

# ANNUAL REPORT 2010-2011



August 2011

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

Mr. Hubert T. Lacroix, President and CEO, CBC/Radio-Canada

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

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

I am pleased to submit the annual report of the Office of the Ombudsman, English Services, for the period April 1, 2010, to March 31, 2011.

Sincerely,



Kirk LaPointe  
Ombudsman  
English Services

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The report's cover is a Wordle of the Ombudsman's reviews, expressing in a "cloud" the prominence of each word in proportion to its frequency in the text of this year's reviews.

## **THE OMBUDSMAN'S REPORT**

### **2010-11**

In the digital era of media abundance, news organizations differentiate themselves and deepen trust by creating and enforcing high standards of journalism. Transparency and accountability support this covenant between CBC and Canadians. The Office of the Ombudsman lends voice to public concerns.

The 2010-11 fiscal year featured an increase in public complaints, several high-profile cases, and a revamped website to more broadly communicate Ombudsman reviews.

During the fiscal year the Office dealt with 4,112 complaints, communications and expressions of concern, more than double the number of the previous year.

The total included 3,363 about information programming. Two issues accounted for nearly two-thirds: 1,437 about the exclusion of Green Party Leader Elizabeth May from the leaders' debate (with thousands more in 2011-12) and 827 from a campaign concerning remarks by pollster Frank Graves.

Some 749 complaints, communications and expressions of concern were received about general programming and non-programming matters.

All but a dozen or so correspondences arrived by email.

The Office conducted 62 reviews in the year, a decline from 73 one year earlier. In those 62 instances, 23 were partly (11) or fully (12) upheld as complaints. A handful of recommendations were made.

A total of 19 other complaints before this Office were put over for review to 2011-12, a backlog that was cleared early in the fiscal year.

There appear to be no clear trends of growth or declines over a five-year period in either the number of complaints, reviews, or violations of standards and practices.

Three five-member independent advice panel reports were commissioned on the federal election television, radio and online coverage. They were submitted following the general election in the first quarter of 2011-12.

Many public complaints were controversial: a review of an investigative report requested by the communications director in the prime minister's office; an

orchestrated political campaign questioning the impartiality of one of CBC's pollsters; and concerns about the insensitivity of remarks by a program host, among several others.

The subject matter of reviews was often rancorous or nuanced: journalism about the Albertan oil sands; the subtle semantics of the Middle East; and lobbying on guns and tobacco, among them.

The tone of almost all complaints was civil and constructive, as might be expected from Canadians seeking a strong and impartial public broadcaster. But, perhaps as an expectation of instantcy in the digital age, many complainants expressed frustration when concerns took weeks or months to be addressed.

This Office has dramatically reduced the time in recent months to conduct reviews, from more than 115 days to about 30 days in the most recent calculation during the fiscal year. (The duration has further declined in 2011-12.) I encourage CBC News to continue to meet and improve upon the customary guideline of 20 business days to answer public complaints.

Media studies show that the human nature of journalism means mistakes occur, just as studies find generally defensive newsroom cultures. What sets organizations apart are sincere efforts to address public concerns on the occasions of shortcoming, and in that regard CBC News strives for best-in-class service.

Any success by an Ombudsman depends on a willing partner, and I want to highlight the consistent cooperation from CBC News as I conducted reviews, even when the pursuits or results might not meet with its agreement.

The Office enhanced its public connection this year with the relaunch of its website that included a blog, a larger array of journalism and ethics resources, and an interactive social media presence.

Shortly after I assumed the Ombudsman's role in November 2010, CBC approved a new Journalistic Standards and Practices policy, and in its first few months I have found it practical and largely up to the test. CBC views refinement as healthy, so as part of this report I am suggesting areas for change:

**1. DOCUMENTARIES:** The policy disqualifying from broadcast documentaries with any special-interest financing does not reflect industry economics or CBC practices. Foundations and advocates regularly help underwrite high-quality, award-winning independent productions that meet journalistic standards but technically breach policy.

It is laudable for directly commissioned documentaries to remain free of special-interest funds. But the external productions CBC acquires for broadcast need a more flexible policy to permit their presentation, provided the audience is informed of their origins.

**2. ONLINE COMMENTS:** Moderated by a third party for CBC News, online public comments reflect a larger trend of audience involvement in journalism. How to deal with such public participation frustrates and beguiles news organizations worldwide.

This Office received hundreds of complaints this year about the non-publication of someone's comments or the publication of someone else's. Under CBC Journalistic Standards and Practices, online comments are only subject to this Office's reviews when integrated in CBC journalism.

I would argue their publication or non-publication constitutes an editorial decision by CBC News or its delegate and has the strong potential to affect CBC's reputation. This stands to be a profound issue for CBC as a public institution that has to balance access to its platforms with reasonable limits on expression in an era of greater interactivity. Even though it is a tall order, I believe standards and practices should be reviewed to determine how to deal with complaints about online comments.

**3. CONTRACTUAL EMPLOYEES:** Journalistic Standards and Practices and this Office do not directly cover contractually employed hosts and contributors, no matter if they are regular CBC presences. Rather, the programs themselves are accountable.

Judging from correspondence, the public perceives many contributors have such extensive CBC associations that they are considered no different than employees. On the assumption there will be more such arrangements ahead, standards and practices should be reviewed to determine how they might be commonly applied.

**4. CONFLICT OF INTEREST:** Journalistic policy establishes boundaries on what constitutes a conflict that appear narrower than the general and broader approach at a corporate level. An alignment of policy is in order.

An important final note: Many of the reviews were conducted in the year by my predecessor Vince Carlin, to whom there owes another round of appreciation for his acclaimed work as Ombudsman. It is vital to note the exemplary contribution of Laura Marshall, who has served the Office as its administrator for more than 15 years with utmost professionalism. I am also grateful for the advice and confidence during the year of my Radio-Canada counterpart, Julie Miville-Dechéne, and her assistant, Laure Simonet.

Kirk LaPointe  
Ombudsman, English Services

## **RAPPORT DE L'OMBUDSMAN**

### **2010-2011**

À l'ère numérique marquée par l'abondance des médias, les entreprises de nouvelles doivent créer et appliquer des normes journalistiques élevées pour se distinguer les unes des autres. La transparence et la responsabilité soutiennent cet engagement entre CBC/Radio-Canada et les Canadiens. Le Bureau de l'ombudsman permet au public d'exprimer ses préoccupations.

L'exercice 2010-2011 a été marqué par une augmentation du nombre de plaintes du public et plusieurs cas très médiatisés, ainsi que par une modernisation de notre site Web afin de diffuser à plus grande échelle les révisions de l'ombudsman.

Pendant l'exercice 2010-2011, le Bureau a traité 4 112 plaintes, communications et expressions de préoccupations, soit plus du double de l'exercice précédent.

Ce total comprenait 3 363 plaintes concernant l'information. Deux questions représentaient à elles seules près des deux tiers des plaintes : nous avons reçu 1 437 plaintes sur l'exclusion de la chef du Parti vert, Elizabeth May, du débat des chefs (ainsi que des milliers de plaintes supplémentaires en 2011-2012) et 827 plaintes dans le cadre d'une campagne concernant les remarques du sondeur Frank Graves.

Nous avons reçu quelque 749 plaintes, communications et expressions de préoccupations au sujet de la programmation générale et des questions non liées à la programmation.

Toutes les correspondances, hormis une douzaine, nous sont parvenues par courrier électronique.

Le Bureau a effectué 62 révisions pendant l'exercice, soit 11 de moins qu'au cours de l'exercice précédent. De ces 62 révisions, 23 plaintes ont été retenues en partie (11) ou en totalité (12). Plusieurs recommandations ont été effectuées.

Un total de 19 autres plaintes présentées au Bureau ont fait l'objet d'une révision en 2011-2012, retard qui a été rattrapé au début de l'exercice.

Aucune tendance claire ne semble se dessiner au cours des cinq dernières années en termes de croissance ou de recul du nombre de plaintes, de révisions ou de violations des normes de pratique.

Trois rapports ont été commandés aux comités consultatifs de citoyens, chacun composé de cinq membres, sur la couverture des élections fédérales à la télévision, à la

radio et en ligne. Ces rapports ont été présentés après les élections générales au premier trimestre de l'exercice 2011-2012.

Un grand nombre de plaintes du public suscitaient des controverses, entre autres : la révision d'un rapport d'enquête demandé par le directeur des communications du Cabinet du premier ministre; une campagne politique orchestrée mettant en question l'impartialité de l'un des sondeurs de CBC/Radio-Canada ainsi que des préoccupations entourant le manque de sensibilité des réflexions d'un animateur d'émission.

Le sujet des révisions était souvent plein de rancœur ou nuancé : le traitement journalistique des sables bitumineux de l'Alberta; la sémantique subtile du Moyen-Orient et les pressions sur les armes et le tabac, entre autres.

Presque toutes les plaintes étaient rédigées dans un style poli et constructif, comme on pourrait s'y attendre de la part des Canadiens qui souhaitent que leur radiodiffuseur public soit fort et impartial. Cependant, peut-être parce que les gens s'attendent à ce que tout soit instantané à l'ère du numérique, un grand nombre de plaignants se sont montrés frustrés lorsqu'ils ont dû attendre plusieurs semaines ou mois avant que nous puissions répondre à leurs préoccupations.

Ces derniers mois, notre Bureau a considérablement réduit les délais des révisions, de plus de 115 jours à environ 30 jours selon les plus récents calculs effectués pendant l'exercice (et ces délais ont continué de diminuer en 2011-2012). J'encourage CBC News à continuer de respecter et d'améliorer sa ligne directrice habituelle qui consiste à répondre aux plaintes du public dans un délai d'environ 20 jours ouvrables.

Les études sur les médias montrent que de par la nature humaine du journalisme, les erreurs sont inévitables, de même que ces études constatent généralement que les rédactions ont une culture défensive. Ce qui distingue les entreprises les unes des autres sont leurs efforts sincères pour répondre aux préoccupations du public lorsqu'elles ont failli, et à cet égard CBC News s'efforce d'offrir un service de premier ordre.

Le succès de l'ombudsman dépend de la bonne volonté de ses partenaires, et je tiens à souligner la constante collaboration des membres de CBC News dans le cadre des révisions que j'ai effectuées, même lorsqu'ils n'étaient pas d'accord avec les recherches ou les résultats.

Le Bureau a resserré ses liens avec le public durant l'exercice grâce au lancement de son nouveau site Web qui comprend un blogue, un vaste éventail de ressources en matière de journalisme et d'éthique et une présence interactive dans les médias sociaux.

Peu après mon accession aux fonctions d'ombudsman en novembre 2010, CBC/Radio-Canada a approuvé ses nouvelles *Normes et pratiques journalistiques*, que j'ai trouvées

très pratiques et largement à la hauteur du défi au cours des premiers mois. Puisque CBC/Radio-Canada préconise l'amélioration continue, je me permets de proposer les changements suivants dans le cadre de ce rapport :

**1. DOCUMENTAIRES** : La politique qui interdit de diffuser des documentaires ayant bénéficié d'un financement de groupes d'intérêts particuliers ne tient pas compte de l'économie de l'industrie ni des pratiques de CBC/Radio-Canada. Les fondations et les défenseurs d'une cause offrent régulièrement un soutien financier à des productions indépendantes primées de grande qualité qui respectent les normes journalistiques, mais qui sont en infraction avec la politique.

