



News Release

## CRTC SHOULD YANK SIRIUS CANADA'S LICENCE IF THEY BROADCAST HOWARD STERN

*"We're not carrying Stern. That's what we decided and I don't think we'll be changing our minds... for now."*<sup>1</sup>

Toronto, Ontario, January 8, 2006 – Executives of Sirius Canada continue to offer confusing statements as to whether they will carry the Howard Stern show, although it will contravene Canadian broadcasting legislation and their license conditions, due to the "racial humour, exploitation of guests, and bigoted, often homophobic and misogynistic commentary"<sup>2</sup> that characterizes his show.

The Sirius Canada position changes with the weather, but they seem to be leaning towards carrying Stern, with the attendant risk of losing the licence granted to them by the CRTC last June. That's what can happen when companies ignore licence conditions imposed by the CRTC -- just ask the brainiacs at CHOI-FM in Montreal, who lost their licence for repeatedly broadcasting abusive comment, a decision upheld by the Federal Court of Appeal last September. In refusing to renew CHOI-FM's license, 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.*<sup>3</sup>

Abusive, hateful remarks -- particularly directed at women -- are a Stern hallmark. For examples, see the decisions issued by the Canadian Broadcast Standards Council when Stern was broadcast by CHOM FM in Montreal and Q107 in Toronto (1997 to 2001).

**Conflicting statements:** Sirius Canada is a consortium owned by the Canadian Broadcasting Corporation, Standard Radio, and an American company, Sirius Satellite Radio. Last year, Howard Stern signed a contract with the U.S. partner and begins his show tomorrow in the United States on Sirius Satellite Radio. Because of the prevalence of abusive commentary, he will not be carried by Sirius Canada...for now. Various executives with the company have offered conflicting statements since the contract with Stern was signed. For example:

October 7, 2004: *Sirius has full intentions of bringing Mr. Stern to Canada.* – Kevin Shea, Sirius Canada CEO<sup>4</sup>

October 7, 2004: *"We are not even close to deciding what our strategy will be" on Stern's show, said Gary Slaight, president of Toronto's Standard Broadcasting, one of the corporate partners of the Sirius venture.*<sup>5</sup>

November 16, 2005: *"The CRTC, who we are licensed to, would eventually force us to take Stern down, because we have standards we have to abide by in this country when you own a broadcasting licence. ...When we applied for a licence, the CRTC pushed us about this. "(Stern) was definitely a topic of conversation."* – Gary Slaight, President & CEO, Standard Radio.<sup>6</sup>

December 6, 2005: *There are no plans yet to offer Howard Stern's new program, which begins next month for American Sirius customers. This wasn't a condition of Canadian regulatory approval, said Mark Redmond, head of Sirius Canada, and his company may consider offering Stern in the future.*<sup>7</sup>

December 17, 2005: *Gary Slaight of Standard Broadcasting, one of the owners of Sirius Canada, told the Sun last month that it is unlikely Stern's new U.S. Sirius show will ever be picked up here because of anticipated grief from federal broadcast regulators. Yet rumours persist the provider might do an about-face. The standard "no-comment" from Sirius Canada on that score is "we will continue to review our channel lineup."*<sup>8</sup>

December 21, 2005: *An Internet rumour this week that Sirius Canada is planning to add Mr. Stern to its lineup this spring was denied by the company Wednesday. A spokesman said Sirius Canada will be reviewing that policy, but there are no immediate plans to pick up the show. ...the show could run into problems in Canada, where the CRTC has control over the licenses.*<sup>9</sup>

January 3, 2006: *"We're not carrying Stern," Standard Radio chief Gary Slaight told the Star. "That's what we decided and I don't think we'll be changing our minds... for now. Our programming will continue to evolve as we receive feedback," he said, referring to an Internet-based lobby group that has bombarded Sirius Canada with a petition to carry Stern allegedly signed by more than 10,000 of his Canadian fans. ..."As of now, we have not changed our decision not to carry Howard Stern. Then again, we have until January 9."*<sup>10</sup>

**Sirius Canada promised to behave:** The Stern contract with their American partner became public in October 2004, three weeks before Sirius Canada had to appear at a CRTC public hearing to defend its application for a satellite license. The timing couldn't have been worse for Sirius because of Stern's documented history of making comments that contravene Canadian law when his show was carried by CHOM FM and Q107. The *Broadcasting Act Radio Regulations*, for instance, state:

*A licensee shall not broadcast... 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;*

