communications and expressions of concern, including 1,618 about information programming. We received a record of 1,048 complaints, communications and expressions of concern about general programming and non-programming matters, including 186 about what we call "User Generated Content" on CBCNews.ca.

Within that overall number, the single topic that generated the most interest was a column by Heather Mallick on Sarah Palin: 415 items; 357 against Ms. Mallick; 58 in support.

However, the fiscal year also encompassed a Canadian federal election, a Presidential election in the U.S., and a major conflict in the Middle East, as well as continuing hostilities in Iraq and Afghanistan. Advocates for all sides of all those issues are becoming increasingly sophisticated in using electronic communications to advance points of view and to try to influence journalistic coverage.

A minority Parliament in Canada has also sharpened partisan viewpoints. We receive a notable number of communications from regular critics of CBC journalism. Since many of these people view the world through partisan lenses, they assume that everyone else does as well. They have great difficulty in accepting the notion that, while errors are made (and noted by this office), by and large CBC journalists attempt to report events as fairly as possible. Some will never be convinced otherwise, but it is still important for the Information Service to be vigilant in applying our basic values of accuracy, fairness and integrity to every story that is produced.

The volume has placed a strain on the resources of this office, as well as those we deal with in the News area. I have noted previously that the physical workload in the Ombudsman's office has increased dramatically: by more than 800 percent since the start of my predecessor's first term. We remain one Ombudsman and one assistant and our budget has been reduced significantly over the last three years.

I should note that the News Department not only answers complaints directed from my office, but many that arrive directly. Of course, the resources available in that area have also been cut significantly. However, I am sure the News Department is capable of making its own case.

I would like to point out, though, that this office would dwindle in effectiveness were it not for the cooperation and respect accorded by the News Department. In my three and a half years in this post, I have not had occasion to doubt the sincerity of the News Service's commitment to the fundamental task of the Office of the Ombudsman. There have been occasional outbursts of opposition or resentment from individuals, but senior producers and managers have always treated recommendations from the Ombudsman's office with respect.

Their attitude could serve as a model for other news managements in this or other organizations. From meetings with fellow ombudsmen from around the world I find that the cooperative relationship that exists between the English network News Service and the Office of the Ombudsman is not universal.

On policy matters, several recent reviews have highlighted issues that the Board may wish to take into consideration. One in particular relates to the policy on Broadcasts of National Importance. The policy can be found in Appendix B of our Journalistic Standards and Practices. I hasten to note that it appears the policy is roughly the same as the policy in force when I was the Head of TV News in 1980. Corporate policy on these matters was last updated in 1994. Suffice it to say that a lot has happened in the last 15 years, not to mention the last 30!

The policy lays out "certain events of national importance" that warrant full or extended television coverage "on the networks," including pre-emption of other programming. These events are:

- Opening of Parliament
- Leaders Day in the Throne Speech Debate
- Budget Speech
- Federal-Provincial First Ministers' conferences
- State occasions: Royal visits, State funerals, major commemorative occasions
- Bona fide leadership conventions for the major federal political parties.

The policy goes on to point to "other events which may be of sufficient importance that it would be appropriate to accord them live coverage, including pre-emption of programming."

Examples given include major parliamentary debates, policy conventions of the major federal political parties, interprovincial First Ministers' conferences. The policy goes on to point out that there must be a "harmonization between the

English and French services, so that the two networks broadcast the events in an approximately equivalent manner.”

I should point out that the first list appears to be prescriptive while the second is descriptive, and that the “networks” referred to are clearly the main CBC/Radio-Canada television and radio networks.

The confusion about this policy was made evident in two instances, one related to the federal election call, the other related to the prorogation of Parliament. In the first instance, the main English network ceased coverage of events surrounding the election call after Mr. Harper’s announcement and a reaction from one national party leader. Coverage continued on Newsworld.

In the second instance, the announcement of the prorogation appeared on the main network only in conjunction with a regularly scheduled CBC News program at the noon hour. Obviously, it only appeared in some time zones. At the end of the hour, the main network reverted to normal programming and coverage continued on Newsworld.

The issues are these: once the election call programming started, by policy it should have continued until “approximately equivalent” time was given to other national party leaders. (It appeared to me that network and news department managements might not have been fully aware of the existing policy.) In the second case, it appears either that the subject of a “broadcast of national importance” was not raised, or it was decided that the historically first prorogation of a newly elected Parliament was not a matter of national importance. I would suggest that either explanation is faulty.

I understand that the main policy book is undergoing revision. However, this takes time. As we are faced with continued uncertainty on the domestic political scene, I would suggest some urgent thought about the existing policy. It was written before the full implementation of Newsworld and the rise of the web. The Corporation should decide whether its prescriptions (and descriptions) stand up in the current broadcasting environment. I would also point out that the people who complained pointed to the fact that Newsworld does not have the penetration or audience of the main network, a matter that drafters should take into consideration in formulating policy for a public network.

The new fiscal year promises to be as “interesting” as the previous.

Vincent A. Carlin
Ombudsman, English Services

RAPPORT DE L'OMBUDSMAN DES SERVICES ANGLAIS 2008-09

L'année 2008-2009 a été une année record. Les chiffres parlent d'eux-mêmes : 2 666 plaintes, communications et expressions de préoccupation, dont 1 618 traitaient de la programmation d'information. Nous avons reçu par ailleurs le nombre record de 1 048 plaintes, communications et expressions de préoccupation au sujet de la programmation en général et de questions non liées à la programmation, dont 186 concernaient ce que nous appelons le « contenu généré par l'utilisateur » dans CBCNews.ca.

Le sujet qui a généré le plus d'intérêt parmi toutes ces communications est une chronique de Heather Mallick sur Sarah Palin : sur les 415 commentaires reçus, 357 étaient contre M^{me} Mallick, et 58 en sa faveur.

L'exercice 2008-2009 a également connu une élection fédérale canadienne, une élection présidentielle aux États-Unis et un conflit important au Moyen-Orient, en plus de la poursuite des hostilités en Irak et en Afghanistan. Les défenseurs des différentes parties impliquées dans ces enjeux sont de plus en plus rompus aux subtilités des communications électroniques, qu'ils utilisent pour faire valoir leurs opinions et essayer d'influencer la couverture journalistique de ces événements.

Le parlement minoritaire au Canada a également exacerbé les points de vue partisans. Nous avons reçu un nombre important de communications de la part des critiques habituels du journalisme à CBC. Étant donné qu'un grand nombre d'entre eux voient le monde à travers le prisme de leurs opinions partisans, ils présument qu'il en va de même pour tout le monde. Ils ont beaucoup de difficulté à accepter la notion que, même si des erreurs sont commises (et notées par notre bureau), dans l'ensemble, les journalistes de CBC essaient de rapporter les événements aussi objectivement que possible. Certaines personnes ne changeront toutefois jamais d'avis, mais il n'en demeure pas moins qu'il est essentiel que le service de l'information soit vigilant dans l'application de nos valeurs fondamentales d'exactitude, d'équité et d'intégrité pour chaque reportage réalisé.

Le volume de communications a mis les ressources de notre bureau à rude épreuve, ainsi que celles avec qui nous traitons dans le secteur des Nouvelles. J'ai fait remarquer précédemment que la charge de travail physique du Bureau de l'ombudsman avait énormément augmenté : elle est huit fois plus importante que depuis le début du premier mandat de mon prédécesseur. Pourtant, il n'y a toujours qu'un ombudsman et une assistante, et notre budget a été grandement réduit ces trois dernières années.

Je dois aussi mentionner que le service des Nouvelles répond non seulement aux plaintes qui sont adressées à mon bureau, mais aussi à celles qui lui sont envoyées directement. Et bien sûr, les ressources disponibles dans ce secteur ont également diminué de façon importante. Je suis toutefois certain que le service des Nouvelles est capable de défendre sa cause tout seul.

Il me faut aussi ajouter que mon bureau aurait perdu beaucoup d'efficacité sans la coopération et le respect que m'a accordés le service des Nouvelles. Depuis trois ans et demi que j'occupe ce poste, je n'ai pas une fois douté de la sincérité de l'engagement du service envers la tâche fondamentale accomplie par le Bureau de l'ombudsman. Certaines personnes ont pu à l'occasion s'emporter ou éprouver du ressentiment, mais les premiers réalisateurs et les gestionnaires ont toujours réagi avec respect aux recommandations du Bureau de l'ombudsman.

Leur attitude pourrait d'ailleurs servir d'exemple à d'autres services de nouvelles de la Société ou d'autres organisations. J'ai rencontré des homologues d'autres pays et me suis rendu compte que la relation de coopération qui existe entre le service des Nouvelles du réseau anglais et le Bureau de l'ombudsman est loin d'être la norme.

Pour ce qui est des questions de politiques institutionnelles, plusieurs examens effectués récemment ont permis de mettre en lumière des enjeux qui pourraient intéresser le Conseil d'administration. L'un, en particulier, concerne la politique institutionnelle sur les retransmissions d'importance nationale. Celle-ci se trouve dans l'annexe B de nos Normes et pratiques journalistiques. Je m'empresse d'ajouter qu'il semble bien que la politique est plus ou moins la même qui était en vigueur quand j'étais chef des Nouvelles à la Télévision en 1980. La dernière mise à jour de la politique institutionnelle concernée remonte à 1994. Je me bornerai à dire que beaucoup de choses se sont produites depuis 15 ans, pour ne pas dire 30!

La politique stipule que : « L'importance de certains grands événements nationaux justifie leur télédiffusion, totale ou partielle, en direct, par les chaînes nationales de Radio-Canada même si cela entraîne la déprogrammation d'autres émissions. Cette directive s'applique aux cas suivants, sans exception :

- Ouverture du Parlement;
- Journée des chefs de partis (débat du Discours du trône);
- Présentation du budget;
- Conférences fédérales-provinciales des premiers ministres;
- Cérémonies officielles : visites royales, funérailles nationales, commémoration d'événements historiques;

- Congrès au leadership des principaux partis politiques fédéraux. »

La politique ajoute que « d'autres événements peuvent bénéficier du même traitement, par exemple : les grands débats parlementaires, les congrès ordinaires des principaux partis politiques fédéraux et les conférences interprovinciales des premiers ministres ». Elle précise qu'« il est alors nécessaire que les services français et anglais harmonisent les reportages de ces événements en vue de leur accorder une couverture équivalente ».

Je me dois d'ajouter que la première liste semble bien être normative, alors que la seconde est descriptive, et que les « services » mentionnés sont clairement les principaux réseaux de télévision et de radio de CBC/Radio-Canada.

La confusion créée par cette politique est clairement apparue à deux reprises, la première au moment du déclenchement de l'élection fédérale, et la seconde lors de la prorogation du Parlement. Dans le premier cas, la principale chaîne nationale anglaise a cessé la couverture des événements entourant le déclenchement des élections après l'annonce de M. Harper et la réaction du chef d'un parti national. La couverture s'est poursuivie sur Newsworld.

Dans le second cas, l'annonce de la prorogation n'est apparue sur le réseau principal qu'au moment du bulletin de nouvelles habituel de CBC News, à midi. Et il n'a apparemment été diffusé que dans quelques fuseaux horaires. À la fin de l'heure, le réseau principal a repris sa programmation normale, et la couverture a continué sur Newsworld.

Les enjeux sont les suivants : une fois que la programmation sur le déclenchement des élections est commencée, d'après la politique, elle doit continuer jusqu'à ce qu'« une couverture équivalente » soit accordée aux autres chefs de partis nationaux. (J'ai l'impression que les directions du réseau et du Service des nouvelles n'étaient pas entièrement au fait de la politique en vigueur.) Dans le second cas, il semble que, soit la question d'une « retransmission d'importance nationale » n'a pas été soulevée, soit qu'il a été décidé que la prorogation d'un Parlement nouvellement élu, une première au Canada, n'était pas un événement d'importance nationale. Je ferai observer que les deux explications laissent à désirer.

J'ai appris que le manuel des politiques était en cours de révision. Cela exige toutefois beaucoup de temps. Étant donné l'incertitude persistante qui règne sur la scène politique nationale, je recommanderais qu'on se penche très rapidement sur la politique actuelle. Elle a été rédigée avant la mise en service complète de Newsworld et l'avènement du Web. La Société devrait décider si ses prescriptions

(et ses descriptions) s'appliquent encore à l'environnement de radiodiffusion actuel. Je ferai également remarquer que les auteurs des plaintes mentionnaient le fait que Newsworld n'avait pas la pénétration ou l'auditoire du réseau principal, un élément dont devraient tenir compte les rédacteurs lorsqu'ils formuleront la politique, puisque nous sommes un radiodiffuseur public national.

Le prochain exercice promet d'être aussi « intéressant » que le précédent.

Vincent A. Carlin
Ombudsman, Services anglais

COMPLAINTS REVIEWED BY THE OMBUDSMAN

D.A.