Il est louable que les documentaires commandés directement par la Société ne fassent pas l'objet d'un financement par des groupes d'intérêts particuliers. En revanche, les productions externes acquises par CBC/Radio-Canada devraient être régies par une politique plus souple afin que nous puissions les diffuser, à condition que le public soit informé de leur provenance.

**2. COMMENTAIRES EN LIGNE** : Les commentaires du public, modérés par une tierce partie pour CBC News, s'inscrivent dans le cadre d'une tendance plus générale de participation du public au travail journalistique. Comment composer avec une telle participation du public constitue une source de frustrations et de promesses pour les entreprises de nouvelles du monde entier.

Notre Bureau a reçu cette année des centaines de plaintes de personnes qui regrettaient que leurs commentaires n'ont pas été publiés ou déploraient la publication de commentaires d'autres personnes. En vertu des *Normes et pratiques journalistiques* de CBC/Radio-Canada, les commentaires en ligne sont assujettis aux révisions de l'ombudsman seulement lorsqu'ils sont intégrés aux activités de journalisme de CBC/Radio-Canada.

J'estime que la décision de publier ou non ces commentaires appartient à la rédaction de CBC News ou à son délégué et comporte un risque élevé de porter atteinte à la réputation de CBC/Radio-Canada. Cette question constitue un problème majeur pour une institution publique comme CBC/Radio-Canada qui doit concilier l'accès à ses plateformes en imposant des limites raisonnables à l'expression dans une ère d'interactivité accrue. Malgré l'ampleur de la tâche, je pense qu'il faudrait examiner les normes et les pratiques afin de déterminer comment traiter les plaintes et les commentaires en ligne.

**3. EMPLOYÉS CONTRACTUELS** : Les *Normes et pratiques journalistiques* et notre Bureau ne couvrent pas directement les animateurs et les collaborateurs extérieurs contractuels, qu'ils assurent ou non une présence régulière à CBC/Radio-Canada. Ce sont plutôt les émissions elles-mêmes qui sont responsables de ces personnes.

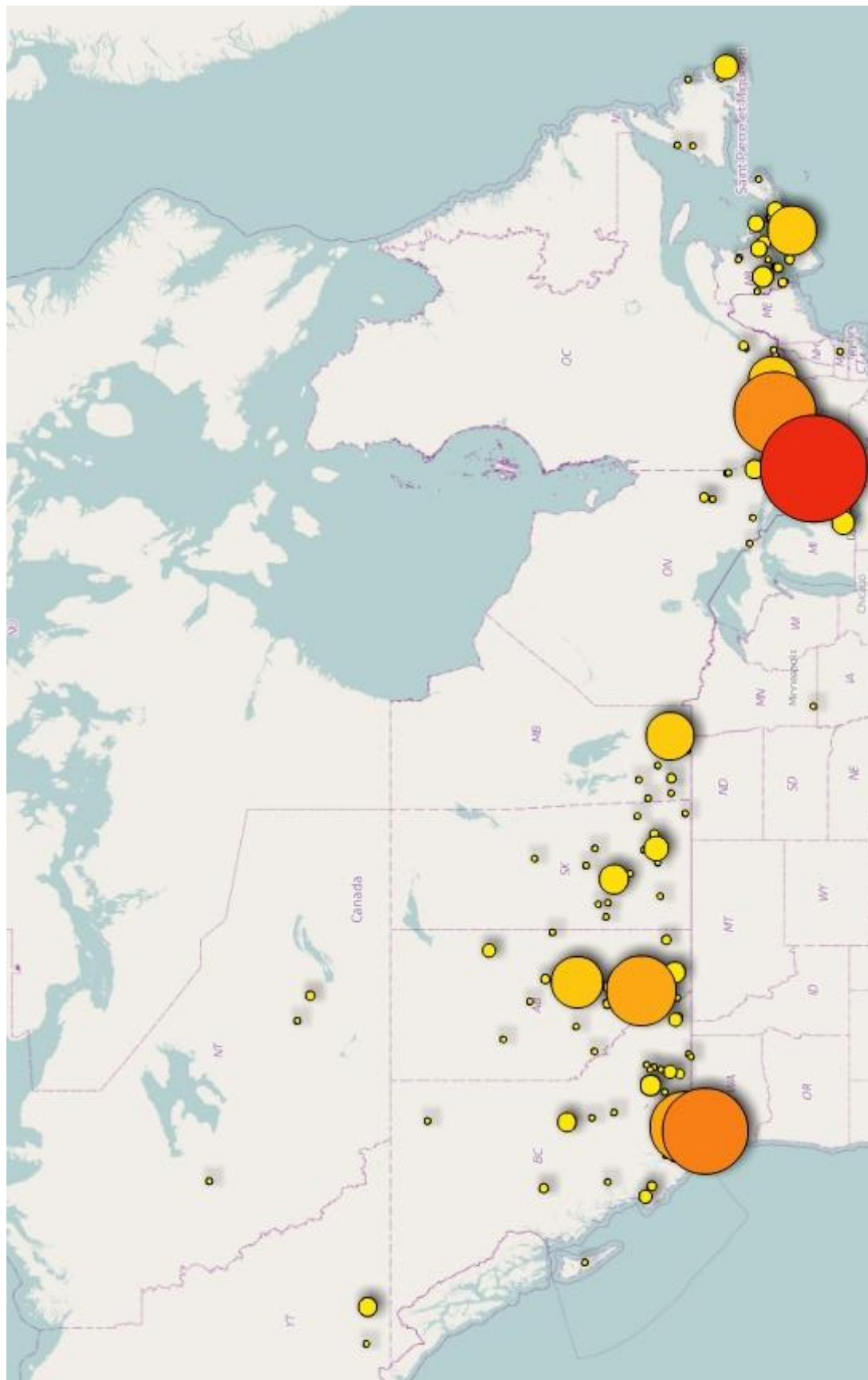
À en juger par la correspondance reçue, le public a le sentiment qu'un grand nombre de collaborateurs extérieurs sont associés si étroitement à CBC/Radio-Canada qu'ils sont considérés au même titre que les employés. En supposant que ces arrangements deviennent plus courants à l'avenir, il faudrait examiner les normes et pratiques afin de déterminer comment elles pourraient être communément appliquées.

**4. CONFLITS D'INTÉRÊTS** : La politique journalistique donne une définition plus étroite de la notion de conflit d'intérêts que l'approche générale et globale au niveau de la Société. Par conséquent, une harmonisation de la politique s'impose.

Enfin, un grand nombre des révisions effectuées pendant l'exercice ont été menées par mon prédécesseur Vince Carlin, dont nous devons souligner une fois de plus l'excellent travail dans ses fonctions d'ombudsman. Il est essentiel de souligner la contribution exemplaire de Laura Marshall, qui a administré le Bureau pendant plus de 15 ans avec le plus grand professionnalisme. Je suis également reconnaissant des conseils et de la confiance que m'ont témoignée pendant l'année mon homologue à Radio-Canada, Julie Miville-Dechêne, et son adjointe, Laure Simonet.

Kirk LaPointe  
Ombudsman, Services anglais

## SOURCE OF COMPLAINTS



## **COMPLAINTS REVIEWED BY THE OMBUDSMAN**

**May 5, 2010**

BH

CBCNews.ca

Complaint

BH complained about a story filed by reporter Irris Makler, titled "Is Netanyahu's promised moratorium coming undone?" His objections centred on Ms. Makler's presentation of the facts of the situation, especially those pertaining to Palestinian President Mahmoud Abbas and the successive Israeli governments of Benjamin Netanyahu and Ehud Olmert and remarks made by Barack Obama.

CBC Response

Mary Sheppard, executive producer of CBCNews.ca, responded. She said that the story "was simply a posing of a question ... and not a presumed statement of fact," and that presenting Mr. Abbas as "dispirited," as Ms. Makler's article did, seemed fair given the circumstances. Ms. Sheppard also disputed BH's claim that "the report in question fails to cast equal blame on both Israelis and Palestinians for the failure of the peace talks to resume."

Conclusion (Carlin)

I found it useful to confine the investigation to a limited aspect of the overall Israeli-Palestinian conflict, to wit: did the Israeli moratorium on settlement begin to unravel immediately following its announcement (as Ms. Makler reported), or did the Israeli government act in good faith in making the announcement? I concluded that CBCNews.ca should append several corrections to the story pertaining to its representation of Obama and the Netanyahu government. I also recommended that reports that are analytic in tone and assessment be labeled as such to distinguish them from strictly fact-based reporting.

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**May 11, 2010**

DM

The Current

Complaint

DM complained about general coverage of immigration issues and especially about The Current's program of Tuesday, October 20, 2009. He felt that The Current's presentation of illegal immigration was biased to make illegal immigrants appear sympathetic. He wrote that, "if ever a journalism instructor wanted to show students a case of blatant partisan reporting in the CBC or any other branch of the media, this is the one to choose."

### CBC Response

Aaron Brindle, acting executive producer of The Current, responded. He argued that the program segment in question wanted to "bring some fresh perspective to the story (by talking to) five people who offered individual knowledge, insight and diverse views on the broader issue of refugees." He also said that different views would be heard in the future on the program.

### Conclusion (Carlin)

I found that an intelligent and well-presented menu of items about the experience of potential refugees by ship was undermined by the absence of genuine debate over future policy that seemed to be called for after the effective presentation of background material. However, the presence of at least some countervailing views saved the segment from violating the CBC's Journalistic Standards and Practices, particularly in light of the producer's statement that they would be returning to the subject.

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## **May 18, 2010**

Multiple complainants

Frank Graves of EKOS Research's comments regarding Liberal Party of Canada strategy

### Complaint

This office received over 800 notes concerning Frank Graves' comments regarding a possible Liberal Party strategy. The comments were made in a column in the Globe and Mail. The complaints suggested that Graves was a partisan Liberal, giving advice to the party while carrying out his role as a pollster for the CBC. Among the complainants was John Walsh, president of the Conservative Party of Canada. Many notes attached a letter written by Doug Finley, the Campaign Director of the Conservative Party, accusing the CBC of bias against the Conservatives.

### CBC Response

Jennifer McGuire, general manager and editor in chief of CBC News, responded. She said that EKOS was one of four national polling firms used by CBC News, and to qualify for this "all of our polling firms were required to make a specific declaration that they were not affiliated with any political party." Mr. Graves, Ms. McGuire said, had confirmed this important point upon review.

### Conclusion (Carlin)

It was correct that many reasonable people might have concluded that Mr. Graves was "advising" the Liberal Party due to the language he used: "I told them..." Mr. Graves subsequently acknowledged that perception, but said in a note to me: "EKOS has never worked for the Liberal Party, or any other, and I am not an 'adviser' to the party. My remark that I had 'told' the Liberals referred to the occasional informal conversations that I have had with Liberals, as I have had with members of various parties."