In appearing before the CRTC, Sirius Canada attempted to appease Commissioners by telling them "it would be appropriate for the Commission to adopt measures to ensure that licensees are accountable for the programming on the non-Canadian channels as well as on the Canadian channels."<sup>11</sup> Sirius suggested that provisions similar to those in the *Broadcasting Distribution Regulations* be set out as **conditions of licence**. Under these conditions, Sirius told the Commission, "subscription radio licensees would be prohibited from broadcasting:

- programming that contravenes any Canadian law;
- programming that is abusive or that tends to or is likely to subject any group or class of individuals to hatred or contempt;
- programming that uses obscene or profane language”<sup>12</sup>

CRTC Commissioners liked the idea and added the following to the satellite licenses:

***Adherence to the Regulations and Industry Codes***

*90. The Commission notes that both CSR and Sirius Canada committed to be accountable for the content of the programming contained on all Canadian and non-Canadian channels distributed by their undertakings. In this regard, the applicants have undertaken not to broadcast anything in contravention of the law, any abusive comment, or any obscene or profane language.*

*CSR and Sirius Canada have also committed to adhere to the Canadian Association of Broadcasters' (CAB) Sex-Role Portrayal Code for Television and Radio Programming...*

*Accordingly, the Commission has imposed conditions of licence requiring adherence to the relevant sections of the Radio Regulations, and to the aforementioned codes. The Commission notes that both applicants committed to take whatever action is necessary to ensure adherence to the regulations and codes including, if necessary, the removal of a channel from their program offerings.*<sup>13</sup>

The CAB Sex-Role Portrayal Code says “broadcasters shall avoid and eliminate the depiction of gratuitous harm toward individuals in a sexual context, as well as the promotion of sexual hatred and degradation”. Degradation and sexual hatred are standard features of the Howard Stern show. Some examples:

- The Federal Communications Commission in the U.S. is investigating a program in which Stern featured the “Stupid Bowl”, a contest where women golfed wearing strap-on dildos on their foreheads, followed by the contestants attempting to sing "Amazing Grace" with a four-inch sausage down their throats.<sup>14</sup>
- Following the massacre of students at Columbine high school, Stern said on the air: “There were some really good-looking girls running out with their hands over their heads. Did those kids – the suspects – try to have sex with any of the good-looking girls? They didn't even do that? At least if you're going to kill yourself and kill all the kids, why wouldn't you have some sex?”<sup>15</sup>
- His new satellite radio show will offer a parody of the television talk show, *The View*, using “four crack-addicted prostitutes”.<sup>16</sup>

It's unfortunate that there is a market for Stern's misogyny and abusive comments directed at other vulnerable groups, but that's why we have broadcasting legislation and regulations to

prevent companies from catering to that market. The CRTC imposed licence conditions to prevent Stern from being carried on the new satellite services, and they need to act quickly to punish Sirius Canada should the company be dumb enough and irresponsible enough to put him on their Canadian schedule.

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**About the Free Radical:** The Free Radical web site ([www.fradical.com](http://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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<sup>1</sup> Gary Slaight, President of Standard Radio, quoted in *Canadian Stern fans go grey*, Toronto Star, January 3, 2006

<sup>2</sup> *Canadian Stern fans go grey*, Toronto Star, January 3, 2006

<sup>3</sup> *Federal Court of Appeal upholds CRTC decision on CHOI-FM*, CRTC news release, September 1, 2005

<sup>4</sup> *Stern to go to satellite broadcasts*, Globe and Mail, October 7, 2004

<sup>5</sup> *Stern to be beamed in by satellite*, National Post, October 7, 2004

<sup>6</sup> *Stern can't beam here on radio*, Toronto Sun, November 16, 2005

<sup>7</sup> *Satellite radio: do you really want to pay for it?*, Globe and Mail, December 6, 2006

<sup>8</sup> *Free speech ends – shock jock says bye to regular radio... now pay up fans*, Associated Press, December 17, 2005

<sup>9</sup> *Sirius challenge: Stern competition*, Globe and Mail, December 21, 2005

<sup>10</sup> *Canadian Stern fans go grey*, Toronto Star, January 3, 2006

<sup>11</sup> *Broadcasting Public Notice CRTC 2005-61, June 16, 2005, Introduction to Broadcasting Decisions CRTC 2005-246 to 2005-248: Licensing of new satellite and terrestrial subscription radio undertakings*

<sup>12</sup> *Ibid*

<sup>13</sup> *Ibid*

<sup>14</sup> *FCC Investigating February Howard Stern broadcast*, FMQB.com, August 23, 2005

<sup>15</sup> *'Shock jock' Howard Stern to land record \$100 million contract*, May 5, 2000

<sup>16</sup> *Stern reveals plan to be filthier than ever*, Foxnews.com, December 5, 2005