CBC Compass, Charlottetown

D.A. complained that CBC Compass announcer Sara Fraser referred to Egmont riding as “considered one of the safest Liberal seats in the country.” He said that the statement was “unverifiable,” “completely baseless” and that Compass was “ethically and morally obliged to apologize to PEI viewers for this display of bias and partisanship.”

Henk van Leeuwen, Managing Editor of CBC News for PEI, replied that Egmont has been held by the Liberals for 28 years which, in formal political parlance, would qualify it as a “safe” seat, and went on to say that CBC News would “probe all four of PEI’s federal riding contests in a thorough, fair and balanced way.”

Review (April 22, 2009)

All across the country in the run-up to elections, experienced journalists provide viewers, listeners and readers with facts and explanation. Such conclusions are not based on partisan view, but on analysis of previous election results. All reference to election districts must be taken as background, but not as predictive. It would be a violation of policy if the announcer had said that the Liberals were going to win, but that is not what she said. She said that the riding was “considered” safe. There was no violation of CBC’s Journalistic Standards and Practices.

D.A. and J.H.

Viewpoint, CBCNews.ca

D.A. and J.H. complained separately about Robert Smol’s Viewpoint article, “The attention-deficit excuse,” which was posted on CBCNews.ca on February 24, 2009. Mr. Smol presented an alternative view on the prevalence of attention-deficit/hyperactivity disorder (ADHD). At one point he wrote: “And while I do not doubt that there may be some genuine case out there, we should not fool ourselves into thinking that ADHD is not an excuse by many students and their parents to avoid taking full ownership of their problems.” D.A., J.H. and others felt that Mr. Smol’s views were an insult to families dealing with ADHD.

Mark Mietkiewicz, interim Director of Digital Media, CBC News, responded that Mr. Smol’s column was an opinion piece, that it did not represent the views of the CBC and that countervailing opinions were freely available.

Review (March 31, 2009)

In this case we had something clearly labeled “opinion” which dissented from the more generally held view on ADHD. Mr. Smol recognized that there is such a condition but said, in his experience, it is overused as an “excuse” for behaviours that could be controlled by discipline. Any parent trying to deal with a child with ADHD would naturally have a strong reaction to that view. However, such an understandable reaction cannot be used to shut down alternative views. Mr. Smol’s opinion was just that – an opinion. It was not illegal, or hateful, and did not appear to deny basic facts. He was entitled to hold it, and the CBC was entitled to transmit that opinion, along with the myriad views to the contrary. There was no violation of CBC Journalistic Standards and Practices.

W.A.

TV News, New Brunswick

W.A. complained about a series of reports on New Brunswick auto insurance reforms that were broadcast in September, 2006. He felt that the reporter, Robert Jones, had made a number of errors in his reporting.

Both Robert Jones and the Fredericton bureau chief, Dan Goodyear, responded at various points, attempting to rebut W.A.’s claims and offering to pursue some of his points for further stories.

Review (Sept. 24, 2008)

Mr. Jones’s reports were an attempt to elucidate the broader circumstances surrounding the automobile insurance reform introduced in New Brunswick. The two reports needed to be taken in context with other reporting on the issue in order to judge whether the journalist was fair in dealing with the issues. The fact base appeared to have been sound. Some of the conclusions or inferences, such as how to characterize the size and nature of the profits enjoyed by the companies before the true nature of the loss rate became known, may have been arguable. But the reporting appeared to me to be a sound contribution to public knowledge and debate on the question.

B.B.

The National

B.B. complained about a report by Adrienne Arsenault on the December 31, 2007, edition of *The National*, concerning the aftermath of the assassination of Benazir Bhutto. B.B. wrote that he was “disgusted and appalled” that footage of the murder was included in the item; that using it was beyond the “furthest boundary of good taste.”

Jonathan Whitten, Executive Producer of *The National*, responded that, while it was not the CBC’s practice to “gratuitously broadcast upsetting footage, there are occasions when including some material of that nature is relevant and important to the understanding of the event.”

Review (July 4, 2008)

Benazir Bhutto was the most public of figures and her death was a serious matter of public interest, not just in Pakistan, but around the world. The manner and means of her death were subject to debate and it was important to present material that might aid our understanding of the matter. My review indicated that Ms. Arsenault and her editors and producers handled the material as delicately as possible in the circumstances and clearly demonstrated within the item the relevance of the footage to the larger question. The item was produced within the bounds of CBC Journalistic Standards and Practices, although a warning would have helped those who did not wish to see the material.

C.B.

CBC Radio News

C.B. complained about a report that CBC correspondent Connie Watson filed to *The World At Six* on January 4, 2008. The item concerned the growth of the soy industry in Argentina. It began with the family of Adolfo Grobocopatel, apparently the largest soy growers in the country. Ms. Watson translated some of Adolfo’s reminiscences about his family – poor Jewish migrants who took up the offer of land in Argentina to escape the more hostile social and economic environment in Europe. C.B. complained that the item, perhaps unconsciously, pandered to “negative Jewish stereotypes.”

Jane Anido, Director of CBC Radio News Programming, replied that the report “was not intended in any sense to disparage the Globocopatels, their company or its activities.”

Review (March 12, 2009)

In discussing how a family or company came to be the leading organization in a particular field, in whatever country, it is not bizarre to reflect a bit on its history. In this case, not only was background appropriate to a fuller understanding of the story, the family involved brought the information out with, apparently, justifiable pride in its accomplishments. It seemed clear that they did not believe recounting their history encouraged anti-Jewish sentiment. The fact that the family was part of the so-called “Jewish Gauchos” only underlined the historic interest at play. While C.B. took “moneylending” to be, in effect, code for “Shylock–like piranhas,” I was reminded of the long history of European exclusion of Jews from so many crafts and professions that financial activity was one of the few avenues of success open. The item also made mention of the family’s support of some 1500 smaller businesses, hardly the image of rapacious piranhas. There was no violation of CBC’s Journalistic Standards and Practices.

M.B.

CBC Radio News

M.B. complained about a report by Dave Seglins on January 14, 2008, concerning new assertions by some First Nations leaders about land on either side of the Grand River in southern Ontario. He felt that the report was not balanced, that views of the band were given too much attention.

Jane Anido, Director of CBC Radio News Programming, replied that the report was on the latest development in a continuing story, and that the government’s position was noted as well as the views of someone who represents the area. She said that the report was one of a continuing series of stories about the land claims situation.

Review (July 29, 2008)

The item fell well within policy guidelines on balance. While there is a requirement for balance, that requirement is neither mathematical nor instantaneous. It is definitely not a “clip for clip” requirement, certainly not within a single news piece in continuing coverage. The opposing view was not ignored, but noted in the context of the new development: the warning of further action in the land claim dispute. Were this the only story on the matter, there would be cause for concern about balance. However, in the overall arc of coverage, paraphrasing the government’s overall position and having a ‘clip’ of the local representative certainly fitted into the policy framework.

P.B.

Cross Country Checkup

P.B. complained about the December 17, 2007, edition of Cross Country Checkup, on the topic of the Canadian mission in Afghanistan, with guest General Rick Hillier, the Chief of the Defence Staff. He felt that there was insufficient attention given to the arguments against the mission, that General Hillier was allowed to speak at length, and that host Rex Murphy did not place the issue in sufficient context.

Senior Producer Charles Shanks responded that the program was not actually a debate on the mission, that, in any event, a number of callers took an opposing position, and that Rex Murphy's job was to draw the guest out, not to debate with him.

Review (June 19, 2008)

General Hillier was the guest for the entire program that day. Listeners were told that the discussion was wide open. Many callers were complimentary to General Hillier and/or the mission in Afghanistan. A substantial minority of callers took issue with aspects of the mission. Rex Murphy appeared to treat General Hillier with kindness and deference, not necessarily negative qualities, but I did not note the other side -- the pointing up of areas of inconsistency and conflict. Had this been the only examination of the mission or General Hillier on CBC Radio, or on Cross Country Checkup, it might have been seen as a serious fault. However, both the man and the mission had been the subject of intense examination by CBC News, so the program could be viewed as part of the mosaic of coverage. While I would have preferred that the host had been less in the spirit of the holiday time in which the program took place, his performance did not violate CBC's policies. Callers had adequate time to take opposing views and the producers appeared to have ensured that a spectrum of views was presented.

R.B.

CBC Radio News

R.B. took issue with an item by CBC Radio reporter Greg Rasmussen in October, 2008, concerning activities in a Vancouver café that caters to marijuana users. In the report Mr. Rasmussen described the operation of a machine called a vapourizer which he said "sends smoke into a large plastic bag, ready for inhaling." R.B. complained about the use of the word "smoke," saying that "the 'Volcano' – the

brand-name of the vapourizer – does not produce ‘smoke’...it heats up the pot but doesn’t burn it. That is the point of the volcano.”

Mr. Rasmussen replied that the dictionary definition of the word is “a cloud of fine particles suspended in a gas,” and that his use was correct. In a subsequent note R.B. said that “your assertion suggests that people using a volcano are exposing themselves to the same dangers as smoke, like tar and other carcinogens. This suggests that the volcano is about as dangerous as a bong or joint, which isn’t true.”

Review (April 30, 2009)

Mr. Rasmussen did not violate CBC’s Journalistic Standards and Practices in his casual use of the word “smoke” to describe what the substance in the Volcano bag looked like. However, he would have been even more precise had he said that “it looked like smoke” or described it as “vapour.” In a story about the claimed medical properties of the device, the latter usages would have been appropriate. In a general item like the one presented, I could not really find fault with Mr. Rasmussen’s language.

J.C.

CBC News: Sunday

J.C. complained about an item that appeared on CBC News: Sunday on January 6, 2008. It concerned a woman in North Bay named Maureen Boldt who was sentenced to house arrest by a judge for what were termed “willful” violations of a court order. It was found that she had been, in effect, practicing law without a license. J.C. complained that the story contained “inaccuracies,” although the main one appeared to be a reference to Ms. Boldt being convicted by the Law Society. In fact, as the producer admitted, Ms. Boldt, as noted elsewhere in the story, was convicted by a judge. The heart of the complaint appeared to be the absence of documentation of what J.C. called “the wreckage” left behind by Ms. Boldt’s activities.

Executive Producer Patsy Pehleman responded, admitting that the reference to the Law Society was “sloppy” and inaccurate. She also pointed out that efforts were made to convince North Bay lawyers to be interviewed on the subject and, presumably, talk about the “wreckage,” but that no one, including J.C., would speak on camera.

Review (March 10, 2009)

The bulk of the item was about the effects on Ms. Boldt of her conviction, rather than a debate about the conviction. I presumed that J.C. was not arguing that Ms. Boldt or the CBC did not have the right to discuss these issues. The item was largely unexceptional – a “profile” of a person apparently properly convicted of contempt of court whose actions appeared to highlight some anomalies in the law, and who has received substantial public support despite her conviction. The item was marred by the sloppy and inaccurate reference to the nature of Ms. Boldt’s conviction. The remainder of the item did not violate CBC’s Journalistic Standards and Practices.

Sue Clark-Wittenberg, Director, International Campaign to Ban Electroshock
CBCNews.ca

Ms. Wittenberg complained about a CBCNews.ca report concerning a protest against electro-shock therapy (ECT) that she staged on Parliament Hill in May, 2008. She felt that it was “unfair and biased” in that, in her view, it did not allow sufficient space and time to opponents of the therapy.

Mary Sheppard, Executive Producer of CBCNews.ca, replied that appropriate coverage was given to both sides of the controversy, although she acknowledged that the story did contain an error: the wrong first name of one of the anti-ECT researchers.

Review (March 19, 2009)

Rather than ignoring the claims of those opposed to ECT, the story reported those views, not only Ms. Clark-Wittenberg’s but also those of a psychiatrist in the field. The story also pointed out that broad opinion in respected medical circles is opposite. With the exception of the mistake already acknowledged, the story was well within the parameters of CBC’s Journalistic Standards and Practices.

Susan Corkum-Greek, General Manager, Training Ship Picton Castle
The Fifth Estate (“Overboard”)

Susan Corkum-Greek complained about The Fifth Estate’s program, “Overboard,” which was originally broadcast on November 28, 2007. It told the story of Laura Gainey, who was swept to sea during a storm while crewing on the tall ship,

Picton Castle. Ms. Corkum-Greek raised questions about the use of footage from an earlier voyage, suggesting that its use was misleading within the context of the Gainey tragedy; the use of other slow-motion footage used to illustrate events on board the ship at the time of the tragedy and its mixing with footage actually shot on board by a member of the crew. She also took issue with the style of the program, particularly its use of lighting.