CBC News and CBC Research have elaborated policies for approving, supervising and broadcasting research data from various polling companies. Not only was there no violation of policy, but the standards they are implementing throughout the News Service are potential models for any news agency.

Whatever Mr. Graves's private views, CBC journalists did not appear to have violated CBC's Journalistic Standards and Practices in dealing with him. Mr. Graves is not a CBC journalist, but someone whose company is contracted to perform research to accepted standards. There was no serious suggestion that the process had been skewed.

There was no violation of CBC's Journalistic Standards and Practices.

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**June 11, 2010**

JC

The Passionate Eye

#### Complaint

JC complained about two aspects of a documentary called "Pedigree Dogs Exposed" that the Passionate Eye broadcast. The documentary originally aired on the BBC. JC said that interviews with the secretary of the genetics sub-committee of the Irish Red and White Setter Club of Great Britain and some exhibitors were not aired. She also said that British dog breeders and owners were deceived by the documentary producers.

#### CBC Response

Maza Molar, a Communications Officer with CBC's Audience Relations service, responded, saying that "the documentary produced for the BBC does not represent every breeder in the United Kingdom; it is reflective of one point of view and its aim was to provoke debate, which it is hoped will lead to improvement in the health and welfare of pedigree dogs."

#### Conclusion (Carlin)

The documentary fit the category of "Point-of-View Documentaries" described in CBC's Journalistic Standards and Practices. Given this classification, I found the Passionate Eye's slight modifications to the documentary and decision to broadcast the documentary in the first place consistent with the CBC's Journalistic Standards and Practices. Further, since there was no mention of setters in the program I could not find that it was unfair not to carry an interview with a setter breeder.

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**June 18, 2010**

RA

CBC Radio News

Complaint

RA complained about the use of the term "denier" for people who dispute the scientific evidence for anthropogenic climate change. He wrote that "the vast majority of critics of climate change do not 'deny' that the climate is warming," and suggested "skeptic" or "contrarian" as alternatives.

CBC Response

Jane Anido, the Director of CBC Radio News Programming, replied that "A 'denier', by definition, is simply a person who denies, a controversialist, disputant or contrarian." She also pointed out that others use the term, highlighting a book by Lawrence Solomon as an example.

Conclusion (Carlin)

The phrase "denier" can sometimes fail to provide the nuance and flexibility called for in the CBC's Journalistic Standards and Practices. However, the suggested replacement term "skeptic" also fails in this respect, since skepticism has roots in science and journalism and not in the ideology of self-interest that motivates many of those who question anthropogenic climate change. I recommended that journalists use either "deniers" or "skeptics" when clearly appropriate, but avoid the easy shorthand when the circumstances call for a more nuanced description.

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**June 18, 2010**

RB

CBC News Network

Complaint

RB complained about an interview with Nancy Heppner, the environment minister of Saskatchewan, broadcast on CBC News Network. The interview dealt with the UN Climate Change Conference taking place in Copenhagen. RB objected to the visuals that ran along with the interview, which included images of oil sands mining and a polar bear on an arctic ice floe. He felt that this constituted an attempt to "bend" the news.

CBC Response

Cynthia Kinch, then-director of CBC News Network, responded. She pointed out that the images shown were also used in an earlier interview with Canada's Environment Minister, Jim Prentice. Ms. Kinch also pointed out that "the science of global warming was not at issue at the conference where for ten days the discussion had focused on the consequences."

### Conclusion (Carlin)

Experience has taught me that when television journalists set up a conflict between the ear and the eye, the eye wins. As a viewer, I would have assumed that the pictures were tied to Ms. Heppner's concerns about matters in Saskatchewan. To fulfill the CBC's Journalistic Standards and Practices requirements for accuracy, television journalists must exercise the "disciplined use of language and production techniques, including visuals."

I found that the use of the visuals, though relevant to the story's broader context, was nevertheless a violation of these requirements.

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### **August 3, 2010**

Mike Fegelman, Executive Director, HonestReporting Canada  
CBC Radio World Report and The National

### Complaint

Mike Fegelman complained about television and radio pieces by Margaret Evans dealing with events in Israel and Gaza. Mr. Fegelman said that Ms. Evans should have mentioned Israeli security concerns when she described the efforts of some Palestinians to cross into Israel to attend at the Al Aqsa mosque, and further that she should have added the sentence "Israel launched an assault on Gaza to prevent the firing of rockets by Hamas" to a television report that referenced the Israeli assault on Gaza earlier in the year. He also felt that a radio report broadcast November 18 on Israeli construction of homes in a disputed area should have pointed out that two demolished Palestinian homes in question were "illegally built."

### CBC Response

Esther Enkin, executive editor of CBC News, responded. She argued that the story on Palestinians attempting to attend mosque in Israel was focused very narrowly on the exploits of the people covered and was not a broader examination of the security issue. Ms. Enkin also felt that explaining why Israel launched an assault on Gaza was not necessary to understand the television report on that attack, and likewise that mentioning the "illegally built" designation of the Palestinian homes in that report was beyond the story's scope.

### Conclusion (Carlin)

After reviewing the relevant sections of the CBC's Journalistic Standards and Practices, I addressed each of Mr. Fegelman's specific complaints. I found that the story on attempted mosque attendance was a useful piece of feature journalism – mentioning Israel's security concerns was not necessary, since they have been covered before and since. The report that Mr. Fegelman felt failed to mention Israel's reason for assaulting Gaza was focused on the Commonwealth War Cemetery in Gaza on Remembrance Day;

mentioning the conflict's background would provide no real context for the report itself. I found that the story mentioning the destruction of the two Palestinian homes would have benefitted from some extra context, though I disagreed with the specifics of Mr. Fegelman's suggestion.

Overall, the work in question, with minor exceptions, met the tests of CBC's Journalistic Standards and Practices.

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### **August 11, 2010**

WB

Eye Opener

#### Complaint

WB complained about a segment of the Calgary radio broadcast Eye Opener involving an interview between the program host and a journalist in Copenhagen during the climate change conference there. He felt that the show unduly "enthused" about the protestors and objected particularly to the journalist's claiming "that the protestors were showing Copenhagen that 'the people of Alberta' were not represented at Copenhagen by their provincial government."

#### CBC Response

Diane Humber, the regional director of radio and TV in Calgary, responded. She pointed to the extent of Eye Opener's coverage of the Copenhagen conference and noted that the journalist did not make the statement WB attributed to her.

#### Conclusion (Carlin)

I framed my review through the CBC's policy on balance as it would apply to an interview such as the one at issue. I found that Eye Opener carried dozens of items about the conference with many different views presented, and that host Jim Brown did not sound particularly different from his standard conduct. I also noted that WB attributed to the journalist statements that were made by interview subjects.

I concluded that the item in question did not violate CBC's Journalistic Standards and Practices.

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### **August 17, 2010**

GF

News and Current Affairs in the Maritimes

### Complaint

GF complained that host Tom Murphy had "well overstepped his reporting responsibilities" in a series of stories on a report filed by Nova Scotia's Auditor General. That report dealt with a raft of expenditures by members of the provincial legislature from all parties. The Auditor General termed them "inappropriate." GF felt that Mr. Murphy's work embellished and sensationalized the story and "that his unrelenting reporting only fans the flames of discontent in the province."

### CBC Response

Janet Irwin, Senior Regional Manager for News and Current Affairs in the Maritimes, responded. She argued that the actions of the Premier were newsworthy because "taxpayers wanted to know his thoughts on the content of the AG's report, and on how the system could be changed, among other things." She also pointed out that GF did not cite the inaccuracies he said he found in the coverage.

### Conclusion (Carlin)

I found no inaccuracies in the reporting. It struck me that these were interesting stories about significant issues. Journalists would be less than diligent if they did not pursue aggressively the Premier's views on his personal conduct, the conduct of his party's members and that of the legislature as a whole.

I noted that the program uses a writing style that emphasizes what is happening to "your money" and similar tropes that have become popular in broadcast journalism. As I have noted in a previous review, this is not a development that I personally welcome, as I have found that it can easily slip into trivialization and/or hype.

While there are always further avenues of inquiry that might be pursued, the material as presented did not violate CBC's Journalistic Standards and Practices.

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## **August 18, 2010**

BG

The National

### Complaint

BG complained about comments made by Rex Murphy on The National. He objected to Mr. Murphy's commentary on what has come to be called the "Climategate" affair, writing that Mr. Murphy "is entitled to his opinion, but if he is going to appear with the news, his opinion should not contradict known facts."

### CBC Response

Mark Harrison, the Executive Producer of The National, responded. He said that Mr. Murphy's segment is opinion, not news, and pointed out that The National has run "hundreds of stories in the past two years alone" on climate change.

### Conclusion (Carlin)

Mr. Murphy, as a regular guest commentator, is by definition engaged to pass judgment on public affairs. This, combined with The National's extensive coverage of anthropogenic global warming outside of the commentary in question, meant the presentation of Mr. Murphy's opinion did not violate CBC's Journalistic Standards and Practices.

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**August 25, 2010**

SK

The National

### Complaint

SK complained about an interview Susan Ormiston conducted with General Walter Natynczyk, chief of the defence staff. The interview dealt with the revelation of serious charges against Colonel Russell Williams. SK questioned the demeanour and thrust of the interview: "Did she really believe that General Natynczyk is responsible for the sexual assaults and murders committed by one of his 90,000 employees?" He also said that "the CBC spews anything anti-Canadian, anti-conservative with a socialist and separatist spin." He demanded that Ms. Ormiston apologize and that she be fired.

### CBC Response

Mark Harrison, executive producer of The National, responded. He pointed out that the public was interested in the Williams story and wondered how he could have advanced up the chain of command without leaving any clues. Harrison acknowledged that if he was guilty, Williams alone would bear responsibility, but he pointed out that General Natynczyk is broadly responsible for the organization and that Colonel Williams was not just one of 90,000, but a very senior one of 100 air force colonels.

### Conclusion (Carlin)

CBC journalists should ask questions on the minds of people in the community on matters of public interest without, as the saying goes, fear or favour. General Natynczyk showed admirable openness and candour in his handling of questions. It appeared to me that he understood the nature of the question and the context: how could something like this happen in a highly disciplined, structured organization. In addition, I could not conceive of how Ms. Ormiston's questions amounted to bias against the current Prime Minister or support for a Liberal/NDP ideology.

The interview was well within the standards of CBC's Journalistic Standards and Practices.

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**August 27, 2010**

Anonymous

Here and Now

Complaint

XX complained about footage shot inside a courtroom, claiming it was in violation of a publication ban. He also claimed comments made by reporter Doug Greer slandered and defamed him.

CBC Response

Esther Enkin, executive editor of CBC News, responded. She said that Mr. Greer would not have shot video in the courtroom had it not been permitted. She also mentioned that XX had been convicted of the crime Mr. Greer mentioned.

