



News Release

CBC'S HOWARD STERN INVOLVEMENT MUST BE PRIORITY FOR NEW HERITAGE MINISTER

“... the decision to bring Mr. Stern’s show to Canada was made by the full board of Sirius Canada, which includes two members from the CBC.”¹

Toronto, Ontario, February 5, 2006 – Sirius Canada, owned 40% by the Canadian Broadcasting Corporation, announced this week that it will offer the Howard Stern show to subscribers commencing February 6, although the show will, based on past experience, contravene Canadian broadcasting legislation and their licence conditions. In a recent case involving CHOI-FM, the CRTC ruled that abusive remarks that risk exposing individuals or groups to contempt or hatred contravene the *Broadcasting Act*. Howard Stern can’t open his mouth without abusing one group or another; therefore his show will undoubtedly contravene the *Broadcasting Act* and also the *Radio Regulations* prohibition on abusive comment.

In the Commission’s view, remarks which are abusive and that risk exposing an individual or a group to contempt or hatred contravene the objectives of the broadcasting policy for Canada set out in section 3(1) of the [Broadcasting] Act.

The involvement of Canada’s publicly-funded broadcaster in such a situation is a national disgrace. The new Minister of Canadian Heritage must immediately call CBC President Robert Rabinovitch in for a chat and demand an end to this abuse of the public trust. The Standing Committee on Canadian Heritage must similarly call Mr. Rabinovitch to appear before the Committee and inform him that before the CBC gets another dime of public money, it must sell its 40% share of Sirius.

“Putting the CBC’s stamp of approval on Howard Stern’s misogyny, racism and homophobia sends a clear message to the Canadian public that this abusive treatment of women and minorities is acceptable,” says activist Valerie Smith. “This is a serious human rights issue that demands immediate action from both the new Minister of Heritage and the Standing Committee.”

The Heritage Committee must also call CRTC Chairman Charles Dalfen to appear and explain what the CRTC is doing about the situation. “The CRTC put conditions in the Sirius licence to prevent the consortium from offering abusive programming,” says Smith, “conditions to which Sirius agreed in order to obtain a licence. Now they’re thumbing their nose at the CRTC and adding Stern to their service in an apparent belief that they can get away with it. If they do, there’s something wrong with the regulatory system and it needs to be fixed.”

CRTC must be proactive: It’s not enough for the CRTC to wait for public complaints. They must obtain logger tapes of Stern’s shows from Sirius and take appropriate punitive action if the content contravenes their licence conditions, the *Broadcasting Act* and *Radio Regulations*. In 1999, the CRTC did a random check on CKBY-FM, an Ottawa country music station, and caught it playing too many hits in contravention of its licence conditions. CKBY’s owners were called to a hearing and threatened with a fine.² Most people would agree that abusive verbal attacks on minorities and women are more harmful to the public than too much Dwight Yoakam. The CRTC needs to be just as proactive with Sirius as they were with CKBY, review tapes of Stern’s show and call them to a hearing if it’s found to contravene their licence conditions and legislation.

¹ *Shock jock Stern back in Canada*, Financial Post, February 2, 2006

² *Ottawa radio station gets bad rap*, National Post, November 8, 2001

Stern's history of abusive comment: In the first decision rendered by the Canadian Broadcast Standards Council (CBSC) following Stern's debut on Canadian radio back in 1997, the prevalence of abusive comment was described:

"Stern's remarks relating to French-Canadians were, in fact, only an example of his casual attitude toward abusive commentary directed at identifiable groups by virtue of their race, gender or sexual orientation. There is a regular flow of racial, homophobic or gender-related offensive comments, some of which are brief digs, and others of which extend to longer discussions. In the period reviewed by the Regional Councils, he has targeted Japanese, gays, Poles, Sikhs, blacks and Arabs among others."³

In August 2000, the national feminist organization MediaWatch filed another complaint with the CBSC relating abusive statements made by Stern on Toronto radio station Q107. For instance, he referred to one woman as a "money sucking whore, she's a slut". Another complaint was filed by an individual when Stern made these comments about a Puerto Rican woman:

"She is a filthy, lowlife, low brain power woman. The reason she doesn't understand it is she ate lead paint chips when she was young from the housing project she grew up in. I love all people, but I gotta tell you that woman was a pig. A pig. She's filthy."⁴

In their decision on the complaint, the CBSC called those remarks "both racist and sexist".