Review (Dec. 10, 2008)

The use of stock footage, recreations and music has become commonplace in longer format broadcast journalism, a development that I, personally, have not always greeted with open arms. Concerning the footage from an earlier voyage, the voice-over narration clearly identified what the footage was. While I found the brief “recreation” shot to have been unnecessary to the item, the use of other broadcasting techniques appeared to be within the guidelines laid out in CBC’s Journalistic Standards and Practices. As I found in another review (T.G., which I shared with Ms. Corkum-Greek), the journalistic substance of the item was borne out by the report of the Transportation Safety Board.

S.D.

The National

S.D. complained about a report on The National on August 12, 2008, by the CBC’s Moscow correspondent, Alexandra Szacka, from the city of Gori, Georgia, where there had been intense fighting between Russian and Georgian troops. He felt that information should have been provided from the other side of the conflict as well. “If no footage was available from the other side of the conflict, CBC should not have broadcasted one-sided reports and limited itself to coverage of facts.” In a subsequent e-mail he complained that an online story about the bombing of a bridge on the Kviri River was not properly sourced.

Mark Harrison, Acting Executive Producer of The National, replied that The National carried stories about the conflict every evening since it began and for days afterward. He also pointed out that while their reporters could travel – although at some risk – in parts of Georgia, they were not permitted to travel in South Ossetia or behind Russian lines.

Review (March 30, 2009)

I found that The National’s report was complete, fair and accurate given the limitations of access and airtime. It is unreasonable for a listener or a viewer to

expect that CBC News will have equal access to both sides in an armed conflict. Ms. Szacka and her crew showed great courage in entering a war zone and obtaining the footage that aired on The National. But is it not unreasonable to expect that every effort would be made to present in as fully and as contextual a way as possible all aspects of a story. This may be impossible to do in one newscast. But over time and with the resources of CBC.ca this should be possible.

CBCNews.ca should be more vigilant in assuring that information posted on the site is credible and properly sourced. S.D.'s concerns on this point were justified. The reference to the Kvari River bridge incident should be removed from the website due to a lack of a second source on the story. I suggested that CBC News look into methods of using its website more effectively in explaining the background to complicated events. And I suggested that the archiving of stories on CBC.ca be brought up to date so that search results appear chronologically.

M.F.

CBCNews.ca (Where is God Today?)

M.F. complained about a column that appeared on CBC.ca under the general heading "Where is God Today?," a personal reflection on Hinduism by Rod Banerjee. His complaint centred on the question of why Mr. Banerjee was chosen and of whether his comments had been properly "vetted": "How could a religious fundamentalist slip through the screening process?... Once accepted, what kind of proofreading and fact-checking process was the article submitted to?" The "facts" which he suggested needed to be checked were Mr. Banerjee's assertions about his view of Hinduism.

Review (Jan. 28, 2009)

It appeared that the column, after publication, was found to contain some factual errors and was edited to correct them. Other assertions were just that – opinions of the author. M.F. seemed to feel that since Mr. Banerjee was, in his view, a "fundamentalist" he should be precluded from appearing on the page. This is a notion that presents great difficulty, since establishing what is a "fundamentalist" in any religion is often a matter of individual judgment. But even if one were able to clearly identify a "fundamentalist" position, it is certainly arguable whether that should remove the expression of that view from the public. Another aspect of this was where these views appeared: in a personal column on the website, an area which invited comment and correction; which has the characterizations of a self-correcting fluid dialogue. The website should continue its mission of providing

interesting, even controversial views on a wide range of subjects, including religion. There was no violation of CBC's Journalistic Standards and Practices.

T.F.

The National

T.F. initially had concerns about why a projected interview with him was not done for an item which aired on The National in March, 2007. He said that whether he was interviewed or not, the item was not balanced. It concerned the controversy surrounding the work of Christine Tell, who was then planning to run as a candidate for the Saskatchewan Party. She was also a member of the Saskatchewan Judicial Appointments Committee. Some felt that she should resign from the committee. Others did not.

Jonathan Whitten, Executive Producer of The National, responded by describing the circumstances surrounding the listing, cancellation and resurrection of the item that evening.

Review (June 17, 2008)

The item, as broadcast, presented differing views on the matter. The subject of the story, Christine Tell, was reflected through both a clip and quotations, and the Federal Minister, Rob Nicholson, was also heard. I was unable to find a violation of CBC's Journalistic Standards and Practices, although the programmers acknowledged that there should have been better communication with T.F.

Peter Fitzpatrick, Manager of Media Relations for Central Canada, Air Canada CBC News: Here and Now, St. John's

Mr. Fitzpatrick complained about a report concerning a complaint from a family that the body of their recently deceased family member had been off-loaded in Toronto and was not put on the appropriate flight to St. John's. The family was forced to postpone a wake. On April 7, 2008, a CBC reporter asked Mr. Fitzgerald to look into the matter, but he and his staff were unable to find details about that particular shipment. At 6 p.m. that day the reporter contacted him again, saying that she had had the wrong name. This led Mr. Fitzgerald to believe that he would have more time to respond before the story went to air, but he arrived at work on Tuesday morning "to find CBC had broadcast the story without Air Canada being given a proper opportunity to present its side. The report

contained misinformation that we could have corrected had we been given a chance to look into the matter.”

Janice Stein, Managing Editor of Radio and TV News in Newfoundland, responded, in part by saying: “I believe that Ms. Ray tried the best she could within her story to achieve balance, given that an interview with an Air Canada spokesperson was unavailable...she certainly indicated that Air Canada was looking into the incident...”

Review (Sept. 24, 2008)

It seemed clear that Air Canada was provided with inaccurate information when a response was sought. Correcting that information shortly before air-time and expecting a coherent response seemed unreasonable. Airing the story with the implication that the company had failed to respond promptly was unfair. The item did not meet the standards of CBC’s Journalistic Standards and Practices. Every effort should be made to guide reporters in dealing fairly with sources. If the story remains in archives, a correction should be posted along with the story.

L.G.

Land and Sea, Newfoundland & Labrador

L.G. complained about the use of the word “hijacked” in a Land and Sea documentary about the history of the Churchill Falls hydro-electric project. He said it was not attributed to anyone, but stated as a fact.

Diane Humber, at the time the Regional Director for Newfoundland and Labrador, responded that “our story took poetic license with the word ‘hijacked’ in explaining the difficulties encountered by the government of Newfoundland and Labrador, and the private company (BRINCO) to deliver Churchill Falls power across Quebec territory to markets in the United States.” She continued: “To this day in Newfoundland and Labrador, the legacy of Churchill Falls is one of disappointment and frustration with the fact that the province of Newfoundland owned the resource but was stymied in getting it to market. These points were made in the Land and Sea program.”

Review (April 29, 2009)

In an otherwise fine documentary on the history of the beginnings of the Churchill Falls project, the program characterized the project as being “hijacked.” The word clearly carries the meaning of something unlawful or unethical, something done by

subterfuge. That may be the view of many Newfoundlanders, but there are countervailing opinions of substance. I could not issue a license for that bit of poetry. If the documentary is to be repeated, it should be edited to remove the word “hijacking” as a statement of fact.

T.G.

The Fifth Estate (“Overboard”)

T.G. complained about The Fifth Estate program, “Overboard,” which was originally broadcast on November 28, 2007. It told the story of Laura Gainey, who was swept to sea during a storm while crewing on a tall ship. T.G. wrote at length about what he perceived as serious errors in the program. David Studer, the executive producer of The Fifth Estate, responded at length.

Review (Dec. 10, 2008)

The program “Overboard” was a careful examination of the occurrence based on information available at the time. It was noteworthy that all the major conclusions of the program were supported by the lengthy and thorough examination conducted by the Transportation Safety Board. I did note failure to directly contact several of the crew members who might have been able to provide further detail had they been willing to be interviewed. However, in the end, the program appeared to have been adequately sourced.

E.H.

Radio Noon, Montreal

E.H. complained about the September 18, 2007, edition of Radio Noon. He said that the guest, Ali Abunimah, an author of Palestinian descent, was allowed to “present at length strongly biased views about the Israeli-Palestinian conflict which sounded to me as contrary to the CBC declared policy principles: accuracy and fairness. Although listeners were allowed to question the guest speaker, he largely dominated the show...”

Patricia Pleszczynska, Regional Director of Radio and Television for CBC Montreal, responded that Mr. Abunimah’s views were certainly “controversial, even provocative” but that other points of view were aired during that program, as well as on other editions of Radio Noon; that in fact, one week later other significant and diverging views were heard on the same general subject.

Review (June 18, 2008)

It is a bedrock of long-format journalism such as Radio Noon to deal with a wide range of views on controversial subjects. Some of those views may be themselves controversial. Were they the only views presented, that would be a serious violation of policy. However, as part of continuing coverage of world affairs, a program elucidating those views was entirely appropriate. I could find no violation of CBC's Journalistic Standards and Practices.

G.H.

Metro Morning, CBC Radio, Toronto

G.H. complained about a comment made by Andy Barrie, host of Metro Morning, in September, 2008, during the federal election campaign. Mr. Barrie made reference to the possibility that opponents of the NDP could do financial damage to the party by clicking constantly on the NDP ad which appeared when a net user googled Gilles Duceppe or Stéphane Dion. The party could be charged \$6 per click, according to Mr. Barrie. G.H. said that this was tantamount to giving advice on how to destroy a party. He used the analogy of publishing the details of how to construct a weapon. He felt that CBC had breached its mandate in doing this, moving to active partisanship.

Executive Producer Joan Melanson disagreed with G.H.'s contentions, saying that the producers felt the story was "interesting" and that Mr. Barrie did not urge anyone to do what could be done.

Review (Jan. 23, 2009)

Had Mr. Barrie shown any signs of manipulating public opinion for his own private purposes, I would have been in agreement with G.H. However, he showed no such signs. It is improbable in the extreme that he was the only person to realize that a potential "smoking gun" was already out there. In fact, he was telling a cautionary tale that apparently motivated the potential "victim," the NDP, to protect itself. Rather than a violation of CBC's Journalistic Standards and Practices, the item was in the best tradition of the policies.

G.H.

News Special

G.H. complained about the abrupt termination of the broadcast of Prime Minister Stephen Harper speaking from outside Rideau Hall on December 4, 2008. Mr. Harper had just announced the prorogation of Parliament and was taking questions from reporters. G.H. acknowledged that the broadcast may have continued on Newsworld but said that many Canadians, including him, did not have access to Newsworld.

Jennifer McGuire, interim Publisher of CBC News, responded: “While CBC Newsworld is designed to have the flexibility to carry developing news stories like this one, CBC’s main channel has a fixed schedule of programs intended to appeal to a cross-section of viewers with a broad range of interests.” She also pointed out that the commercial break had been cancelled in order to extend the time period as late as possible.

Review (April 16, 2009)

Scheduling issues are generally outside my purview except when they intersect with journalistic policy, in this case *Broadcasts of National Importance* in the CBC’s Journalistic Standards and Practices. Prorogation of Parliament is not on the list of events warranting “*full or extended live coverage on the networks, including pre-emption of other programming*”; since it had not happened before under these circumstances, it would have been difficult for policy writers to foresee it. However, I thought it was clear that this unprecedented Parliamentary event deserved special coverage. In addition, it appeared that there was no real warning to viewers on CBC that the coverage was ending or that it was continuing on Newsworld. While I cannot, nor should not, dictate network scheduling, I think I can speak for the viewers in wanting, at a minimum, information on which to base viewing of such an important event.

N.H.

The National

N.H. complained about what he felt was the “biased nature” of The National’s At Issue panel on November 19, 2008.

Mark Harrison, acting 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 (March 30, 2009)

I screened a wide range of At Issue panels. 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. From time to time other voices are added for particular regional or topic reasons. If the At Issue panel were the only source of information on broad policy issues, there might be an argument for its restructuring. However, any fair observation of The National, not to mention the dozens of hours of news and current affairs programming on CBC Television and CBC Newsworld, would indicate that effort is made to cover a wide range of issues and opinions. 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.

Cliff Jenkins, Councillor, City of Toronto
Radio News, Toronto

Councillor Cliff Jenkins complained about a news report of May 15, 2008, by reporter Jamie Strashin regarding Mossgrove Park. He said that the report contained inaccurate information which could have been avoided had the reporter carried out "the most minimal due diligence" by obtaining a copy of the Mossgrove Park Police Safety Audit which recommended the removal of a certain number of trees in order to provide clearer and more secure sight-lines into the park.

Executive Producer Joan Melanson responded, saying that Mr. Strashin had been unable to contact the officer who actually sat on the Safety Audit committee and, instead, spoke with a superior officer. She said further that, despite claims to the contrary, Mr. Strashin had not been offered a copy of the Police Constable's report.

Review (March 11, 2009)

The main point at issue was an interview done by Jamie Strashin with a police officer who was not involved in the study concerning the park. He appeared to speak authoritatively on the matter, but he was not conversant with the matter and was contradicted by a higher authority. The CBC failed to verify that fact, even when it was brought to their attention. The story left the impression that the Toronto Police Service did not support the actions taken in clearing trees in the

affected area. This was incorrect. I recommended that any version of the story accessible by any means should be corrected to reflect this fact. I was later advised that the online story had been modified and a correction posted, and the link to the original radio story was pulled.