Conclusion (Carlin)

Mr. Greer's crew did not break any publication bans and did not film while court was in session. Further, while Mr. Greer's delivery may have been too jocular for some, he reported the story accurately and committed no breach while doing so.

There was no violation of CBC's Journalistic Standards and Practices.

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**September 24, 2010**

LB

The Early Edition

Complaint

LB complained about a variety of stories broadcast on CBC Radio One's morning show in Vancouver, The Early Edition. He accused Radio One staff of commercial collusion with a variety of interview subjects, objected to host Rick Cluff's use of "Wally" as a greeting when interviewing former Attorney General Wally Oppal and again raised the prospect of some hidden personal gain in the way that items are selected for inclusion in a round-up of events and charities carried on the program.

CBC Response

Lorna Haerber, program manager for CBC Radio Current Affairs in Vancouver, replied. She explained the rationale behind the various guests' appearance on the program, defended the use of "Wally" by Mr. Cluff as in keeping with his usual salutary methods on-air and pointed out that the CBC offers multiple avenues for community groups to publicize their events.

### Conclusion (Carlin)

The Early Edition is not a news program – it is a current affairs program that should touch on a broad range of subjects, including news and entertainment. The appearance of the guests in question was readily explained by their involvement in stories of interest to the Lower Mainland in general. LB's accusations of improper dealings were unfounded. However, I did agree that hosts should avoid appearing overly familiar with their guests.

Overall, there was no apparent violation of CBC's Journalistic Standards and Practices. However, I urged senior programmers to re-examine the style of interviewing that appears to be leading to an over-familiarity with interview subjects.

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### **September 27, 2010**

CC

CBC coverage of Prince Charles and the Duchess of Cornwall in November 2009

### Complaint

CC complained about the coverage of a royal visit. He objected to an item broadcast on The National, which he characterized as biased, rude and disrespectful, and raised concerns with an edition of Cross Country Check-Up produced just after the royal couple had left.

### CBC Response

Esther Enkin, executive editor of CBC News, responded. She denied that the questions posed on The National were "loaded" and pointed to a Harris-Decima poll showing declining interest in the visit as justification for the basis of the Cross Country Check-Up episode.

### Conclusion (Carlin)

The essence of good journalism comes from skeptical inquiry into any matter that is pertinent to the people of this country. Further, the CBC is obliged to reflect a range of views on matters of public concern. CC was free to hold his view of the monarchy, but the suggestion that other views might not be touched on or probed is repugnant to the notion of democratic journalism.

There was no violation of CBC's Journalistic Standards and Practices.

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### **September 29, 2010**

SA

The National

### Complaint

SA complained about two reports on The National about "whether Canadian military authorities knew about possible mistreatment of prisoners transferred to Afghan authorities." He had two principal objections. First, that two experts interviewed shared the same bias, yet no dissenting expert opinion was presented. Second, he felt that in the Afghan conflict, "Canada cannot expect its allies in the region to behave like saints."

### CBC Response

Mark Harrison, executive producer of The National, responded. Mr. Harrison referred to emails sent by Canadian diplomat Richard Colvin to senior military and government officials. He also mentioned the two interviewees SA objected to, arguing that they "*appeared to agree* (emphasis added) that if Canadian officials knew prisoners would be tortured, there would be a strong case against them in international law."

### Conclusion (Carlin)

*The United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment* (CAT) requires signatories (including Canada) to refrain from using torture. Additionally, Article 3 requires that signatories do not extradite any persons to a country where there are substantial grounds to believe torture would take place. Further, in legal and journalistic circles in Canada and the United States, an intense debate continues over the legality of combat operations in Iraq and Afghanistan. SA's complaints pertained to the sections of the CBC Journalistic Standards and Practices on balance. He was correct to demand that The National make a greater effort to locate a credible expert who might have adopted a different perspective on the issue of torture. However, Canadian and international law are extremely clear that Canada's standards of legality and military justice may not be abandoned as soon as our forces depart these shores.

I found that SA's complaint was upheld upon review in the first instance but not in the second.

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### **September 30, 2010**

Mike Fegelman, Executive Director, HonestReporting Canada  
The National and CBCNews.ca

### Complaint

Mike Fegelman complained about reports published on CBCNews.ca and The National pertaining to the announcement of new construction of Jewish housing in East Jerusalem while US Vice President Joe Biden was on an official visit to Israel. Both reports were filed by journalist Neil Macdonald. Mr. Fegelman questioned some of Mr. Macdonald's information on the number of Jews living in East Jerusalem. Mr. Fegelman

asked CBC management to issue a directive instructing its journalists to stop referring to "Arab East Jerusalem" and use the phrase "Jewish East Jerusalem" instead.

#### CBC Response

Esther Enkin, executive editor of CBC News, responded. She pointed to varying population estimates of the number of Jews in East Jerusalem, even among Israeli officials. Ms. Enkin also mentioned consistent attempts by "various pro-Israel groups" to over-estimate the number of Jews there. She also noted that the CBC must assume some background knowledge on the part of its audience on stories of conflict in the Middle East.

#### Conclusion (Carlin)

After reviewing some of the contentious statistics and facts around East Jerusalem and its demographics, I found that the CBC audience was well served by both of Mr. Macdonald's reports. CBC journalistic standards were met, as were audience needs for accurate information and context on a highly controversial matter. His reporting of two different numbers for the Jewish population of East Jerusalem was unfortunate but not particularly significant, given the complexity of claims made by partisans in the debate.

Further, Mr. Fegelman's request for a management directive was unreasonable and inappropriate.

There was no need to broadcast or publish a correction since no error was made either on The National or on CBCNews.ca.

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#### **October 7, 2010**

DC

The Great Northwest

#### Complaint

DC complained about a report from journalist Jody Porter, aired on The Great Northwest radio program, dealing with ongoing mining development in an area of northwestern Ontario known as the "Ring of Fire." DC objected to what he felt was Ms. Porter's implication that the local mining industry is a "racket," to the language used to describe the office of a mining company, and to what he felt was the reporter's overall bias.

#### CBC Response

Susan Rogers, program manager at CBC Thunder Bay, responded. She stated that Ms. Porter is not a "cub reporter" but a "senior award-winning journalist" and that the report was balanced and provided a cautionary tale for investors.

### Conclusion (Carlin)

I found nothing in Ms. Porter's reporting to suggest that the scoundrels outnumber the heroes in Thunder Bay mining circles. The report was a textbook of strong contextual journalism. DC was correct in stating that the health of the mining industry is a vital concern to the region, but nothing in the report could be construed as being unfair or out of context or potentially damaging to the industry's reputation.

There was no violation of CBC's Journalistic Standards and Practices.

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### **October 15, 2010**

MP

CBC News-gathering

### Complaint

MP complained about the use of the phrase "gunman" or "gunmen" to describe people involved in violence with firearms. He suggested the words "shooter" or "gunner" as more appropriate and non-sexist language.

### CBC Response

Esther Enkin, executive editor of CBC News, responded. She argued that awkward or contrived language draws attention away from the story it conveys. Ms. Enkin clearly felt MP's suggestions fell into this category, and noted that "gunner" might be confused with the military term to describe those in the artillery.

### Conclusion (Carlin)

It did not appear to me that useful alternatives present themselves to the terms MP took issue with. To use "shooters" could be inappropriate in some cases, since the word means someone who has actually fired a weapon. As Ms. Enkin pointed out, "gunmen" also is potentially problematic.

CBC journalists continue to make great effort to use language unburdened by gender bias. However, in this instance, no effective alternative presents itself.

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### **October 18, 2010**

Aubrey LeBlanc, Chief Operating Officer, Ontario Association of Home Inspectors  
Marketplace

### Complaint

Aubrey LeBlanc complained about a segment on Marketplace dealing with home inspectors who apparently missed signs that the homes they were inspecting had been

previously used as marijuana grow-ops. Mr. LeBlanc felt that the piece unfairly placed the "burden of proof, discovery and disclosure on the shoulders of the inspectors and no one else." He also voiced concern about Mike Holmes operating under an undisclosed conflict of interest, because the program aired "at a time when he is launching his own competing inspection company."

#### CBC Response

Tassie Notar, executive producer of Marketplace, responded. She said that the item in question focused narrowly on the interests of consumers, who rely on home inspectors to protect their interests when considering purchasing a house. She noted Mr. LeBlanc's statement that inspectors are "contractually bound to the buyer only" and argued that this relationship underlies the point of the item. Ms. Notar also said that Mr. Holmes was used "solely as an unpaid expert."

#### Conclusion (Carlin)

Mr. Holmes' affiliation and interest in the matter was evident. This did not present a conflict of interest situation. As for the other concern, the program was about home inspectors. It seemed to me that Mr. LeBlanc's concern might be more with the inspectors who belong to the Ontario Association of Home Inspectors and less with Marketplace for accurately pointing out the failures of the process.

The piece was illuminating and noteworthy, and there was no violation of CBC's Journalistic Standards and Practices.

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### **October 19, 2010**

BK

As It Happens

#### Complaint

BK complained about the absence of an interview with Keith Neish. He felt that Mr. Neish, a Canadian onboard the ship Mavi Marmara when it was attacked by Israeli forces in May, should have been interviewed on "the most important CBC radio current affairs program." BK felt this was evidence of pro-Israel bias, since Israeli spokesman Mark Regev had been interviewed on the program.

#### CBC Response

Lynda Shorten, the executive producer of As It Happens, responded. She mentioned the extensive coverage of the ship boarding and implications from various viewpoints, noting that Mr. Regev was himself not an eyewitness of the events.

#### Conclusion (Carlin)

If the only opposing viewpoint in a story were suppressed, it would be a grievous violation of CBC policy. In this case, As It Happens featured close to a dozen people, some of who supported Israel's actions and some of whom did not.

As It Happens' ongoing programming of the "flotilla" story was well within policy standards, and elements of it were models of sound and aggressive journalism.

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## **October 22, 2010**

JF and EF

The Current and The National

### Complaint

JF and EF complained about two interviews with Marci McDonald, author of The Armageddon Factor: The Rise of Christian Nationalism in Canada, broadcast on The Current and The National. JF initially wrote to say he felt Ms. McDonald received far too much airtime for, in his words, "a bigoted and religiously intolerant writer and spokesman for the Liberal Party."

EF wrote as well to take issue with the coverage of Ms. McDonald, claiming her book was full of false information and also criticizing the CBC as "riddled with bias against the current government."

### CBC Response

Esther Enkin, executive editor of CBC News, responded. She pointed out that Ms. McDonald is a well-respected journalist, that her book was well documented, and that both programs also featured voices opposing Ms. McDonald's.

### Conclusion (Carlin)

Reading the book reveals that it focuses not on all Christian believers but instead a small subset. Further, both The Current and The National probed Ms. McDonald's thesis with questions and other, dissenting voices. Finally, from 40 years of direct personal experience I can say that every Prime Minister felt he or she was being unfairly treated by the media and, in particular, by the CBC.

I found no violation of CBC policies.