Abusive comments contravene the *Broadcasting Act*: In a news release following the Federal Court of Appeal ruling that upheld the CRTC decision not to renew CHOI-FM's licence because of the repeated broadcast of abusive comments, the CRTC said:

*In the Commission's view, remarks which are abusive and that risk exposing an individual or a group to contempt or hatred contravene the objectives of the broadcasting policy for Canada set out in section 3(1) of the [Broadcasting] Act.*⁵

Sirius is offering a blocking option for subscribers who don't want Stern's show. Mark Redmond, President of Sirius Canada said, "We believe the levels of controls we've now put in place are sufficient to alleviate any of the concerns of the CRTC."⁶ That logic is nothing short of bizarre. A blocking option does not exempt Sirius from adherence to their licence conditions, the *Broadcasting Act* or the *Radio Regulations*. In other words, if Sirius distributes illegal programming, it remains illegal regardless of the fact that some people can opt out of hearing it. Additional background information is attached.

For further information, please contact Valerie Smith at valsmith@fradical.com

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About the Free Radical: The Free Radical web site (www.fradical.com) is maintained by Toronto anti-violence activist Valerie Smith to provide information on media violence and strategies for combating it.

She is the author of the *Action Agenda: A Strategic Blueprint for Reducing Exposure to Media Violence in Canada*, funded and published by Ontario's Office for Victim's of Crime. The report is available for free download from the Free Radical web site. More information on the Howard Stern show's run on the Canadian airwaves can be found in the Television and Radio section of the *Action Agenda*.

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³Canadian Broadcast Standards Council Decision 97/98-0001+ and 97/98-0015+, October 17/18, 1997

⁴Canadian Broadcast Standards Council Decision 99/00-0717-0739, June 28, 2001

⁵ *Federal Court of Appeal upholds CRTC decision on CHOI-FM*, CRTC news release, September 1, 2005

⁶ *Shock jock Stern back in Canada*, Financial Post, February 2, 2006

BACKGROUNDER

Broadcasting Decision CRTC 2005-247 approving the Sirius Canada licence states:

Adherence to regulations and industry codes

37. Sirius Canada committed to be accountable for the content of all programming broadcast on all Canadian-produced and non-Canadian-produced channels distributed by the proposed undertaking. It undertook not to broadcast anything in contravention of the law, any abusive comment, or any obscene or profane language. Sirius Canada also committed to adhere to the Canadian Association of Broadcasters' (CAB) Sex-role Portrayal Code for Television and Radio Programming.

38. Sirius Canada further indicated that it would consider offering a "Family Plan" package to subscribers, which would exclude programming considered to be adult in nature.

39. In accordance with the licensing framework for satellite subscription radio undertakings set out in Public Notice 2005-61, the Commission will require Sirius Canada, by condition of licence, to adhere to relevant provisions of the Radio Regulations, 1986, as well as to the CAB Sex-role Portrayal Code for Television and Radio Programming and the Broadcast Code for Advertising to Children. It will also require Sirius Canada to maintain program logs for all Canadian-produced channels, logger tapes for all Canadian-produced channels and any non-Canadian-produced channels that the Commission may designate from time to time, and music lists for all channels that it distributes.

41. The Commission also expects Sirius Canada to create a designation that will be used to identify any channels that broadcast potentially offensive content. ...

Broadcasting Act

Broadcasting policy for Canada

3. (1) It is hereby declared as the broadcasting policy for Canada that

(d) the Canadian broadcasting system should

(i) serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada,

(iii) through its programming... serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of aboriginal peoples within that society

Broadcasting Act - Radio Regulations

3. A licensee shall not broadcast

(a) anything in contravention of the law;

(b) any abusive comment that, when taken in context, tends to or is likely to expose an individual or a group or class of individuals to hatred or contempt on the basis of race, national or ethnic origin, colour, religion, sex, sexual orientation, age or mental or physical disability;

(c) any obscene or profane language

Excerpt - Email to V. Smith from CRTC Client Services re Sirius Canada, January 9, 2006

All licensees, including pay services, are required to comply with the Broadcasting Act and related regulations as well as their individual conditions of licence. Here is the licensing decision for Sirius Canada:

<http://www.crtc.gc.ca/archive/ENG/Decisions/2005/db2005-247.htm>

***Ottawa radio station gets bad rap* – article from National Post, November 8, 2001**

An Ottawa country music radio station has been reprimanded by its industry regulator for playing too many hits. CKBY-FM, owned by Rogers Broadcasting Ltd., is licensed to play hits just 50% of the time and now faces contempt of court charges and a hefty fine if it continues to violate regulatory rules. CKBY's owners were called to a hearing in Ottawa in June after the commission did a random check in 1999 and found that during the broadcast week of May 9 to May 15, Top-40 hits were played 51.3% of the time. The CRTC renewed CKBY's licence for only 15 months -- well short of the usual seven-year license. As well, CKBY was slapped with a "mandatory order". This gives the commission the power to file any future grievances about the playing of hits to the Federal Court, where CKBY would be charged with contempt of court. If found guilty, CKBY would face fines and could have its broadcasting license suspended or revoked.