It was unclear why the reporter did not have a copy of the report since other journalists had one. I was unable to reach a definitive conclusion as to whether Mr. Strashin was offered a copy of the report. However, I found that the issue was irrelevant since he should have made his own efforts to secure a copy, or at least an authoritative version from a participant.

A.K.

Radio, TV & CBCNews.ca

A.K. complained about reports concerning a single mother who said that she was refused an opportunity to rent an apartment because she had a baby. As someone with direct knowledge of the building, A.K. said that “the woman in this story was nowhere near the top of the list of people who had already applied for the apartment... There are two sides to every story and the root of journalistic integrity should be an unbiased approach to reporting on any subject.”

Liz Hughes, News Director for CBC British Columbia, responded that the reporter tried to contact the building manager directly, but could not, nor could she get more response from the building’s owner, save a comment that “there was no discrimination.” In regard to the 12-person waiting list, Ms. Hughes said “that may be true, that was not what she was told.” The ostensible reason given was that an 8th floor apartment is too high up for someone with a baby.

Review (March 30, 2009)

The story that the reporter told appeared to be accurate as far as it went. She reported what the woman claimed and she attempted to get responses from building management and ownership. She reflected their views as best she could. However, once it became clear that children had been in the building, it might have served as an alarm bell that all was not as clear as one might have thought and that further investigation might be appropriate. The reporter appeared to have tried to proceed in accordance with policy and her reports, as far as they went, met the required tests. However, once information came to the fore showing that there might have been other sides to the story, some follow-up should have been undertaken to meet the test of fairness.

S.K.

Politics

S.K. complained about Don Newman's June 4, 2008, interview with James Moore, a Conservative Member of Parliament. He found the interview "antagonistic" and that it "clearly showed that Don Newman and 'Politics' were biased in this case."

Sharon Musgrave, the senior producer of Politics, responded by saying, "as he does every day, Mr. Newman challenged the assumptions, tested the facts and identified the spin. He then thanked Mr. Moore and invited him back in the future. Mr. Moore said he would like to return."

Review (Oct. 31, 2009)

The exchange illuminated the talents of both men: Mr. Moore's skill at avoiding those specific questions that might undermine his claim, and Mr. Newman's skill in pursuing those questions. The interview was a vigorous testing of controversial statements by a party spokesman and entirely within the bounds of CBC's Journalistic Standards and Practices.

Akim Adé Larcher, Equity and Diversity Co-ordinator, Egale Canada
Newsworld

Mr. Larcher complained about a comment made by reporter Julie Van Dusen during a live "q & a" with a Newsworld host on October 15, 2008. She said: "*It was his (Dion's) first campaign. He got better and better as he went along. He improved after the debates, but the bottom line is he lost 19 seats, kind of all over the place. And, so, it is what it is. And politics is not a game for sissies. So, I'm sure people are sitting there going, 'Stéphane, you're a nice guy, you're unfailingly polite and everything else, but this is what happened...'*" Mr. Larcher objected to the use of the word "sissies" as pejorative.

Cynthia Kinch, Director of CBC Newsworld, replied that to say politics is not a game for sissies "is a platitude, but it is not specifically referring to Mr. Dion. A 'sissy' is commonly defined as someone who is timid, shy or unassertive, a coward. And politics is not a good place for the timid..."

Review (Feb. 9, 2009)

Language changes constantly and a responsible news organization must keep current with how meanings change without falling into a form of “political correctness.” The word “sissy” has been used in other instances in an ironic and humorous sense. Elements in the gay community celebrate the qualities of the “sissy” in order to reclaim behaviour that the straight community might find objectionable. So the word does have a sub-cultural context. We see that in other communities as well, where some words may be acceptable within the group, but are inappropriate or harmful when used by others. But the use of “sissy” in a CBC News report was meant to diminish the character of Mr. Dion by associating his electoral loss and his inevitable political downfall as essentially unmanly. It may have been inadvertent, but it was clearly part of the reporting. The word “sissy” has had a long tradition of being used to bully and as a schoolyard epithet. While Ottawa politics may be brutal, that doesn’t mean that CBC News’ political reporting must adopt those negative qualities. The use of the word “sissies” violated the standards of good taste in CBC’s Journalistic Standards and Practices. CBC News management, as it has done in the past on language issues respecting various groups and communities, should provide appropriate guidance on issues around the GLBTQ community.

V.L.

The National

V.L. complained about a documentary on The National titled Dying for Attention, about the life and death of Kimveer Gill, the young man who went on a shooting spree at Dawson College in Montreal. It was broadcast on September 10 and 11, 2007. V.L. said, among other things, that it was a “character assassination” of Kimveer Gill’s mother.

Producer Lynn Burgess responded to V.L., pointing out that he may have misheard some of the material.

Review (Sept. 5, 2008)

My viewing of the documentary showed that no blame was laid on Kimveer Gill’s parents. Dying for Attention appeared to be in the best tradition of CBC journalistic work, a careful and thoughtful analysis of a situation that could have been all too easily wrenched out of context. I found no violation of CBC Journalistic policy.

V.L.

Metro Morning, CBC Radio, Toronto

V.L. complained about several things related to coverage of the federal election campaign on CBC Radio's Metro Morning, including Andy Barrie's interview with Conservative Bill Fleck in the wake of Stephen Harper's comments on "galas" and "subsidies." He felt that the producers had "set the stage to get the results they wanted" by selecting Mr. Fleck, "who is probably one of the few Conservative members who would not applaud some reductions in certain sections of the arts which are tasteless, wasteful of taxpayers dollars, seedy and even vulgar." V.L. also complained about Mr. Barrie's reference to a "wonderful" essay by Margaret Atwood about culture and its importance to Canadians in that morning's Globe and Mail.

Executive Producer Joan Melanson replied that Bill Fleck is an expert on the arts and the night before had received an award for his work on Business and the Arts. She said that Mr. Fleck had defended Mr. Harper and brought some perspective to the discussion. She further said that Mr. Barrie's comments on the Atwood piece were stimulated by his interest in the subject and his desire to share that interest with the audience.

Review (Sept. 25, 2008)

The notion that another Conservative should have had equal time with Mr. Fleck bore little weight. Mr. Fleck's credentials were well established; he defended the Conservatives' record on the subject, but did offer some perspectives of his own. Were this the only coverage of the matter on CBC Radio V.L. might have had a point, but the subject was covered throughout the campaign on various programs. The segment was an appropriate exploration of the issue and was consistent with CBC's Journalistic Standards and Practices.

Concerning the "wonderful" article by Margaret Atwood, were the article a work of fiction, or even a dispassionate analysis of the matter, the comment would have been unexceptional. But since it was a rather vigorous attack on Mr. Harper, it fell into a different category. Had Mr. Barrie said: "You might be interested in this..." or similar sentiments, I would have had no problem with the comments. However, characterizing the piece as "wonderful" without any other qualification appeared to be an endorsement of her conclusions and not appropriate for a CBC journalist.

B.M.

Politics

B.M. felt that it was unacceptable for Politics host Don Newman to describe a dispute between Elections Canada and the Conservative Party of Canada as a “Robert Mugabe moment.”

Sharon Musgrave, Senior Producer of Politics, replied that Mr. Newman did not refer to the actions of the Conservative Party or government in those terms. He was referring to possible outcomes if independent organizations are undermined.

Review (April 30, 2008)

I agreed with B.M. that, on its own, the phrase was not a fair characterization of the situation we faced in Canada. It appeared to me that Mr. Newman, indulging, in my view, in hyperbole, was pointing to the dangers of undermining national institutions, particularly those related to elections. However, having reviewed the bulk of the coverage on Politics over several days, I noted that substantial and appropriate opportunity was given for various points of view. The coverage of the matter on Politics was, over the course of days, insightful and fair. Mr. Newman handled a very complex story with skill and sophistication, with the lone exception noted. His brief excursion into hyperbole during hours of mainly live broadcasting did not rise to the level of a policy violation.

D.M.

CBC News: Morning

D.M. felt that there was a lack of balance in a report by Nahlah Ayed from the West Bank on May 8, 2008. He said she “simply repeated the arguments of the demonstrators, to the point where she herself took the position of the demonstrators.”

Review (May 27, 2008)

Ms. Ayed did, indeed, report what the Palestinians were saying. It appears that D.M. wished for her to dispute and/or refute the views of the Palestinians rather than report on them. But the function of a reporter in a brief item is to reflect the reality in front of them. A reporter in Jerusalem describing celebrations or ethical controversies was no more taking sides on those events than Ms. Ayed was in telling us what the Palestinian demonstrators were claiming. We may not like or agree with their views, but we must know what they are. Ms. Ayed’s report was a clear and succinct recapitulation of the views of the Palestinians who were

demonstrating on that day. There was no violation of CBC's Journalistic Standards and Practices.

D.O.

CBC Radio News & CBCNews.ca

D.O. complained about several related stories concerning a protest against electroconvulsive therapy (ECT) staged on Parliament Hill in May, 2008. He felt that the reports were "unfair and biased" in that, in his view, they did not allow sufficient space and time to opponents of the therapy.

Mary Sheppard, Executive Producer of CBCNews.ca, replied that appropriate coverage was given to both sides of the controversy, although she acknowledged that the story did contain an error: the wrong first name of one of the anti-ECT researchers.

Review (March 19, 2009)

Rather than ignoring the claims of those opposed to ECT, the stories reported those views, not only of the Director of the International Campaign to Ban Electroshock, but also at least one medical researcher in the field. The stories also pointed out that the broad opinion in respected medical circles is opposite. With the exception of the mistake already acknowledged, the stories were well within the parameters of CBC's Journalistic Standards and Practices.

R.O.

CBC Radio News

R.O. was "disappointed by several faults" in a report by Iris Makler on The World at Six on August 26, 2008. The report concerned the arrest and subsequent deportation by Israeli authorities of Victor McDiarmid, a Canadian student who had taken part in a protest held in the Israeli occupied West Bank as a member of the International Solidarity Movement.

Jane Anido, Director of CBC Radio News Programming, replied in detail to the points R.O. raised.

Review (March 19, 2009)

R.O.'s claim that the report failed to explain the mission of the International Solidarity Movement was correct. If time permitted, the controversies surrounding the ISM should also have been mentioned. Given the time restrictions, the description in the report was sufficient.

R.O.'s claim that the report unfairly implied that the Palestinians were responsible for the violence around the anti-barrier protests was incorrect. The report correctly stated that the barrier has been a flashpoint for protests and as such its construction is also a provocation.

The report lacked Mr. McDiarmid's version of events that led up to his arrest. This was an important missing element.

The term "security barrier," if not a misnomer, certainly has attributes of softening the impact of the structure. The report was remiss in using what is the preferred Israeli description.

The report was unable to give a complete picture of the lives of Palestinians affected by the barrier. However, that was not the focus of the report and CBC News was correct in not including it because of time constraints.

U.O.

The National

U.O. complained about a "Reality Check" by Terry Milewski in October, 2008, during the federal election campaign. The item pointed out that while the Liberals had removed a candidate who appeared to question the official explanation for the 9-11 attacks in the United States, the NDP was standing by candidate Bev Collins who, the item said, had made remarks which could be construed as supporting the notion that the U.S. might have been complicit in the attacks. U.O. made a number of points: that The National linked Ms. Collins with another candidate whose views some might interpret as anti-Semitic; that the item was "lifted" from a Liberal blogger; that the item did not clarify that Ms. Collins "has not made comments or remarks that could be interpreted as anti-Semitic"; that the item did not explain that Jack Layton, the NDP leader, may have been friends with well-known "9-11 Truther" Barry Zwicker but did not endorse his views.

Mark Harrison, acting Executive Producer of The National, responded that the two items were separated by several days and that the removal of the Liberal candidate was referenced as context for the Milewski item. He also said that Mr. Milewski was unaware of the Liberal blog until after he did the item; that the item did not

state or imply that Ms. Collins's views were "anti-Semitic"; and that the item pointed out Mr. Layton's long-term friendship with Mr. Zwicker and gave Mr. Layton an opportunity, which he took, to distance himself from Mr. Zwicker's views.

Review (April 30, 2009)

It seemed that Mr. Milewski accurately reported Ms. Collins's previous statements, sought and received appropriate comment from Mr. Layton and provided context for the viewer to judge the issues involved. The item conformed to the principles of CBC's Journalistic Standards and Practices.