---

## **October 28, 2010**

BS

The National

### Complaint

Twenty-one people complained about an investigative report aired on The National on the possible involvement of the National Rifle Association (NRA) in the on-going debate in Canada over the long gun registry. Most of the complaints felt that there was no "news" in the story – that is, not enough evidence of NRA involvement in Canada.

### CBC Response

Esther Enkin, executive editor of CBC News, responded. She pointed to the "hours of thoughtful, thorough and innovative coverage" the CBC had done. She argued that the report was a reasonable summary of what the NRA had been doing in relation to Canada and the long gun registry. BS was unsatisfied with the response and asked for a review.

### Conclusion (Carlin)

The report might have been better framed as a background item on the continuing interest of organizations like the National Rifle Association in the debate instead of an investigative piece. But however mislabeled, the item was a reasonable summary of the issue.

Although we might have wished for more depth and context, the item's flaws did not move it outside the bounds of CBC policy.

Following this review BS pointed out that I had not addressed his complaint that Evan Solomon, host of Power and Politics, made "serious and damaging" accusations that members of the Conservative Party had ties to the National Rifle association. He said that no proof was offered.

I noted that the comments in question were made in a back-and-forth interview with Conservative MP Candice Hoepner. Text and video available on the web demonstrated at least some substance behind Mr. Solomon's questions, which was meant to signal what the NDP was saying about the subject. There were reasonable journalistic grounds for posing the questions. I found no breach of journalistic policy.

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**November 5, 2010**

EB

The World at Six

### Complaint

EB complained that reporter James Fitz-Morris' coverage of a House of Commons committee involving federal Transport Minister John Baird was "unbalanced." In particular, he objected to Mr. Fitz-Morris' use of the words "bombastic" and "gang" in relation to some of Mr. Baird's activities.

### CBC Response

Jane Anido, the director of radio programming, responded. She pointed out that Mr. Baird was not himself described as "bombastic" but instead the report said the minister "led the bombastic charge." Anido did concede that the word "gang" was inappropriate, and wrote that she had drawn the reporter's attention to EB's concerns.

### Conclusion (LaPointe)

I could not find evidence that the reporter did anything more than apply his understanding of the issue to make a judgment call on how to describe an event. Overall, the report provided a useful and contextualized understanding of a parliamentary issue.

I could find no further grounds for a review on the wider issues of bias or competence.

---

**November 5, 2010**

JC

The National

### Complaint

JC complained about an assertion on The National that Gaza had the highest infant mortality rate in the world. He pointed out that, according to the CIA World Factbook, Gaza in fact ranks 109th out of 224 countries or regions.

### CBC Response

The National corrected the mistake four days after it was initially broadcast.

### Conclusion (LaPointe)

The correction was in keeping with the CBC's Journalistic Standards and Practices.

Despite JC's allusions to broader issues of bias, I could not find any reason to further investigate the matter.

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**November 5, 2010**

AH

Alberta@Noon

### Complaint

AH complained about the last-minute cancellation of a scheduled appearance by former U.S. Attorney General Ramsay Clark on the Alberta@Noon Calgary radio program. He raised concerns of bias as a result of the change, which occurred to allow a discussion of a shortage of oncologists in Alberta.

### CBC Response

Helen Henderson, CBC Calgary programming director, responded. She said that the show regularly had to rearrange its lineup to focus on its "primary mandate" of more urgent news. She also apologized for any inconvenience the cancellation caused AH.

### Conclusion (LaPointe)

I found compelling reasons behind the newsroom's decision to change its program lineup. The oncology story that replaced the original story was revealed on the day in question and touched on issues affecting large portions of the population. Cancellation of a single guest appearance, while regrettable, does not constitute evidence of bias.

I could not conclude that there was any breach of CBC's Journalistic Standards and Practices.

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## **November 5, 2010**

GP

As It Happens

### Complaint

GP complained about an interview segment on As It Happens pertaining to the resignation of the veteran White House correspondent Helen Thomas following her remarks about Israel. He felt that the interview was a "hatchet job" and showed bias in favour of Israel.

### CBC Response

Lynda Shorten, executive producer of As It Happens, responded. She could not agree that the program was biased.

### Ruling (LaPointe)

Upon listening to and reviewing the transcript of the interview, I found it difficult to conclude there was anything approaching a character assassination or a hatchet job. Rather, the guest – Lanny Davis, a friend of Ms. Thomas – attempted to provide a contextual explanation of his disappointment in her statement regarding Israel and Jewish people. Moreover, Mr. Davis had more than sufficient expertise to be interviewed for the subject, given its focus on his relationship with Ms. Thomas and his first-hand insights into Ms. Thomas' personal and professional lives.

The segment dealt with Ms. Thomas' resignation, not the specifics of the Middle East. I could not find any evidence of a systemic bias in CBC's journalism or any breach of the CBC Journalistic Standards and Practices.

---

**November 5, 2010**

CS

The National

Complaint

CS complained about a two-part series broadcast on The National concerning the Canadian Security Intelligence Service and assertions by the agency's director. He felt that the reports cast aspersions on all Chinese Canadian political figures and called for a countervailing view.

CBC Response

Michael Gruzuk, acting executive producer of The National, felt that CS had reached a conclusion not supported by the content of the stories, and expected that they would carry further stories on the allegations.

Conclusion (LaPointe)

CBC's Journalistic Standards and Practices handbook stipulates that there is no "right of reply" to automatically and mathematically balance an assertion. The CSIS director and former CSIS agents interviewed in the piece possessed demonstrable expertise on the subject in question, and until anyone brings forward evidence to the contrary, I had to conclude their remarks were not unfair. While their remarks may have stirred strong emotion, they were not disproved. Carrying the controversial factual assertions of experts is not an indication of any editorial view of CBC's journalism. I also noted in CS's correspondence with Michael Gruzuk, then-acting executive producer of the program, a commitment to talk to the organization CS represents as further stories develop on the matter in question.

I concluded there was no violation of CBC's Journalistic Standards and Practices.

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**November 9, 2010**

TG

CBC.ca

Complaint

TG complained about CBC.ca's coverage of the Israeli attack on the ship Mavi Marmara. He felt that the coverage showed incompetence and bias, and compared the "Freedom Flotilla" to African-American school children in the United States trying to attend school in the segregated south. His complaint focused particularly on the headlines of the stories.

### CBC Response

Esther Enkin, executive editor of CBC News, responded. She pointed out that some of the contentious statements in the headlines were, in fact, quotes attributed to figures involved in the story. She also called attention to the extensive coverage the story received on CBC News radio, television and Internet services since TG wrote his initial complaint.

### Conclusion (Carlin)

Reviewing the stories in question revealed that CBC News did not set out to "show Israel in a bad light," as TG seemed to think it should. The stories were attempts to report what facts and statements could be gathered and supply some context to the events.

I found no violation of CBC's Journalistic Standards and Practices.

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## **November 15, 2010**

LF

World Report

### Complaint

LF complained about a story broadcast on World Report concerning events surrounding the interception of the ship Mavi Marmara. She felt it showed bias by not mentioning "the vicious attack on the Israeli commandos as they were dropped onto the Mavi Marmara," and said that most the report was spent "trying to drum up anti-Israel sentiment."

### CBC Response

Esther Enkin, executive editor of CBC News, replied. She pointed out that the piece had moved beyond the basic facts, which had been reported days before, to reaction and analysis.

### Conclusion (Carlin)

This story unfolded quickly and information was sometimes scarce and conflicting. However, upon listening to World Report over several days, I found it fairly provided the latest developments in the story, without a lot of backtracking. Within that context, the specific story in question was an appropriate advancing of the story.

There was no violation of CBC's Journalistic Standards and Practices, let alone any discernible or persistent bias.

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**November 16, 2010**

DM

The National

Complaint

DM complained about an item on The National by Margaret Evans. He said that the CBC refused "to allow Jewish-Israeli voices to be heard in the piece. Virtually all people interviewed railed against Israel..." He later complained about pieces reported by Nahlah Ayed that "did not include Jewish-Israeli voices."

CBC Response

Mark Harrison, the program's executive producer, responded. He argued that the notion of "balance" did not require either a mathematical or immediate equivalency of views in a single item.

Conclusion (Carlin)

The mere presence or absence of supporters of any view in a single item does not prove anything. Overall The National has been making reasonable efforts to fairly reflect views on the conflicts the Middle East.

There was no violation of CBC's Journalistic Standards and Practices.

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**November 16, 2010**

EM

CBC.ca

Complaint

EM complained about an un-bylined story posted on CBC.ca. The story, which DM felt overstated an "unremarkable" situation in relation to global child nutrition, dealt with a study published by British medical journal The Lancet concluding that some Palestinian children were malnourished. DM felt the researchers themselves (a team of Palestinian doctors) were not objective.

CBC Response

Rachel Nixon, director of digital media for CBC News, did not share EM's views.

Conclusion (LaPointe)

The Lancet, a respected source of peer-reviewed medical studies, accepted the declaration of the researchers that they lacked conflicts of interest, and I could not conclude otherwise. My review also concluded that CBC News met the test of accuracy, though it would have better met the test of fairness if it had included some context on how Palestinian child nutrition compares with global statistical averages. The public

would have benefitted at the outset from the inclusion of wider data to suggest how malnutrition among schoolchildren in Palestine compares with data elsewhere. Information is superabundant to modern journalists, and the media have a responsibility to employ context to help the public understand the bigger picture. I suggested a clarification in the body of the story.

However, CBC did not violate the Journalistic Standards and Practices or betray a bias in choosing to report on the study.

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### **November 16, 2010**

Jesse Rosenfeld  
CBC.ca

#### Complaint

Jesse Rosenfeld complained about a column written by Ira Basen and posted on CBC.ca. Mr. Rosenfeld, who wrote about the G20 gathering in Toronto for the microsite Comment Is Free, objected to Mr. Basen's assertion that he did not possess conventional journalistic credentials and that he was not subject to traditional ethical and legal practices in the craft.

#### CBC Response

Esther Enkin, executive editor of CBC News, said that Ira Basen's column expressed his 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." She added that "while columnists are entitled to express their opinions, their critics are free to disagree with them."

#### Conclusion (LaPointe)

The debate around what qualifies a journalist as such in an age of widening public participation in the craft is an interesting one. Positions on the issue range from the "everyone is a journalist" camp to those who believe journalism is a profession with particular credentials and responsibilities bordering on a licensed practice.

However, the Comment Is Free site is associated with The Guardian newspaper, and it adheres to the Guardian's editorial principles. Comment Is Free publishes commentary from The Guardian and Observer newspapers. All of its content is either commissioned by an editor or accepted and copy-edited by one before publication. Basen's column wrongly suggested that Comment Is Free isn't as journalistically sound as The Guardian, and also neglected Mr. Rosenfeld's work for other publications, thereby narrowing the reader's understanding of his journalism. There was also some slight ambiguity in Mr. Basen's critique of Mr. Rosenfeld's journalistic work.

To meet CBC's Journalistic Standards and Practices, I believe the record needed to be set straight and the column updated.