Allison Patrick, Professor, Collaborative Nursing Program, George Brown College, Toronto
White Coat, Black Art

Allison Patrick, who was interviewed for CBC Radio's White Coat, Black Art, complained about an introductory blog posted by the host of the program, Dr. Brian Goldman. She said that despite the range of topics covered in the interview, the blog entry narrowed the focus this way: "So we thought it only fair that this week we talk about nurses... Our panel of veteran nurses complaining about the work ethic of their younger colleagues." Ms. Patrick felt that "this was not the topic of our interview and misleads the listeners with the suggestion that our discussion focused on complaining about the work ethic of younger colleagues."

The producer of the program replied that "the panel did indeed complain about younger nurses, so I think that statement is fair enough. Of course you are right in saying that your interview with Brian (some 40 minutes long, as recorded) was not limited to that topic. But it was certainly an important topic in the interview, so important that the edited interview – the one that listeners heard – focused on it..."

Review (Jan. 23, 2009)

The podcast introduction, while "grabby" and dramatic, appeared to be unfair in its use of such phrases as "blood on the floor" and "spill the beans." The views of the other participant, another experienced Registered Nurse, might have led to that shorthand, but I thought a fair hearing of Ms. Patrick's views, which seemed to be nuanced and less judgmental, would lead to another conclusion. While the item itself conformed with CBC's Journalistic Standards and Practices, the podcast introduction was misleading in its characterization of Ms. Patrick's views and, therefore, not "fair."

B.P.

Metro Morning, CBC Radio, Toronto

B.P. complained about a reference that host Andy Barrie made on September 18, 2008, to a “trenchant” essay that a listener had sent to him. Mr. Barrie read part of it on the air and directed interested listeners to a link posted on Metro Morning’s website. The essay was written by Tim Wise, who is well known in the United States for anti-racism activities. Mr. Barrie cited a paragraph from Mr. Wise’s book, “White Like Me.” B.P. complained that the excerpt detailed “how only white people are racists,” that “it is entirely inappropriate to single out white people as this can lead to hatred towards this identifiable group...I do not want my children growing up thinking the colour of their skin, white, makes them inferior to others.”

Executive Producer Joan Melanson replied that “white privilege” is a sociological concept, albeit a controversial one. She pointed out that the CBC was mandated to carry a range of views on controversial subjects.

Review (April 29, 2009)

A reading of the essay did not support the notion that it was racist against white people. In fact, the point of the article, written by a white person, was that being white has its privileges; that people may view similar actions differently when carried out by people of different races. While it is not an opinion with which everyone will agree, it is not one that meets any definition of which I am aware of racist language. Nor did the essay suggest that white people are inferior to others. It is important that programs search out the widest possible range of views on subjects of controversy. Mr. Barrie, as an experienced and thoughtful journalist, has the right to point his listeners toward items of interest. But the program’s producers should ensure that other opinions are found on CBC’s websites and programs.

P.P.

Metro Morning, CBC Radio, Toronto

P.P. complained about an interview on Metro Morning with Deb Mathews, Ontario’s Minister of Children and Youth Services. During the interview Ms. Mathews said, in response to a question from host Andy Barrie, that she had been inviting “a broad range of people” to consultations aimed at developing a

workable and effective anti-poverty strategy. When pressed on exactly who had been invited, she mentioned, among others, OCAP. P.P. stated that, in fact, OCAP had not been invited.

Executive Producer Joan Melanson responded by saying that “while CBC has a clear obligation to be accurate in the information conveyed in the stories it broadcasts...that obligation does not extend to the determination of the truth or falsity of everything an interview subject might say.”

Review (April 16, 2009)

It is not reasonable to expect CBC journalists to prove every assertion made by interview subjects. The obligation is to report those assertions accurately and, during longer-format programs like Metro Morning, provide adequate context in the interview. In this case, Mr. Barrie, a skilled and experienced interviewer, did not let Ms. Mathews’ statements go without challenge. Ontario Courts have found in recent years that it is, indeed, unreasonable to expect journalistic organizations to prove the truth or falsity of every allegation made by an interview subject. As Ms. Melanson pointed out, were it the case, reporting on most controversial issues would cease. Mr. Barrie’s interview was appropriate to the circumstances and well within CBC’s Journalistic Standards and Practices.

S.P.

TV News, Charlottetown

S.P. complained about a possible conflict of interest on the part of legislative reporter John Jeffery. He noted that three years ago Mr. Jeffery had participated in a rather complicated program that matched Prince Edward Island businesses with immigrants who wanted to move to the Island and invest. Mr. Jeffery and his family owned a farm that they wished to turn into a so-called Agri-Tourism site. S.P. variously referred to the grants as “interest-free loan,” “gifts” and “bribes.” He questioned the propriety of Mr. Jeffery’s reporting further on legislative matters.

Henk van Leeuwen, Managing Editor of CBC News in PEI, responded, saying that Mr. Jeffery’s potential conflict had been revealed to program management in a timely fashion; that S.P. had mischaracterized the nature of the program and the funding; that the government program had not been the subject of stories until Mr. Jeffery brought information to the public’s attention, and that the negative reporting on the program would certainly not benefit Mr. Jeffery’s outside business.

Review (Dec. 9, 2008)

Mr. Jeffery was free to apply for government funds in the program since there was no apparent connection to the CBC at the time he did so. He was the person, as S.P. admitted, who broke the story concerning political complications within the program; hardly the work of someone protecting his own interests. Mr. Jeffery disclosed his private business arrangements to his superiors when it appeared there may be the perception of conflict. They made the judgment, having sought advice from network supervisors, that Mr. Jeffery could continue his reporting activities under close and continuing supervision. There was no violation of CBC policy.

C.R.

The National

C.R. complained about a feature story on The National on April 16, 2008, prepared by Mark Kelley, on the East Coast seal hunt. C.R. felt that the item was biased against seal hunt protesters.

Richard Stursberg, Executive Vice-President of English Services, responded, disagreeing with C.R.'s assessment, saying "there was nothing here intended to 'belittle' the anti-sealing movement or anyone else for that matter... Mr. Kelley presented three perspectives on the hunt, I believe in a fair and even handed fashion.

Review (Apr. 22, 2009)

My task was not to decide the future of the seal hunt but to test the item against the guidelines contained in CBC's Journalistic Standards and Practices. Quite often in my work I note that viewers and listeners often ask too much of relatively brief items – demanding hundreds of years of background in short items which are, at base, mere updates of the latest information. In this case, however, the item was, in broadcast terms, substantial: approximately 18 minutes long. One could have hoped for some solid, factual reporting rather than an impressionistic tour of some of the pro-and anti-sealing highlights. Mr. Kelley is an intelligent journalist with an engaging manner, but with this item we rarely saw substance. C.R. raised some very interesting specifics in his complaint, all of which would bear scrutiny in a documentary of substance on the hunt. The report failed to provide sufficient context for a viewer to form any coherent opinion about the seal hunt. While I did not find that it was organized to create a false impression of the anti-hunt activists, it did little service to viewers trying to come to grips with the substance beneath the shouting.

D.R.

The National

D.R. complained about a report by Keith Boag, CBC's Senior Parliamentary Reporter. During a report about a proposed government measure and its status as a matter of "confidence," Mr. Boag stated that the government would not be defeated on this particular measure. He continued: "Still, the government does seem to be coming up with some novel ideas about how to engineer its own defeat." D.R. felt that this was merely an opinion that should have been labeled as such, or not included in the report.

Jonathan Whitten, Executive Producer of The National, responded that CBC journalists are free to make judgments based on fact.

Review (Jan. 9, 2009)

CBC policy states that "In providing comprehensive coverage, reporters may want to offer some context to news events. To do this, they may present an explanation of the background to the event based on careful research. They must not, however, express or reflect their personal opinion or bias. In other words, they must keep their personal views separate from their reporting." Mr. Boag's conclusion that the government was hoping to engineer its own demise appeared to me to be clearly a contextual judgment based on the facts as he knew them. He didn't say that the moves the government was making were good or bad, merely that they existed. The report was appropriate, contextual journalism and did not violate CBC's Journalistic Standards and Practices.

R.W.

The National

R.W. complained about Rex Murphy's Point of View on the January 3, 2008, edition of The National. Mr. Murphy's commentary was about a complaint made to the BC, Ontario and Canadian Human Rights Commissions about an article in Macleans magazine which the complainants felt was "flagrantly Islamophobic." R.W. said that Mr. Murphy said that complainants were trying to "shake down" publications and that his commentary was "defamatory" in regard to people like himself who work with Human Rights Commissions.

Jonathan Whitten, Executive Producer of The National, disagreed with R.W.'s assessment, saying: "In this broadcast, Mr. Murphy expressed the view that human rights is a 'large and noble idea' associated with death, torture and debasement, not getting 'ticked off' by something printed in a newspaper and taking it to a human rights tribunal... Viewers were free to draw their own conclusions about what he had to say and arrive at their own opinions about the value of his views, as you have."

Review (May 27, 2008)

Mr. Murphy's commentary was 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. The CBC did not endorse Mr. Murphy's view, indeed it carried dozens of contrary opinions. The item and The National's handling of the response appeared to be well within CBC's Journalistic Standards and Practices, which states that "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 opinion 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..."

R.W. & Anonymous
Quirks & Quarks

R.W. and a person who wished to remain anonymous complained, separately, about an interview on Quirks & Quarks on March 8, 2008, with Dr. Edward Shorter, the Hannah Chair in the History of Medicine at the University of Toronto. The substance of the interview was the book "Shock Therapy" that Dr. Shorter had co-authored. It briefly covered the history of Electro-Convulsive Therapy (ECT), its portrayal in popular media, particularly the movie "One Flew Over the Cuckoo's Nest" and its more recent resurgence as an effective therapy for certain severe psychiatric disorders. They felt that the program did not provide an accurate or fair perspective on ECT.

Jim Handman, Senior Producer of Quirks & Quarks, replied that the interview was "a standard Quirks & Quarks interview with a scientist who has written a book. It is not our practice to invite an author onto our program in order to attack them or question their book's basic premise. We do try, wherever possible, to ask some

challenging questions, but we are in no position to criticize his research...” He also pointed out that the program solicited other views and experiences of ECT.

Review (March 30, 2009)

The interview conducted by Bob McDonald was a clear and understandable discussion of a complex topic. There was no doubt that Dr. Shorter was of the view that, properly administered, ECT was an effective therapy for some severe psychiatric disorders. The interview met the parameters of CBC’s Journalistic Standards and Practices and, by giving the opportunity to those who disagreed with the main thrust of the interview, Quirks & Quarks fulfilled the obligation to acknowledge other points of view.

Complaints about Neil Macdonald’s report about Vice-Presidential candidate Sarah Palin (The National, September 2, 2008)

About fifty people complained about a report by Washington correspondent Neil Macdonald from the Republican National Convention on September 2, 2008. It centered on rumours circulating on the floor of the convention concerning the announced nominee for Vice-President, Governor Sarah Palin. The complainants felt that the report was not an accurate reflection of what was happening that day at the convention, that it contained unproven and, in at least one case, false information about Ms. Palin. Many writers claimed that Mr. Macdonald had a clear, anti-Republican or anti-conservative agenda.

Mark Harrison, acting Executive Producer of The National, responded that the item accurately reflected what was circulating on the floor, with the exception of the suggestion that Ms. Palin had been a member of the Alaska Independence Party. Mr. Harrison acknowledged that this latter point was inaccurate and that it was corrected on the next night’s broadcast of The National.

Review (Sept. 26, 2008)

The item, as broadcast, failed to meet the tests of both accuracy and fairness in its treatment of the subject. The National should insure that its editorial processes, especially during critical times, are operating at the highest standard. This was not Mr. Macdonald’s finest work and the one item does not meet the test of accuracy and fairness, but I found no basis for the more general assaults on his integrity.

The complete review may be found in Appendix I.

Complaints about Heather Mallick’s column of September 5, 2008

This office received about 350 complaints concerning a column by Heather Mallick entitled “A Mighty Wind Blows Through the Republican Convention” (CBCNews.ca, September 5, 2008). The column concerned the nomination of Governor Sarah Palin as Vice-Presidential candidate of the Republican Party. Ms. Mallick wondered why Ms. Palin was selected.

A consistent theme of the complainants was that Ms. Mallick, as what they called “a CBC journalist,” should not be allowed to publish comments that were called, among other things, “hateful,” “shameful,” “slanderous,” “a smear.” Many objected to Ms. Mallick’s comments about the Palin family, as well as her references to the physical appearances of Ms. Palin and one of her daughters. A number of complainants said that Ms. Mallick should be taken before a Human Rights Commission. Many writers also saw the column as part of general trend of “left-wing” commentary and argued that columns taking a “right wing” point of view would never be allowed.

CBCNews.ca responded by saying that: “...as the section heading – *Analysis & Viewpoint* – suggests, our pages...contain clearly identified viewpoint and opinion. We invite some of the best and, yes, controversial writers in the country, Ms. Mallick among them, to offer their views on the events of the day... It is CBC’s mandate, part of its obligation under the federal Broadcasting Act, to offer a range of views on matters of public interest and concern. And I believe we are doing that...”