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**November 17, 2010**

MP

The National and CBC.ca

#### Complaint

MP complained about a report by Brian Stewart on international travel by Members of Parliament. He expressed concern about bias against trips underwritten by the Canada-Israel Committee, a not-for-profit organization based in Canada and focused on improving relations between the two countries.

#### CBC Response

Mark Harrison, executive producer of The National, replied, "As Mr. Stewart said in the first sentence of his report, the travel is 'usually business class, all expenses paid by foreign nations or lobby groups.' A few seconds later, he explained why he made that distinction: The Taiwan government pays for travel, 'Israel itself, however, does not pay,' he said. He explained, 'MP's are flown over courtesy of the registered lobby group, the Canada-Israel Committee, paid for by Canadian volunteers.'"

#### Conclusion (LaPointe)

MP's complaint highlights several issues in the relationship of Members of Parliament and other countries, including the ethics of sponsored travel. More germane to the issue at hand, it also touches on the need for a precise and rigorous use of language in journalism and the guidelines of the CBC's Journalistic Standards and Practices on this issue.

Upon reviewing the material in question, I found that Mr. Stewart made clear efforts to use appropriately precise language in his report.

His subsequent on-air discussion with Peter Mansbridge may have inadvertently suggested that the Canadian volunteers who finance the Canada-Israel Committee are not, in fact, Canadian; in my view, it was Mr. Stewart's intention in using the term "Canadian" to mean the federal government or Parliament. While it did not undermine the central point of the story, CBC journalists are encouraged to be more precise in their choice of words to support their intended effect.

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**November 18, 2010**

JC

CBC News

Complaint

JC complained about two reports he felt should have been carried by CBC News, calling their absence from CBC News "manipulation by omission." One story dealt with Hamas destroying homes in Rafah. The other dealt with vandalism at a UN-sponsored summer camp.

CBC Response

CBC News responded. It asserted that one of the stories under question involved legal demolition. It also noted that the vandalism incident occurred owing to a rivalry between Hamas-sponsored religious camps and the secular camps sponsored by the UN.

Conclusion (LaPointe)

Editorial decisions reflect available resources and day-to-day judgment. Even with the unlimited bandwidth of the Internet, limitations exist on what can be chosen. In neither case could I determine any kind of judgment to manipulate the public. I could not conclude any violation took place of CBC Journalistic Standards and Practices.

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**November 18, 2010**

CV

The Passionate Eye

Complaint

CV complained about a BBC documentary titled *Sex, Crimes & The Vatican* aired by The Passionate Eye. He felt the documentary amounted to an attack on the Catholic Church. Though he acknowledged that the sexual abuse was harming the reputation of the Church, he still questioned the judgment of CBC News in carrying such a directly critical report.

CBC Response

Catherine Olsen, executive producer of documentaries for CBC News Network, replied: "Just as we understand that many people in the Catholic Church are trying to deal with this issue in a responsible way, we believe that we have been responsibly reporting on a story which unfortunately continues to haunt the Catholic Church."

Conclusion (LaPointe)

There is always cause for concern when sensitive, difficult subjects like sexual abuse are documented on television. For some viewers, the simple depiction of this subject matter

is uncomfortable. However, upon reviewing the documentary, I believe it was restrained in its depiction of abuse. I also determined there was strong factual evidence and a reasonable effort made to provide the Catholic Church with an opportunity to defend its policies and practices. Further, CBC News has demonstrated its commitment to coverage of this and many other policy issues involving the Catholic Church, and the issue is widely covered. I believe there is no imbalance of coverage on the issue across CBC News' programs and platforms and see no need owing to controversy for any additional programming beyond regular coverage.

I could not conclude that there was any violation of CBC's Journalistic Standards and Practices.

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### **November 19, 2010**

CR

The Passionate Eye

#### Complaint

CR complained about a documentary titled *Michael Jackson – What Really Happened*, broadcast on The Passionate Eye. She felt that the documentary's perspective was unbalanced, relied on reporting from questionable sources and that its effect was misleading and incongruent with CBC's stated ambition of high-quality programming.

#### CBC Response

Catherine Olsen, Executive Producer of Documentaries for CBC News Network, replied: "No one questions Michael Jackson's brilliance as a musician and performer.... But many people continue to question some of the life choices and decisions Michael Jackson made in the years prior to his death, including the film maker Jacques Peretti who starts out by identifying himself as a lifelong 'Jackson fan.'"

#### Conclusion (LaPointe)

A documentary's subject matter can be controversial, but its handling must be responsible. The documentary must demonstrate careful and thorough research and deal with its subjects ethically. Still, documentaries also have specific qualities that gain unique treatment in the CBC's Journalistic Standards and Practices – a documentary may have a particular point of view. In such an instance, the CBC is compelled to ensure fairness and balance by other means, such as within a program series.

The documentary was clear in its assertions that Mr. Jackson was legally cleared of child molestation charges twice. This left a satisfactory impression of the legal outcome, but it also left ground unresolved and open to speculation, in particular Mr. Jackson's activities with Jordan Chandler. In the closing scene of the documentary, a former friend of Mr. Jackson asserts that Mr. Jackson will be remembered for being "targeted" on child molestation accusations.

The statements were presented without proper care, leaving a potentially erroneous impression. They ought to have been edited.

---

**November 19, 2010**

RT

CBC News

Complaint

RT complained about CBC News coverage of the demonstrations in Toronto at the G20 gathering of world leaders. He felt the coverage fed a perception of bias against the government.

CBC Response

Esther Enkin, executive editor of CBC News, replied. She noted that it was a significant event and one they believed would be of interest to Canadians. "But let me emphasize that reporting an event that may be seen as critical of the government should not be understood to suggest that CBC News is critical of the government. It is not."

Conclusion (LaPointe)

Excessive journalistic focus on protest can contribute to a distorted understanding of public opinion on the issues of the day. Still, the democratic place of protest in society remains newsworthy, especially in relation to large events. Thus, some protests present a challenge: to balance the coverage to permit a broad understanding of events and issues and not a narrow spectacle of emotion and public activism. Upon reviewing the CBC News coverage of the demonstrations, I was confident that the CBC met that challenge in this instance.

Had CBC only provided coverage of the protestors, one could hypothesize a link between the coverage and an editorial stance. But CBC provided extensive coverage of the G20 gathering's agenda, several briefings from officials, and news conferences from many of the leaders.

Overall I found no violation of CBC's Journalistic Standards and Practices.

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**November 24, 2010**

MF

The National

### Complaint

MF complained about an item by Nahlah Ayed broadcast on The National. The report detailed some changes Israel was considering making to its blockade around Gaza, allowing such items as potato chips and pop in. She felt that the report was biased and omitted important information. She wrote again a week later to commend another report from Ms. Ayed that she felt was more balanced.

### CBC Response

Mark Harrison, executive producer of The National, responded. He pointed out that the story was about, very specifically, an Israeli initiative to lift restrictions on certain snack foods. He also took issue with a suggestion of MF's pertaining to the blockade.

### Conclusion (Carlin)

Having had occasion to review Ms. Ayed's work extensively over the last few years, I have to say I found no evidence to support MF's imputations.

The piece in question here was well within the bounds of CBC's Journalistic Standards and Practices.

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**November 24, 2010**

KH

Ontario Morning

### Complaint

KH complained about an item broadcast on Ontario Morning concerning an announcement from the Vatican concerning revisions to the Canon Law of the Roman Catholic Church. She objected to what she called the featuring of the "feminist voice" in relation to the Church's position on the ordination of women.

### CBC Response

Sophia Hadzipetros, managing editor of English radio news in Ontario, responded. She noted that the women featured in the story were all Roman Catholic. Noting their backgrounds, she argued they were "closely associated with the Church."

### Conclusion (Carlin)

This piece provided insufficient background and context, just a statement that the Church had issued new language concerning female priests, with three voices who all appeared to be dissenting from that view. The CBC, in this case, did not provide adequate information for even an informed listener to understand the Church's reasoning in this matter.

The item failed to meet the basic standard of fairness in dealing with this issue.

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**November 25, 2010**

RK

CBC Radio, Television and CBC.ca

Complaint

RK complained about coverage of a scandal involving Associate Chief Justice Lori Douglas of the Manitoba Court of Queen's Bench (Family Division) and her husband, Winnipeg lawyer Jack King, which was published on CBC Radio, Television and CBC.ca. He felt that the story was "disgusting, despicable, degrading" and that it "re-victimized a woman who has done nothing wrong." In general he argued that the story did not meet basic journalistic standards. He also compared the publication of the story to the McCarthyism movement of 1940s and 1950s America.

CBC Response

Esther Enkin, executive editor of CBC News, responded. She wrote that the story "hews to a fundamental part of our democracy: the credibility and respect we hold for our judicial system." She argued that the truths contained in the story were of public importance, carried profound implications and therefore came under the purview of any respectable news organization. CBC's managing editor in Manitoba, Cecil Rosner, also wrote a column on CBC.ca defending the importance of the story.

Conclusion (LaPointe)

There were strong abiding reasons for journalists to report on the facts in this case. CBC News was correct in pursuing the story, and it was commendable that it did so while explaining its reporting methods. I am persuaded that its efforts were generally fair minded and restrained in sensitive circumstances.

But I also found some areas of possible improvement. The CBC would have done well to refrain from carrying remarks implying or speculating that Douglas knew about the existence of certain explicit photographs. The public also would have benefitted from a wider canvassing of expert opinion on the implications of the photographs on Douglas' ability to do her job. Finally, the coverage also made unwise assumptions about what the audience knew about judicial appointments.

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**November 25, 2010**

WG & NG

CBC.ca

### Complaint

WG and NG complained about an article published on CBC.ca dealing with homemade organic pesticide recipes. Their complaint expressed concern over the safety of a "pesticide recipe" that called for the boiling of rhubarb leaves. They cited online advice from Health Canada.

### CBC Response

Rachel Nixon, CBC News' director of digital media, responded. She acknowledged the dangers of the recipe, but noted that the website clearly indicated the possible risks.

### Conclusion (LaPointe)

CBC's Journalistic Standards and Practices don't deal directly with the questions at hand. It does call for best practices in all endeavours, however, so I had to determine if publication of this recipe constituted a best practice.

Given that the recipe was published years ago, and that a central principle of journalism is to minimize harm, CBC News could replace the recipe with a relatively safe and effective one that would not require an overwrought warning.

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### **December 8, 2010**

Alan Markwart, Senior Executive Director, Provincial Services, British Columbia Ministry of Children and Family Development  
CBC.ca

### Complaint

Alan Markwart complained about several stories involving the British Columbia Civil Liberties Association and the social action group Justice for Girls. The stories dealt with testing and research on sex offenders in B.C. After pointing out a factual inaccuracy in the story, Mr. Markwart objected to how CBC News handled its response. He felt CBC News acted too slowly in producing a correction.

### CBC Response

Wayne Williams, news director for CBC News in Vancouver, responded. While he acknowledged the factual error, he also emphasized that the focus of the story was not on the fact under dispute. He also apologized for the delay in responding.

### Conclusion (LaPointe)

My review of this episode identified a chain of events that would be frustrating for anyone to encounter. However, I am convinced that CBC News adhered to its standards and practices in this case. I took its contrition as sincere and in no way believe the problems Mr. Markwart encountered are emblematic of the organization or the seriousness with which it takes public complaints.

I found no violation of CBC's Journalistic Standards and Practices.

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**December 13, 2010**

Shahen Mirakian, Chair, Armenian National Committee of Toronto  
CBC News Network

Complaint

Shahen Mirakian complained about a segment aired on CBC News Network on the day of remembrance for the mass killings of Armenians by Ottoman Turks during and after World War I. The complainant felt that the ethnicity of the host, Nil Koksai, would "give rise to perceptions of partiality," that the guest made factually inaccurate statements, that the framework of the discussion was flawed and that the segment trivialized the genocide.

CBC Response

Esther Enkin, executive editor of CBC News, responded. She said the focus of the piece was not on the term "genocide" but on how two communities might move forward. She disputed some of the complainant's claims of factual inaccuracy and argued that the charge of partiality against Koksai was unsupported.

Conclusion (LaPointe)

This complaint touched on issues of credibility, integrity, impartiality and conflicts of interest. Sensitive topics deserve great care and handling. The segment's attempt to move beyond an "if" framework (i.e. "if this event can be called genocide") to a "how" framework (i.e. "how these two groups can move forward") may have been over-ambitious, but the discussion did not violate CBC's Journalistic Standards and Practices. The genocide was not trivialized. Further, it is tacitly unfair to suggest that one's ethnicity disqualifies one from conducting a fair discussion.

Last, while Koksai ought to have disclosed her association with an organization aimed at lobbying the federal government to back away from its 2004 recognition of the genocide, nothing she did in the interview violated standards and practices.

Overall, I found no violation of CBC's Journalistic Standards and Practices.

---

**December 16, 2010**

JF  
All Points West

### Complaint

John Frederick complained about comments made by University of Alberta political scientist Judith Garber on the All Points West program concerning the results of the mid-term elections in the United States. He felt Ms. Garber's remarks contained "racism and bigotry" and insulted Republicans of all backgrounds.

### CBC Response

Laura Palmer, the executive producer of CBC Radio current affairs in Vancouver, responded. She noted some facts published by the Washington Post on the demographics of the mid-term voters. She also acknowledged that more could have been done to explore the reasons behind voter anger.

### Conclusion (LaPointe)

Others carried the poll data reported by the Post, and Ms. Garber's views were shared widely in media in general.

Her remarks were accurate and fair, and there was no violation of CBC's Journalistic Standards and Practices.

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## **January 7, 2011**

Ed Hennessey, Safety First – SFC Ltd.  
CBC News

### Complaint

Ed Hennessey complained about a story on CBC New Brunswick television, radio and on CBCNews.ca. The story concerned a highway construction worker who said he quit his job because he was not provided a break to use the bathroom. Mr. Hennessey, who was the worker's former employer and dealt with journalist Catherine Harrop in her reporting duties, felt that CBC News failed to provide balance in the story and failed to interview all relevant parties. He also objected to the approach CBC took in pressing for a quick response.

### CBC Response

CBC News responded that it was not possible to talk to certain other employees of the construction company, and that it worked hard to reach the complainant during the relevant time period. Since it had included the company's comments, CBC News asserted the story was fair and balanced.

### Conclusion (LaPointe)

Some aspects of the reporting of this story were problematic and unreflective of CBC Standards and Practices, especially the first television report. The online story also

demonstrated an imprecision of language not in keeping with the Journalistic Standards and Practices.

Overall, CBC News treated the former employee's version of events favourably.

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**February 2, 2011**

ML

All In A Day and CBC Radio

Complaint

ML complained about the appearance of Wendy Cukier on the All In A Day program originally broadcast in Ottawa. He noted Ms. Cukier's position as president of the Coalition for Gun Control, arguing this meant she could not provide a dispassionate, balanced examination of issues involving employment equity or hiring practices. Ms. Cukier, ML felt, had no qualifications to discuss what she was discussing.

CBC Response

Correspondence on this file was less formal than usual. A show producer emailed ML to note that Ms. Cukier's appearance was organized by CBC's national syndication desk but did not respond to the central criticisms.

Conclusion (LaPointe)

Despite her high public profile as a gun-control advocate, Ms. Cukier holds substantial credentials in other areas, including diversity, discrimination and employment. Those academic credentials qualify her more than adequately and nothing in the interview mentioned gun control.

It is possible those who knew her from one field might be surprised to hear her discussing another, but CBC did not violate its Standards and Practices in presenting her.

---

**February 9, 2011**

EH

The Sunday Edition

Complaint

EH complained about a broadcast of The Sunday Edition that dealt with Canada and aboriginal people. He felt that a panel discussion of six experts on aboriginal issues was imbalanced in favour of "the ongoing 'white man' attitudes" over those "who have fought so long and hard to have redress from Canada's residential school system." He felt panel member Lorena Fontaine in particular was treated unfairly.

#### CBC Response

Marjorie Nichol, executive producer of the Sunday Edition, responded. She asserted that Ms. Fontaine had been a thorough debater who held her own, and that EH neglected to identify examples where it would have been possible to assess concerns about the "white in-group."

#### Conclusion (LaPointe)

Dealing with such a wide-ranging social issue as native justice presents difficulties, but host Michael Enright repeatedly employed best practices to keep the discussion focused and fair. I did not agree with the complainant that Fontaine was short-changed. Similarly, I could find no evidence of a racist or privileged framework.

Nothing Enright did as a CBC journalist violated CBC Journalistic Standards and Practices.

---

#### **February 11, 2011**

GB

CBC Television Remembrance Day Special

#### Complaint

GB complained about a news special hosted by Peter Mansbridge on Remembrance Day. He expressed particular concern over Mansbridge's live comments, which he felt were biased, arrogant and lacking in professionalism.

#### CBC Response

Esther Enkin, executive editor of CBC News, responded. She defended the remarks and noted some inaccuracy in GB's recollection of them. She also said Mr. Mansbridge's remarks on the Veterans Affairs Minister were fair comment.

#### Conclusion (LaPointe)

Upon review, I found that Mr. Mansbridge's comments were respectful and insightful. His remarks about the Veterans Affairs Minister merely added context to the ceremony.

The program did not breach CBC Journalistic Standards and Practices.

---

#### **February 11, 2011**

AK

The Fifth Estate

### Complaint

AK complained about a "personal essay" from The Fifth Estate's host, Linden McIntyre, on childhood abuse victims in Nova Scotia. He asserted that the broadcast discredited the Church, offended Catholics and failed to note several relevant facts about them. He also felt the program made "unfair and unjustified" attempts to link the Vatican and the Pope with decisions regarding abuse.

### CBC Response

The executive producer of the program and the director of current affairs responded. They indicated that the program had received ample involvement of the Church, and asserted that the subject matter was important and that the views of the victims deserved to be heard.

### Conclusion (LaPointe)

The program dealt with a difficult, uncomfortable subject within accepted boundaries of CBC Journalistic Standards and Practices.

I did not share the assertion of the complainant that relevant information was excluded. The online comments posted in relation to the story, which AK expressed concern over, did indeed convey harsh feelings, but they fall outside of the Ombudsman's purview.

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## **February 17, 2011**

Dimitri Soudas, Director of Communications, Office of the Prime Minister  
The National

### Complaint

Dimitri Soudas, director of communications for the office of the Prime Minister, complained about a report on The National produced by senior investigative reporter Diana Swain. The report said a plan to expand warning labels on cigarette packages had been "shelved" to focus efforts on combatting tobacco smuggling into Canada. The report asserted that the shift "seems to be a sophisticated lobby effort working behind the scenes and coordinated by tobacco companies on all kinds of topics."

Mr. Soudas expressed concerns about "both the process by which the story was put together and the factual content of the story itself." He denied any influence of the tobacco industry on the government, said that the warning label program had not been "shelved" and argued that the CBC did not include the government's position on the story. He also called the report's claim that the Prime Minister's Office declined to be interviewed by CBC News for the story "an outright lie."

Mr. Soudas also raised concerns about the newsgathering process. He complained about the conduct of a CBC producer, whom he felt had misled the press office about

the airdate of the report. He also felt that a "disturbing trend" had surfaced on stories on national issues produced outside of Ottawa that were "consistently worse and more poorly researched."

#### CBC Response

Jennifer McGuire, general manager and editor in chief of CBC News, responded. She disagreed with Mr. Soudas' overall assessment of the story, though she did acknowledge the error of the PMO interview request and apologized. Still, Ms. McGuire felt that the story focused on why government priorities had shifted and not directly on the influence of the tobacco industry in Ottawa. She noted that the story noted that lobbying was common and legal. Nevertheless, she said that the story showed the government had "changed direction" and that the project on cigarette packages had been "quietly scrapped."

#### Conclusion (LaPointe)

The CBC has a multifaceted, mutually dependent relationship with the PMO. A complaint from the PMO places the Ombudsman in a difficult position – by necessity, such a complaint counts as a gesture from a privileged position. The majority of CBC revenue comes from parliamentary appropriations leveraged principally by the governing party. Such a complaint could potentially chill CBC journalistic pursuits on government policies, stir partisan opposition to the public broadcaster or generate skepticism of the government's oft-repeated support for a free press. It would be fallacious and naïve to suggest this complaint was no different than any other complaint.

In this context, my first conclusion was that the dispute would have been better settled in some other forum.

However, the complaint still intersected with CBC's Journalistic Standards and Practices in several ways, particularly the sections dealing with fairness, controversial issues and investigative journalism.

On the matter of the newsgathering process, I did not accept Mr. Soudas' assertion that CBC provided insufficient information to the PMO or told different parties different things. There was no breach of CBC policy in how it represented its pursuit.

Resolving the dispute regarding the two central conclusions of the report (that cigarette label changes had been "shelved" and that the cause "seems" to have been meetings with the tobacco lobby) involved semantic interpretations. As regards the first conclusion, the word "shelved" was technically correct, but the report might have benefitted from clarity on whether CBC meant the initiative was being killed or simply revamped for eventual release. Later events proved the latter to be true.

The second conclusion was ultimately drawn in the absence of other evidence and hinged on the interpretation of the word “seems.” In other words, despite its exhaustive research, CBC did not gather enough information to substantiate the second conclusion of a causal relationship.

With respect to the error in the online story: CBC management apologized and corrected it as soon as it became apparent. This approach satisfied policy.

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### **February 24, 2011**

Mike Fegelman, Executive Director, HonestReporting Canada  
CBC Radio World Report

#### Complaint

Mike Fegelman complained about a report carried on CBC Radio's World Report by Ben Knight of the Australian Broadcasting Corporation. The report described the resumption of peace talks between Israel and Palestine. Mr. Fegelman felt the report unfairly characterized Israel as an unwilling peace talk partner and said that Palestine would only participate if Israel met its preconditions. Mr. Fegelman also felt Mr. Knight should have been identified as a freelancer to avoid confusion with CBC staff journalists.