Review (Sept. 25, 2008)

Portions of Ms. Mallick’s column did not meet the standards set out in policy for a point-of-view piece since some of her “facts” were unsupportable. CBCNews.ca should address its editing standards to ensure that vigorous opinion thrives while ensuring that journalistic and quality standards are met. Opinion and analysis should be clearly labeled and not lumped together. If an item is meant to be satiric, it should be labeled as such. CBCNews.ca should have appropriate resources to ensure that a wide range of opinion and analysis is available.

The complete review may be found in Appendix II.

Complaints about the alleged sharing of questions with the Opposition

This office received 66 complaints about a reporter supposedly feeding questions to a member or members of the Liberal Party during a committee hearing featuring testimony by former Prime Minister Brian Mulroney.

John Cruickshank, at the time Publisher of CBC News, replied to the complainants saying: “Following an investigation by senior management of CBC News, we have determined that our reporter Krista Erickson did, in fact, provide questions to a Member of Parliament in the lead up to the Ethics Committee meeting in December. Those actions, while in pursuit of a journalistically legitimate story, were inappropriate and inconsistent with CBC News policies and procedures... Our investigation determined there was no bias in related news coverage. However, our reporter, acting on her own, used inappropriate tactics as a result of journalistic zeal, rather than partisan interest.”

Review (Dec. 3, 2008)

Trading information in developing stories is not, per se, a violation of policy. However, when trading can be viewed as direct prompting to action by someone else, CBC’s policy on Credibility comes into play since such an action could cause “a reasonable apprehension of bias.” It was clear, however, that there was no bias at play, no matter how perceived by partisan interests.

CBC News lacks sufficiently clear guidelines on conduct within legislative press galleries.

Before promotion, CBC journalists should be able to demonstrate a grasp of the ethical requirements of the position for which they are being considered.

The complete review may be found in Appendix III.

APPENDICES

Appendix I

Review of complaints about Neil Macdonald's report about Vice-Presidential candidate Sarah Palin (The National, September 2, 2008)

About fifty people wrote to complain about a report by Washington correspondent Neil Macdonald from the Republican National Convention, on The National on September 2, 2008. It centered on rumours circulating on the floor of the convention concerning the announced nominee for Vice-President, Governor Sarah Palin.

The complainants felt that the report was not an accurate reflection of what was happening that day at the convention, that it contained unproven and, in at least one case, false information about Ms. Palin. Many writers claimed that Mr. Macdonald had a clear, anti-Republican or anti-conservative agenda.

The acting Executive Producer of The National, Mark Harrison, responded that the item accurately reflected what was circulating on the floor, with the exception of the suggestion that Ms. Palin had been a member of the Alaska Independence Party. Mr. Harrison acknowledged that this latter point was inaccurate and that it was corrected on the next night's broadcast of The National.

REVIEW:

The Ombudsman's role is not to pass judgment on news judgment—the selection or slotting of items in a newscast, unless there is a pattern which suggests bias. My role is to review the items broadcast against the policies contained in CBC's Journalistic Standards and Practices. So whether or not I would necessarily agree with carrying a particular item is not the standard. Whether the item, as broadcast, met the policy is the operative principle.

It might be useful to review some of the basic policies which we expect CBC's journalists to follow:

JOURNALISTIC PRINCIPLES

Information programs must reflect established journalistic principles:

Accuracy

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.

Integrity

The information is truthful, not distorted to justify a conclusion. Broadcasters do not take advantage of their power to present a personal bias.

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.

Application of these principles will achieve the optimum objectivity and balance that must characterize the CBC's information programs.

CREDIBILITY

In an open society, credibility is an essential attribute of a journalistic organization. The credibility of the organization and that of its journalists are interdependent, flowing one from the other. Credibility is dependent not only on qualities such as accuracy and fairness in reporting and presentation, but also upon avoidance by both the organization and its journalists of associations or contacts which could reasonably give rise to perceptions of partiality. Any situation which could cause reasonable apprehension that a journalist or the organization is biased or under the influence of any pressure group, whether ideological, political, financial, social or cultural, must be avoided. In the engagement and assignment of persons working in information programs, the organization must be sensitive to their published views, their personal involvements and their associations and backgrounds in order to avoid any perception of bias or of susceptibility to undue influence in the execution of their professional responsibilities. In order to maintain their own credibility and that of the CBC, on-air personnel, as well as those who edit, produce or manage CBC programs, must avoid publicly identifying themselves in any way with partisan statements or actions on controversial matters.

These are the principles that provide the basis for my review.

The item was a roundup of some of the questions surrounding Ms. Palin's personal life that had surfaced over the previous weekend, driven largely, but not exclusively, by bloggers, with some additional material from such outlets as the Anchorage Daily News. These questions related to the circumstances of Ms. Palin's giving birth to her youngest child and the possibility that Ms. Palin's daughter had actually been the baby's mother. There also was, as noted, a reference to her alleged membership in a party arguing for Alaska's independence. This latter was phrased in such a way as to presume its accuracy. The item also contained reference to the extent of "vetting" carried out by John McCain's organization.

Some writers said that rumours should not be treated at all—that broadcasting them was tantamount to a “smear.” It should be noted that rumours that circulate on the floor of major conventions often have an impact on the work of the convention. This one was no different. The notion that the child was not Ms. Palin’s—previously unreported by the CBC, prompted the party to announce that Ms. Palin’s daughter was then 5 months pregnant. In effect, this would prove that the rumour was untrue. Clearly, both the rumour and the reaction were appropriate for journalistic treatment. Of course, the way in which the matters are treated would summon up policy implications.

From the research I have been able to do, it seems clear that these stories had been “around” for some time. However, two blog sites crystallized them on the eve of the convention’s major activities. One, a video blogger, showed pictures that were presumed to show Ms. Palin looking remarkably thin for a pregnant woman. However, by Monday, this blogger admitted that the pictures shown were from a much earlier time period. In a second video blog, he admitted that the story was probably not accurate and that he would cease pursuing it.

The other blog, carried on the popular liberal site Daily Kos, covered much the same ground. By Sunday evening, though, the blogger had decided that the information was not substantive. In a note on Sunday evening, 48 hours before The National item, this blogger wrote: “Flogging this rumor in light of what seems to be pretty solid counter-evidence is just squandering whatever credibility we have. In the words of Janor Hypercleats, ‘They’s laughin’ at you, boy.’ There is so much more that we could be highlighting regarding Palin; we don’t want that to be tarred with ‘from the same people who smeared Palin’s teenage daughter.’”

It is a reality of journalism today that attention must be paid to what is being said on blogs, but the other reality is that the basic principles of professional journalism must be applied to the information found on those sites.

The item that appeared on Tuesday evening’s The National appears to have had an interesting gestation. Despite the bloggers standing down, stories were still circulating on the floor of the convention. It should be kept in mind that Ms. Palin was not the obvious choice of many of the delegates and many of them expressed their puzzlement and frustration to reporters, including Mr. Macdonald. That being said, he proposed a more general item to the editors on the “desk” in Toronto. The convention was in a rather unusual situation: its early proceedings disrupted by the attention given to the major hurricane that appeared to be threatening New Orleans. Then, the surprise choice of Ms. Palin absorbed considerable attention and attracted controversy, not least among Republicans.

Although other components of CBC News had, by Tuesday, moved on to other questions, those in charge of The National felt that the persistent rumours were still worthy of attention since delegates on the floor were still worried about them. Although I might disagree with that notion, the editors were perfectly free to make those judgments. The question for me is whether the ensuing item met the tests of policy.

I have already noted The National's admission that at least part of the story was inaccurate. I should also note that the "correction" the next day used the passive voice in saying: "A lot has been reported about Palin in the last few days, including that she was a member of the Alaska Independence Party. That was based on information from the party itself, erroneous information, as it turns out. Palin's husband was a member, but she was not."

In my many years of watching The National, I have found that when the broadcast makes an error, it is usually corrected quickly and clearly. I was surprised by the formulation "a lot has been reported." A more direct formulation would have been: "Last night, The National reported...." The fact that others reported inaccurate information is pertinent information, but does not excuse CBC journalists from responsibility.

As to the rest of the item, Mr. Macdonald correctly noted that these were questions that were being asked on the floor of the convention. He also attributed other information to appropriate sources (The Anchorage Daily News). So it can be argued that, save the Independence Party reference, the story was "accurate." However, even "accurate" information must be reported fairly. That implies that such information be placed in appropriate context and countervailing information be given appropriate weight.

In this case, little context was given. The rumours were, more or less, strung together without solid reference either to the reliability of the sources or the currency of the material by Tuesday evening. Mr. Macdonald's reporting earlier in the day reflected a wider view of the day's events and a more nuanced handling of the rumours. However, it appears that the editors of The National that evening wanted an item narrowly concentrating on the rumours. I note that the next morning The Washington Post and the New York Times, in their coverage of the events of Tuesday, concentrated on legitimate questions raised by the surprise nomination. In the Post's case, they relegated the earlier baby rumours to the last two paragraphs of a lengthy story. The Post did return to them later in the week in the context of a lengthy analysis item.

Some writers have suggested that Mr. Macdonald was on some kind of personal vendetta against Republicans or conservatives. Any journalist who reports regularly and aggressively on sensitive matters is prone to these types of accusations. Of course, as a human being, he or she is also liable to make mistakes from time to time. I note that many (but not all) of the complaints appear to have been prompted by a columnist in the National Post. The Post, like all journalistic outlets, has made corrections from time to time for errors it commits. It is noteworthy that those complaining about Mr. Macdonald on a more general basis did not bring forward specific items to prove their points, but a more generalized condemnation ("he never reports rumours about the Democrats..." and similar comments).

However, my perusal of Mr. Macdonald's work during the long U.S. electoral process shows that all significant items that arose during the primary campaigns were reported appropriately. It should be borne in mind that Ms. Palin was a virtual unknown quantity

on the national scene until that weekend. Other candidates have had their lives examined fully over long periods of time. For example, controversies surrounding Mr. Obama's relations with the Rev. Jeremiah Wright were fully reported, as were stories about his possible involvement with lobbyists.

The surprise announcement of Ms. Palin's nomination as Vice-Presidential candidate telescoped the usual reporting into a few days. Legitimate journalistic questions arise as to the process followed by Mr. McCain in vetting Ms. Palin. In fact, those questions persist.

I should also note that Mr. Macdonald did two other versions of this story that had a wider ambit than the item that ran on The National. Those stories appear to be proper journalistic treatment of the maelstrom surrounding the Palin announcements.

It is not the first time that some have suggested that Mr. Macdonald has some hidden agenda in his reporting—other than the aggressive pursuit of underlying truths. During his time in the Middle East, there were aggressive campaigns denigrating his work because he did not accept the party "line" of any of the parties to the conflicts in the Middle East. My predecessor, David Bazay, conducted a number of reviews of Mr. Macdonald's work during his time in the Middle East. He found, time and again, that Mr. Macdonald aggressively questioned all sides involved and did not show bias in his reporting.

CONCLUSION:

The item, as broadcast, failed to meet the tests of both accuracy and fairness in its treatment of the subject. The National should insure that its editorial processes, especially during critical times, are operating at the highest standard. For the reasons cited, this was not Mr. Macdonald's finest work and the one item does not meet the test of accuracy and fairness, but I find no basis for the more general assaults on his integrity.

Vince Carlin
CBC Ombudsman
September 26, 2008

Appendix II

Review of complaints about Heather Mallick's column of September 5, 2008

This office received about three hundred complaints concerning a column by Heather Mallick entitled "A Mighty Wind Blows Through the Republican Convention" (CBCNews.ca, September 5, 2008). The column concerned the nomination of Governor Sarah Palin as Vice-Presidential candidate of the Republican Party. Ms. Mallick wondered why Ms. Palin was selected. She wrote:

"It's possible that Republican men, sexual inadequates that they are, really believe that women will vote for a woman just because she's a woman. They're unfamiliar with our true natures. Do they think vaginas call out to each other in the jungle night? I mean, I know men have their secret meetings at which they pledge to do manly things, like being irresponsible with their semen and postponing household repairs with glue and used matches. Guys will be guys, obviously."

Also:

"Palin has a toned-down version of the porn actress look favoured by this decade's woman, the overtreated hair, puffy lips and permanently alarmed expression. Bristol has what is known in Britain as the look of the teen mum, the "pramface." Husband Todd looks like a roughneck; Track, heading off to Iraq, appears terrified. They claim to be family obsessed while being studiously terrible at parenting. What normal father would want Levi "I'm a fuckin' redneck" Johnson prodding his daughter?"

Further:

"I know that I have an attachment to children that verges on the irrational, but why don't the Palins? I'm not the one preaching homespun values but I'd destroy that ratboy before I'd let him get within scenting range of my daughter again, and so would you. Palin's e-mails about the brother-in-law she tried to get fired as a state trooper are fizzing with rage and revenge. Turn your guns on Levi, ma'am."