#### CBC Response

Esther Enkin, executive editor of CBC News, responded. She asserted that the report was accurate and that Mr. Knight's characterization of both parties as unwilling participants was a fair one.

#### Conclusion (LaPointe)

The facts that informed Mr. Knight's comments are well documented in the public record. His choice of language and exercise of judgment were well within CBC Journalistic Standards and Practices. Further, since he prepared his report specifically for the CBC, failing to note that he was not a CBC staff member did not violate CBC policy.

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### **February 25, 2011**

Mike Fegelman, Executive Director, HonestReporting Canada  
Power & Politics

#### Complaint

Mike Fegelman complained about an interview Evan Solomon conducted with Izzeldin Abuelaish. Mr. Solomon claimed that there had not been justice for Mr. Abuelaish, three of whose children had been killed during an Israeli assault on Gaza, since Israel did not

investigate the incident. Mr. Fegelman said a preliminary and official Israeli investigation had been conducted, and asked what corrective measures the CBC would take.

#### CBC Response

Esther Enkin, executive editor of CBC News, responded. She acknowledged the error and said she expected Mr. Solomon to offer a correction. After Mr. Solomon did so, Mr. Fegelman objected to the wording (specifically the word "clarify" instead of "correct") and timing of the correction.

#### Conclusion (LaPointe)

In journalism, clarifications address misunderstandings or unfair assumptions while corrections replace inaccurate information with accurate information. Since Mr. Solomon's initial report contained inaccurate information, he should have used the word "correction" when rectifying the error.

However, in my judgment the two weeks it took CBC to make its statement did not constitute a violation of standards and practices.

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#### **March 1, 2011**

Paul Mendes, Vice President, Legal and General Counsel, Canadian Natural Resources Limited, and two other complainants  
CBC News

#### Complaints

Three individuals, including Paul Mendes, vice president, legal and general counsel, Canadian Natural Resources Limited, complained about CBC News reports on an oil sands tailings pond leakage. The complaints asserted that there was a lack of balance and exaggeration of risk resulting from the leakage. The complaint from Canadian Natural Resources also suggested that CBC had trespassed on private property and placed employees from both companies at risk.

#### CBC Response

CBC News responded. It said that lack of comment from CNRL was a result of CNRL failing to make anyone initially available for comment. It also asserted that the Fort McKay First Nation had invited CBC News onto the territory, which the Nation was entitled to do.

#### Conclusion (LaPointe)

The stories themselves were fair in their description of the spill. However, the categorical tone of the online headline was insufficiently supported. Further, the initial report, published without comment from CNRL, should have been withheld from publication until CNRL could comment.

As the day progressed, CBC News gave voice to all parties in the controversy.

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### **March 2, 2011**

Alex Jamieson, President, First Nations Communications  
The Lang & O'Leary Exchange

#### Complaint

Alex Jamieson complained about co-host Kevin O'Leary's comments when discussing the proposed takeover of PotashCorp by BHP Billiton. Mr. O'Leary used the phrase "Indian giver with a forked tongue" in conversation with co-host Amanda Lang. Mr. Jamieson found the comments "archaic" and offensive and also strongly objected to the lack of corrective action taken by the CBC.

#### CBC Response

Robert Lack, the program's executive producer, responded. He said he shared Mr. Jamieson's opinion that the phrase "Indian giver" is offensive. Mr. Lack said he would not defend Mr. O'Leary's language, but did point out that Mr. O'Leary was engaged in a heated discussion, and that Ms. Lang rebuked Mr. O'Leary quickly and directly when he uttered the expression.

#### Conclusion (LaPointe)

The remarks were unambiguously offensive, disrespectful and out of keeping with the values CBC has worked for decades to espouse and fortify. It was good but not sufficient for Ms. Lang to rebuke Mr. O'Leary on the program.

Mr. O'Leary should have made an apology at the next available program. He did apologize after the publication of my review.

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### **March 4, 2011**

GP  
CBC Radio

#### Complaint

GP complained about reports broadcast by CBC Radio on Israeli's raid of humanitarian aid ships bound for Gaza. The Israeli officials restricted communications from the vessels after placing activists in detention, creating what GP called a "de facto censorship" that the CBC ought to have reported on.

#### CBC Response

Esther Enkin, executive editor of CBC News, responded. She noted that World At Six contributor Irris Makler reported that "little has been heard from the activists since the Israeli military disabled live broadcasts from the boat." Lynda Shorten, executive producer of As It Happens, also responded. She argued that As It Happens aired several interviews that were critical of the Israeli actions and gave voice to the detained activists as soon as it could.

#### Conclusion (LaPointe)

The flotilla attacks presented a significant challenge to all news organizations. With no journalists on the scene, they were forced to depend on remote communications. Given that restriction, I found that the CBC did very well in being clear about the problematic journalistic conditions. Once access to the detained activists could be acquired, the CBC provided their perspective.

I concluded that there was no violation of CBC Journalistic Standards and Practices.

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#### **March 10, 2011**

Gary Gerofsky  
CBC Radio

#### Complaint

Gary Gerofsky complained about a BBC report carried by CBC Radio pertaining to the conviction of former Israeli president Moshe Katsav on rape charges. He felt that the reports, filed by Irris Makler, were inaccurate and reflected a deliberate strategy to disrespect Israel. He said the CBC was "damning an entire people with lies and exaggerations."

#### CBC Response

Esther Enkin, executive editor of CBC News, responded. She said that none of Ms. Makler's reports could reasonably "be said to suggest that all Israelis shared Mr. Katsav's guilt." In fact, Ms. Enkin highlighted Ms. Makler's citation of some of Israel's leading politicians describing the conviction in a more positive light.

#### Conclusion (LaPointe)

Substandard reporting can create stereotypes. However, I found that Ms. Makler handled Moshe Katsav's conviction fairly. I found no evidence of a conscious effort or an unconscious outcome to wage the sort of campaign described in the complaint.

There was no violation of CBC Journalistic Standards and Practices.

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**March 11, 2011**

MH

The Fifth Estate

Complaint

MH complained about a documentary broadcast on The Fifth Estate titled *The Lies That Led To War*. He felt that the documentary, which billed itself as a review of all that was known about the buildup to the Iraq war, was a "polemical statement," biased, misleading, and at odds with many of the known facts. He provided a lengthy list of citations to support his claim and said it was unfair to call the actions of the Bush administration a lie.

CBC Response

David Studer, executive producer of the Fifth Estate, responded. He said that the American leadership made "a series of incorrect claims" that "carried an historic obligation to get them right." He called the documentary "a relatively routine analysis of current events, performed as part of CBC's overall coverage of those events. Mr. Studer also provided a list of citations to reinforce his argument.

Conclusion (LaPointe)

The prevalent point of the documentary was that the war effort was predicated on errant information. This assertion it emphatically backed up with factual information. Further, the presence of those who supported the war makes the documentary acceptable from the perspective of balance.

There was no violation of CBC Journalistic Standards and Practices.

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**March 16, 2011**

MM

CBC News-gathering

Complaint

MM complained about the CBC's coverage of the Green Party during the 2009 Nova Scotia provincial election. He felt that the coverage of the Greens was neither equitable nor sufficient. Of particular note was the CBC's decision to not include the Green Party in the televised leaders' debates in the last two provincial elections.

CBC Response

Esther Enkin, executive editor of CBC News, responded. She noted that the CBC had been covering the Green Party during the campaign and that the CBC was obliged by regulation to provide a balanced form of coverage.

### Conclusion (LaPointe)

The Green Party polled about 2.34 per cent of total votes cast in the 2009 election. It has never elected a Member of the House of Assembly in Nova Scotia. Given the finite airtime and resources available to the CBC, I am comfortable with the decisions it made.

I found evidence CBC News did well to raise awareness and stimulate debate about the Green Party and met its obligation to provide equitable treatment in line with broadcast law and in keeping with its own Standards and Practices policy.

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### **March 18, 2011**

RG

CBC.ca

### Complaint

RG complained about an online headline reading "PM's troubles snagged D-Day invite: WikiLeaks." He felt the story did not support the headline, arguing there was no indication French President Nicolas Sarkozy wished to help Prime Minister Stephen Harper, why or how he did, or that the invitation to D-Day ceremonies was due to alleged political troubles for the Canadian leader.

### CBC Response

Rachel Nixon, CBC News director of digital media, responded. She said that the story corroborated the headline, and that the basis of the assertion was a diplomatic cable made public through the WikiLeaks.org site.

### Conclusion (LaPointe)

Upon examining the cable in question, written by U.S. Chargé d'affaires Mark A. Pekala, I found that the headline was sufficiently supported by the story.

There was no breach of CBC Journalistic Standards and Practices.

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### **March 24, 2011**

DW

The Fifth Estate

### Complaint

DW complained about a documentary aired on The Fifth Estate titled *Brian Mulroney: The Unauthorized Chapter*. He felt that the CBC had errantly connected funds received by Mulroney with the so-called Airbus affair. The funds, DW said, were provided to Mulroney after he left public office and had "nothing to do with Airbus."

### CBC Response

David Studer, executive producer of The Fifth Estate, responded. He argued that, while Mr. Mulroney did not know it, some of the money he received was, in fact, connected with the Airbus deal.

### Conclusion (LaPointe)

I could not support the complainant's view. The independent inquiry into the matter under Justice Jeffrey Oliphant set the record clearest in this matter. I am satisfied that the CBC made it clear in the documentary that Mulroney may not have known the source of the funds he received, and I am also satisfied that his version of events was amply reported.

There was no breach of CBC Journalistic Standards and Practices.

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## **APPENDICES**

Appendix I

2010-2011

NUMBER OF COMMUNICATIONS RECEIVED

|                | INFORMATION<br>PROGRAMMING                       | GENERAL<br>PROGRAMS/<br>OTHER | TOTAL       | REVIEWED                        | REVIEW UNDER<br>WAY/CARRIED<br>OVER |
|----------------|--------------------------------------------------|-------------------------------|-------------|---------------------------------|-------------------------------------|
| <b>2010-11</b> | <b>3363</b><br>(incl 1437 election<br>debates)   | <b>749</b>                    | <b>4112</b> | <b>62</b>                       | <b>18</b>                           |
| 2009-10        | 1204                                             | 824                           | 2028        | 84 (incl. 12 re<br>one program) | 28                                  |
| 2008-09        | 1618                                             | 1048                          | 2666        | 44                              | 31                                  |
| 2007-08        | 1052                                             | 785                           | 1837        | 51                              | 20                                  |
| 2006-07        | 1326                                             | 491                           | 1817        | 37                              | 17                                  |
| 2005-06        | 1391<br>(+ 43,466 Green Party<br>petition)       | 477                           | 1868        | 40                              | 9                                   |
| 2004-05        | 1809<br>(incl. 1077 re Green<br>Party & debates) | 241                           | 2050        | 69                              | 1                                   |
| 2003-04        | 1590                                             | 326<br>(+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<br>Cherry)      | 4                                   |
| 1996-97        | 216                                              | 227                           | 443         | 110 (incl. 87<br>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.