Many of the complaints were thoughtful attempts to refute Ms. Mallick's points, often saying that they defended her right to have an opinion, but most took exception to her opinions being published on CBCNews.ca, funded by taxpayers.

A healthy percentage of the complaints appear to have been further prompted by several other commentators: initially, Jonathan Kay's columns in the National Post. He urged

readers to write to complain. Then the subject was picked up by the U.S. outlet, Fox News. On at least three different programs, commentators denounced the column in vociferous terms; one commentator, Greta Van Susteren, referred to Ms. Mallick as a “pig,” a comment picked up by several correspondents in their notes to me. Subsequent to the Fox programs, this office and Ms. Mallick received an alarming number of truly vicious and vituperative messages that I will not quote here.

A consistent theme was that Ms. Mallick, as what they called “a CBC journalist,” should not be allowed to publish comments that were called, among other things, “hateful,” “shameful,” “slanderous,” “a smear.” Many objected to Ms. Mallick’s comments about the Palin family, as well as her references to the physical appearances of Ms. Palin and one of her daughters. A number of complainants said that Ms. Mallick should be taken before a Human Rights Commission.

Others, from both the U.S. and Canada, referred to the CBC as “government-owned” and felt that Ms. Mallick’s views had no place on an outlet funded by the public. I even received a phone call from the Fox News web outlet inquiring whether the views expressed represented the position of Canadians and “the Government of Canada.”

Many writers also saw the column as part of a general trend of “left-wing” commentary and argued that columns taking a “right-wing” point of view would never be allowed. Many also said that references such as “white trash” and “sexually inadequate” Republican men would never be allowed if such derogation were applied to other ethnic or socio-political groups.

CBCNews.ca responded by saying that:

“...as the section heading – *Analysis & Viewpoint* – suggests our pages...contain clearly identified viewpoint and opinion. We invite some of the best and, yes, controversial writers in the country, Ms. Mallick among them, to offer their views on the events of the day. That is as it should be. It is CBC’s mandate, part of its obligation under the federal *Broadcasting Act*, to offer a range of views on matters of public interest and concern. And I believe we are doing that...She is widely recognized as an insightful, witty – and controversial – observer of the political and cultural scenes. But although we encourage commentators to express different points of view, I should be clear that the opinions they express are their own. We do not expect all our readers will share them. Certainly, they are not the opinions of CBC NEWS.CA.”

The response also noted that many people disagreed with Ms. Mallick in the Comments section of the website.

A large number of complainants asked me to review the matter.

REVIEW:

First off, I will briefly review the relevant policies found in CBC's Journalistic Standards and Practices.

Under Range of Subjects we find:

“The CBC would fail to live up to its mandate if, in the attempt to upset no one, to disturb no institution, it undertook to limit the comprehensiveness of its reporting on contemporary society...”

In a subsequent section on Range of Opinions it says:

“A journalistic organization, to achieve balance and fairness, should ensure that the widest possible range of views is expressed. Almost any opinion may contain a grain of truth that helps to illuminate the whole truth...If the media are to do their work of reflecting and revealing reality properly, there will at times be tensions between the media and different elements of society. This should not inhibit the CBC, so long as the Corporation in its information programming is carrying out this essential task of informing the public in accordance with its established journalistic standards.”

It is probably worth noting that many of CBC's Journalistic Standards and Practices were codified before the incredible rise of the Internet and the swift evolution of CBC.ca into a major journalistic presence. However, there are standards that, by implication, would apply to works of opinion on the web. I have established that those in charge of CBC.ca agree that the “Point-of-View” policies formulated for radio and television apply to the work appearing on CBC.ca. The policies state:

“The phrase ‘point-of-view’ is...used at times to describe a work of clear opinion, advocacy, or a factually-based polemic which argues a specific remedy or perspective in a controversial matter. While factually based, the work does not fairly portray the range of opinions involved in the issue or story...Programmers should apply the following tests and procedures (Note: I have omitted those that apply strictly to broadcast productions):

“Such production should be prominently identified as a work of opinion at the beginning and at the end....

“Even in a work of opinion, facts should be respected and arguments should reasonably flow from these facts. The CBC cannot abdicate its responsibility for the accuracy of the facts presented...and has the obligation to ensure that the argument presented does not rest on false evidence...”

“In most cases, the (transmission) of a clearly partisan (item) from a single perspective obligates the CBC to provide an appropriate reflection of other

pertinent points of view, so that the audience may see that different conclusions may also be drawn from the same facts. The CBC should also avoid cumulative bias over time by guarding against one perspective frequently appearing in a highly-produced form.”

As I said, these guidelines were generated to cover point-of-view documentaries, but are clearly applicable to the “production” of CBCNews.ca. In fact, the difference in medium should, in theory, make it easier for CBC.ca to meet those standards than supervisors of very expensive, highly produced documentaries.

With the foregoing as background, I will try to deal with a number of the issues.

Opinion

Quite a few complainants argued that the CBC should not be carrying opinion pieces, or at least not sharply pointed ones. The policy framework clearly indicates otherwise. Just because taxpayers pay for the CBC does not mean that nothing offensive to a significant constituency should be published or broadcast. However, public funding is one of the reasons the CBC has fairly elaborate policies—there is an obligation to acknowledge the necessity of operating differently than a private entity. As the policy implies, the CBC should not shy away from pointed opinions, but it should seek out the broadest range that can be found.

Quite a few people argued that since they were paying for the CBC, it should not be carrying views with which they disagreed. Of course, governments fund all kinds of activities, some of which any single tax payer might disagree with—subsidies to private industries, arts and culture funding for challenging work, mail subsidies for some publications.

My point is not to criticize those measures, but to point out that governments decide how taxpayers money is to be used for the general good. The CBC operates under legislation that calls on it, in effect, to provide the widest-range of journalism and opinion possible within the budgetary limitations.

Most crucially, the CBC should be seeking out the widest range of opinions and defending the right of those individuals to transmit those opinions. Ms. Mallick has a perfect right to hold and transmit her opinions, and the CBC to carry them, as long as they meet the tests of CBC’s Journalistic Standards and Practices.

“Employee”

Many complainants cited what they presumed to be Ms. Mallick’s status as a “CBC employee.” In fact, Ms. Mallick is a freelancer and not an employee of the CBC. Since she is writing as an opinionated columnist, she does not have the obligations of impartiality that a CBC journalist would have.

Neighbours

Some argued that the CBC should not be carrying opinionated journalism about the U.S. presidential race since it is not our country and neighbourliness implies a measure of neutrality. This view was expressed by a number of people from the U.S., but also by a number of people in Canada. The U.S., of course, has an enormous impact on the world at large, and this country in particular. It is not logical to conclude that being outside the U.S. implies silence since the effect of U.S. policies is felt with particular impact north of the 49th parallel.

For the Ombudsman, the main issue has to be whether the item met CBC's standards and whether the service that carried it is meeting its obligations.

Policy calls for opinions to be based on fact. Ms. Mallick's item generally stays in the opinion column but she does offer some flat statements that appear to offer "facts" without any backup. For instance, there is no factual basis for a broad scale conclusion about the sexual adequacy of Republican men. In fact, that type of comment, applied to any other group, would easily be seen as, at best, puerile. Similarly, the characterization of Palin supporters as white trash lacks a factual basis. I asked Ms. Mallick to explain the basis for these characterizations. In a note she explained her opinions of Ms. Palin, but did not provide a factual justification for the statements.

Ms. Mallick is free to draw her own conclusions about Ms. Palin's appearance, as irrelevant as that might be to her worth as a public official, but a similar sortie against one of her children is, at best, in poor taste. Had Ms. Mallick's article been labeled "satire," there might have been scope for such descriptions and conclusions—they have a certain cartoonish tinge—but even the best and most pointed editorial cartoonists have, at some point, run afoul of sensible editorial authority. There is a significant difference between censorship and appropriate editorial oversight. CBC journalists are required to exercise appropriate oversight over material that appears on CBC outlets. Ms. Mallick is entitled to her opinions, and those opinions should not be censored, but those opinions must also be expressed in a manner that meets our Journalistic Standards and Practices. Liberty is not the same as license.

Ms. Mallick has the liberty to hold whatever views she wishes. And the CBC has both the right, and the obligation, to exercise appropriate editorial supervision. Interestingly, had Ms. Mallick's column been written in the spirit of her note to me, it would still have been pointed and provocative but, with a broader context, would probably not have failed to meet editorial standards.

But there is another significant aspect to our policy. As mentioned, it calls on CBC outlets to touch on the widest range of views possible. On CBCNews.ca, there does not appear to be a wide range of "pointy" views. For instance, many of those who complained claimed that there is no one of an opposite ideological viewpoint readily apparent on the service. Unfortunately, this appears to be true. As I observed in an earlier review concerning CBC Newsworld programming, the CBC should not

necessarily avoid having people of strong views on the air, but we must ensure that people of differing views are given a fair opportunity.

It has been argued by some who have supported Ms. Mallick that the comments that have been carried in the Comments section provide balance on the subject. I disagree. The prominent space and highlighting of columnists implies a different status compared to users who comment on the various stories. Appropriate space should be given to a wider range of views.

It is a truism in legal circles that bad cases make bad law. It would be easy to surrender to an impulse to suppress opinions that cause upset, or to issue a blanket defense of freedom of opinion. However, our policies call for me to be clear and precise about policy matters.

CONCLUSION:

Portions of Ms. Mallick's column do not meet the standards set out in policy for a point-of-view piece since some of her "facts" are unsupportable. She may, of course, resubmit her column taking account of our editorial standards. The editors are free to, in fact obliged to, exercise appropriate editing standards.

It is not my job to agree or disagree with Ms. Mallick's opinions or the tone in which they are expressed. She is free to craft them as she chooses.

CBCNews.ca should address its editing standards to ensure that vigorous opinion thrives while ensuring that journalistic and quality standards are met.

Opinion and analysis should be clearly labeled and not lumped together. If an item is meant to be satiric, it should be labeled as such.

CBCNews.ca should have appropriate resources to ensure that a wide range of opinion and analysis is available.

Vince Carlin
CBC Ombudsman
September 25, 2008

Appendix III

Review of complaints about the alleged sharing of questions with the Opposition

The CBC's Office of the Ombudsman received 66 complaints about a reporter supposedly feeding questions to a member or members of the Liberal Party during a committee hearing featuring testimony by former Prime Minister Brian Mulroney.

The main complaint came from the Director of Political Operations for the Conservative Party, Doug Finley. He encouraged other Conservatives to join in the complaint and many did.

The Publisher of CBC News, John Cruickshank, replied to the complaints saying:

“Following an investigation by senior management of CBC News, we have determined that our reporter Krista Erickson did, in fact, provide questions to a Member of Parliament in the lead up to the Ethics Committee meeting in December. Those actions, while in pursuit of a journalistically legitimate story, were inappropriate and inconsistent with CBC News policies and procedures...Our investigation determined there was no bias in related news coverage. However, our reporter, acting on her own, used inappropriate tactics as a result of journalistic zeal, rather than partisan interest.”

In addition, he began disciplinary action against the journalist in question, Krista Erickson. While many of the complainants asked me to review the matter, I was constrained from doing so until the disciplinary matter was settled. Since that has now happened, I will proceed with the review.

REVIEW:

Most complaints I receive are about material that has appeared on-air. In this case, the complaints centre on the alleged actions of a CBC journalist in gathering material.

Even in a book as extensive as CBC's Journalistic Standards and Practices, it is difficult to set down rules for every possible action by a journalist. In fact, to attempt to do so would probably be an inhibition to good journalism.

That being said, there are a number of general propositions that will come into play in this review. For instance, in the policy book are these general guidelines relating to Credibility:

3. CREDIBILITY

In an open society, credibility is an essential attribute of a journalistic organization. The credibility of the organization and that of its journalists are

interdependent, flowing one from the other. Credibility is dependent not only on qualities such as accuracy and fairness in reporting and presentation, but also upon avoidance by both the organization and its journalists of associations or contacts which could reasonably give rise to perceptions of partiality. Any situation which could cause reasonable apprehension that a journalist or the organization is biased or under the influence of any pressure group, whether ideological, political, financial, social or cultural, must be avoided. In the engagement and assignment of persons working in information programs, the organization must be sensitive to their published views, their personal involvements and their associations and backgrounds in order to avoid any perception of bias or of susceptibility to undue influence in the execution of their professional responsibilities. In order to maintain their own credibility and that of the CBC, on-air personnel, as well as those who edit, produce or manage CBC programs, must avoid publicly identifying themselves in any way with partisan statements or actions on controversial matters.

Also:

4. PROTECTION OF SOURCES

4.1 ETHICAL ASPECTS

The Corporation strongly upholds the principle of freedom of information and considers the protection of a journalist's sources to be an important element of this principle. Information about which the public should know is sometimes only available through a confidential source. Off-the-record discussions with journalists, for example, are often held by public figures and others. If the confidentiality of sources were not respected as a matter of principle this would inhibit the free flow of information which is essential to the vitality of a democratic society. Information from a source who does not wish to be publicly identified may be used if the source is known to the journalist and has a *prima facie* credibility. However, to avoid the possibility of being manipulated to broadcast inaccurate or biased information, the journalist must carefully check the reliability of the source and must obtain corroborative evidence from other pertinent sources. The identity and *bona fides* of a confidential source must be made known prior to broadcast to at least one senior editorial supervisor acceptable to the senior officer in information programming. Disclosure of sources within the journalistic line of responsibility should not be confused with public disclosure of sources.

In the general run of reporting, journalists do not often establish the type of close connections with their story subjects that might summon up concern for credibility. However, in all kinds of "beat" reporting, and in Parliamentary reporting in particular, the situation is considerably different. In legislatures, especially on Parliament Hill in Ottawa, members and journalists work in close proximity in what can be described as a "symbiotic" relationship—journalists need information and analysis from legislators;

legislators need the press to transmit their messages. Of course in recent decades, the latter has come to be called “spin,” but, in fact, there is a legitimate need for the public to have accurate reporting of both fact and opinion from any legislative centre.

It is common, and usually ethically acceptable, for journalists and parliamentarians to discuss privately the issues of the day, test hypotheses, dig for further information that might illuminate a subsequent story. The task for journalists is to carry out those background discussions in a manner that does not compromise their and their employers’ ethical standards.

A bit of background: when I was sent to Ottawa by CBC Television News in 1976 to become the Bureau Chief, I discovered a culture both within and beyond the CBC that emphasized close cooperation between journalists and Members of Parliament. Reporters from all media, including the CBC, routinely fed questions to MPs to ask during Question Period. At the time, the main recipients of those questions were members of the Progressive Conservative Party and the NDP, the parties in opposition to the governing Liberals. I asked our reporters to cease that practice, since I felt that it went beyond the normal hallway conversations (“What do you hear? What might you do? What might they do?”). It seemed to me that the direct step of fashioning questions to be asked clearly breached the somewhat malleable boundary between seeking information and directly prompting action.

Some of the reporters of the time disputed my contention as naïve and out of touch with the prevailing practice. After consultation with other senior journalists, it was decided that our Bureau would, indeed, cease the practice. After interviewing all those who have occupied that position since, I have been assured that the policy remains in effect. However, neither I nor they ever inscribed that policy in print, either locally or in the national book—a significant lapse for which I can take a fair measure of responsibility since I subsequently became the Chief News Editor of CBC Television and helped craft one of the original compilations of CBC’s Journalistic Standards and Practices.

All that being said, it has become clear in my conversations with current journalists and supervisors in the Ottawa Bureau that the practice of directly writing questions for Parliamentarians is considered to be inappropriate for CBC Journalists. I also note that other journalists from respectable media do, on occasion, feed questions to Parliamentarians of all parties. For me, the question is not whether other organizations tolerate the practice, but whether, if it occurred, it was appropriate for CBC journalists.

Krista Erickson arrived in the Bureau in the fall of 2006. She had worked for the CBC, on contract and on staff in Winnipeg for about 6 years. Starting as an intern, her assignments moved through research positions into reporting until she became anchor of the Winnipeg supper hour newscast in 2004. She remained in that position until appointed to the Ottawa Bureau in late 2006.

By all accounts I have heard, Ms. Erickson proved herself to be a journalist of exceptional energy and tenacity. I do note that she had not actually spent a great deal of

time as a “street” reporter and, as far as I can tell, had never covered a legislature on an on-going basis. Neither of those factors is necessarily a barrier to being a Parliamentary reporter, but in earlier years, the Bureau was usually staffed with people who had already served as National reporters or who had established significant track records as journalists in one of CBC’s regional centers.

All of which is prelude to the events of November and December, 2007. Ms. Erickson, with her usual energy, began to develop a story that was, in effect, an off-shoot of the controversy surrounding former Prime Minister Brian Mulroney and his various relationships. Ms. Erickson developed sources who told her that Mr. Mulroney may have had conversations with a Conservative Industry Minister, Maxime Bernier, about telecommunications issues. Mr. Mulroney was on the board of Quebecor, a company with significant telecommunications interests. It was suggested that Mr. Mulroney’s meeting could be interpreted as lobbying, although he was not registered as a lobbyist. After confirming the story with other sources, almost all allied to the governing party, Ms. Erickson broadcast two stories on the matter in late November.

The story was clearly of public interest: not only in relation to the activities of the former Prime Minister, but also in relation to Prime Minister Harper’s call for Conservatives to avoid speaking with Mr. Mulroney until the matters relating to Mr. Karlheinz Schreiber were settled. It is worth noting that no one has suggested that there were inaccuracies in these stories. And it should be noted that her sources in developing the material were of different political persuasions, including Conservative.

It was a very busy time in Ottawa in the late fall of 2007. The Parliamentary atmosphere was becoming increasingly heated, even dysfunctional. All parties were preparing for a possible election. Ms. Erickson felt that there was more to the story than she had been able to report and was encouraged by senior journalists to keep developing her information. In the course of her further reporting, she received from a source a series of questions that had not yet been answered in the Mulroney-Bernier matter. Through journalistic inclination, and with encouragement from other journalists, she widened her circle of discussion to find out whether the Liberals intended to follow up her stories in some way, and whether they had significant information to add. After a discussion with one source, Ms. Erickson agreed to send a note that included her major concerns about the story. In this process, she added to her note the questions sent to her by the non-Liberal source. She had removed any identifying information before sending.

Ms. Erickson was informed that the Liberals intended to pursue this aspect of the story during a committee meeting called to investigate the Mulroney-Schreiber matter. In fact, she was told that questions would be asked by a specific committee member. Subsequently, she was given two other names as the likely questioner. In the end, the questions were posed by Liberal Member of Parliament Pablo Rodriguez. Some of the questions are quite similar to those posed by Ms. Erickson’s source which she shared with sources in the Liberal party and discussed with other sources of both Conservative and NDP sympathies.

These varied communications could be seen as the stock-in-trade of Parliamentary reporting—“what do you know, here’s what I know.” Indeed, that is what Ms. Erickson says they were: the kind of reporting done by most reporters on the Hill. However, when she told more senior journalists that some of her “trading” was in the form of direct questions, some said it was a mistake to do that and she should inform her supervisors, which she did.

Although several people with knowledge of her first conversation with CBC News management say that Ms. Erickson admitted that she may have “crossed the line,” in subsequent meetings Ms. Erickson has maintained that she did not knowingly commit an error.

Later that day (December 13) a former Member of Parliament, Jean Lapierre, now a radio host, said on the Mike Duffy Live program on CTV that Mr. Rodriguez had been fed the questions from a CBC journalist. Another participant on the program, NDP member Joe Comartin, inquired as to why Lapierre and Duffy were so interested in this, since “it” happens all the time; that, in fact, reporters from CTV had approached him with questions. The program did not pursue that aspect of the story further.

Indeed, the CBC holds itself to different standards than other journalistic organizations and should be judged by those standards, not by what everyone else does.

Parliament Hill is one of the most difficult assignments for a journalist. He or she is under constant pressure from employers to cover the fast-moving events of the day—particularly difficult in a minority Parliament—while also providing fresh insights, breaking news from the centre of national power. Even the most experienced journalists may find themselves overwhelmed by the task. It takes journalists of intelligence and confidence, as well as experience, to weather the storms.

The Hill also presents an ethical minefield, as I know first-hand, albeit in a quieter time. The journalist’s job is to find out things and tell the viewers, listeners and readers about them. To do that effectively, he or she must cultivate sources within all parties and within the bureaucracy in order to receive insight and guidance on the events of the day. The parties, on the other hand, see their job as promoting their own interests, supplying positive information on their activities, negative comment on their opponents. The journalist, by and large, receives information—using appropriate pieces to construct an accurate and understandable narrative.

Journalists and politicians work in extremely close proximity. In the “old” days, many organizations maintained offices inside Parliament in almost constant, direct contact with the people they were covering. It could be argued that this produced deeper insight and a broader range of information. However, even as late as the 60s it also produced what would be seen today as egregious conflicts of interest: journalists serving as informal advisors to Parliamentarians. In fact, in earlier decades, working members of the Press Gallery were known to write speeches for members of Parliament, including Ministers of the Crown. In my first experience with a Canadian press gallery—Quebec City in

1970—I was surprised to learn that some members of the gallery had routinely received “gifts” from the government at holiday time—gifts of cash, among other things.

Happily, those practices have largely disappeared as journalistic organizations began to recruit journalists with better training and heightened ethical perspective. As a long-time teacher of journalistic ethics (which I do not believe is oxymoronic), I have often said that ethics is not a list of do’s and don’ts; it is a habit of mind. It is impossible to write up a list of things one should not do covering all circumstances. Thought, good training and careful policy should provide a solid basis for being able to make quick, ethically sound decisions. However, when one of those elements is missing, the journalist can easily go astray.

In talking with Ms. Erickson, she carefully and vigorously defended her actions by saying that what she had done was the normal give and take of Parliamentary reporting that she saw all around her. In truth, that may indeed be the case outside the CBC bureau. She pointed out that Parliamentarians “leaked” material to her. She asked whether that, too, is unethical. My reply would be that Parliamentarians could look after their own ethical standards—the journalist’s job is to get information, test it and publish it, within ethical parameters. Our job is to share information with the public, not to assist any party or government in doing what it is perfectly capable to doing on its own.

The reaction to this episode does little credit to most of the parties involved: the Conservatives who complained loudest appeared to be trying to distract attention from the solid reporting that Ms. Erickson had done, raising questions that have still not been answered. They would, of course, have been fully aware of their own dealings with Parliamentary reporters outside the CBC, yet the tone of some (but not all) of the complaints implied that dealings like this were foreign to the exercise of democracy.

The issue was further complicated by CBC News management’s reaction to the matter, moving to disciplinary action against the journalist involved.

In my reading of policy, both written and unwritten, Ms. Erickson clearly did go “over the line” in allowing the appearance that she was providing “script” for certain sources to use. However, it appears to me that she lacked the experience and sensitivity to realize where the line was. There is absolutely no evidence of any partisan interest on her part—she is an aggressive reporter who will pursue a story no matter whose interests are at stake. But, as I found in a previous conversation with her, she is not fully versed on the CBC’s Journalistic Standards and Practices. She should not have been placed “in harm’s way” without a better understanding of CBC policy and proper background or training in the difficult business of Parliamentary reporting.

In addition, News management, going back to my time in a position of authority, should have taken steps to elaborate a clear policy and apply it to all CBC personnel who cover legislative bodies. I note that the Globe and Mail policy manual has the simple and direct statement, “No reporter or editor should plant questions with members of any federal,

provincial or municipal legislature or council for any purpose without the prior approval of a senior editor.”

To sum up: Ms. Erickson was pursuing a legitimate and newsworthy story. In her desire to expand her “source” base, she unwisely sent questions to a Liberal source who appears to have moved them through the Liberal Research Bureau. They formed the background for the questioning of Mr. Mulroney, as they might have had she broadcast those questions in a report. I should note that Pablo Rodriguez appears to have written his own questions based on material supplied to him by his colleagues. Due to the nature and specificity of the subject matter, it is not surprising that the language would be similar to the original questions shared by Ms. Erickson.

There is no explicit prohibition in CBC policy of the conduct in question, although it has been the practice of the CBC Ottawa Bureau for the last 30 years to avoid such conduct.

The sections of the policy on Credibility provide general guidance for journalists in thinking about the effects of their actions. The CBC must insure that its journalists understand the implications of the policy in their daily reporting lives. If journalists do appear not to have an understanding of ethical behaviour, they should be closely supervised, or not assigned to the most difficult postings.

CONCLUSION:

Trading information in developing stories is not, per se, a violation of policy. However, when trading can be viewed as direct prompting to action by someone else, CBC’s policy on Credibility comes into play since such an action could cause “a reasonable apprehension of bias.” It is clear, however, that there was no bias at play, no matter how perceived by partisan interests.

CBC News lacks sufficiently clear guidelines on conduct within legislative press galleries.

Before promotion, CBC journalists should be able to demonstrate a grasp of the ethical requirements of the position for which they are being considered.

Vince Carlin
CBC Ombudsman
December 3, 2008

Appendix IV

2008-2009

NUMBER OF COMMUNICATIONS RECEIVED

	INFORMATION PROGRAMMING	GENERAL PROGRAMS/ OTHER	TOTAL	REVIEWED	REVIEW UNDER WAY/CARRIED OVER
2008-09	1618	1048	2666	44	31
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

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.