



Broadcasting Decision CRTC 2005-419

Ottawa, 18 August 2005

CHUM Limited

Victoria, British Columbia

Complaint regarding the broadcast of an episode of *Talk Radio* on CFAX, Victoria

In this decision, the Commission addresses a complaint regarding comments that were broadcast by CFAX, an AM radio station in Victoria. Based on its review of the segment of programming at issue, the Commission finds that, by broadcasting the segment, CHUM Limited, the licensee of CFAX, breached the provision of the Radio Regulations, 1986 that prohibits the broadcast of abusive comment. The Commission further finds that the licensee failed to meet a number of Canadian broadcasting policy objectives set out in the Broadcasting Act, including the provision that provides that programming should be of high standard. The Commission requires the licensee to develop guidelines for open-line programming and to submit those guidelines to the Commission within three months of the date of this decision for its approval.

Background

1. On 11 October 2004, the Commission received a written complaint concerning a segment of programming broadcast on 27 September 2004 by CFAX, an AM radio station in Victoria, British Columbia. The licensee, CHUM Limited (CHUM), had purchased CFAX and CHBE-FM from Seacoast Communications Group Incorporated on 3 September 2004.¹
2. CFAX is not a member of the Canadian Broadcast Standards Council. For this reason, the complaint remained with the Commission for examination.

The complaint

3. The complainant called the open-line program *Talk Radio* during the 27 September 2004 broadcast, briefly participated in the discussion and challenged the guest's views, warning that they constituted a "message so filled with hatred as to be verging on insanity."
4. In his written complaint, the complainant alleged that the radio broadcast could constitute a case of hateful comments against Muslim people and the religion of Islam.

¹ CFAX and CHBE-FM Victoria – Acquisition of assets, Broadcasting Decision CRTC 2004-402, 3 September 2004

Licensee's response

5. CHUM replied to the complaint on 22 November 2004. It stated:

Talk Radio certainly brings out differences of opinion and occasionally people whose opinions might offend some of our listeners. We seek out guests who have strong views on important issues and occasionally we might encounter a guest with extreme views. In those cases, our program hosts and talk show listeners have shown that they are not shy about challenging extreme views. The result we feel is programming that provides for the expression of a wide range of views on issues of the day.

6. The licensee also stated that it was "important to separate the opinions of the guest from the conduct of our employee and the radio station." In the licensee's view, the program's host had "on several occasions challenged the opinions of the guest and clearly did not agree with many of the points that the guest made during the interview."

The program

7. *Talk Radio* (the program) is a call-in/open-line talk show that has current affairs as its main theme. At the time of the complaint, the program was part of an afternoon package of programs called *Newsline* hosted by Terry Moore (the host), which ran from 3 p.m. to 7 p.m., Monday to Friday on CFX.
8. The segment in question consisted of an interview by the host with Craig Winn (the guest). Mr. Winn, an American citizen, was described by the host as an "entrepreneur, one time Internet billionaire who has been featured on the cover of *Business Week* magazine" and who is on "a mission to get the word out of what makes terrorists tick and what we need to counteract their madness."
9. The subject matter of the 27 September 2004 broadcast was atomic weapons escalation and terrorism in the world, with a specific focus on the terrorist attacks in Iraq, as well as on Iran's nuclear capability. During the interview, the guest repeatedly and openly identified terrorists as "good Muslims" and "fundamentalists following Muhammad's example," and Islam as the source of terror in the world. The following is an excerpt from the segment at issue:

The Jihadists that are perpetuating hell on their own people in Iraq and are murdering Americans are good Muslims. They are fundamentalists following Muhammad's example. When we are willing to deceive ourselves and call them terrorists or call them insurgents instead of what they are, which is good Muslims, we have no chance to protect ourselves from them.

... they're trying to kill every single person who does not agree with their point of view.

Muslims will continue to fight non-Muslims until Islam is the only religion and political dogma on the planet or they have killed all non-Muslims.

10. The complete transcript of the interview is set out in the appendix to this decision.

Commission's analysis and determination

11. The Commission is required, pursuant to section 5(1) of the *Broadcasting Act* (the Act), to regulate and supervise the Canadian broadcasting system with a view to implementing the broadcasting policy set out in section 3(1) of the Act. Section 3(1) sets out an extensive declaration of the broadcasting policy for Canada, listing a number of policy objectives. Section 3(1)(d)(i) declares that the Canadian broadcasting system should "serve to safeguard, enrich and strengthen the cultural [and] social ... fabric of Canada." Section 3(1)(d)(ii) states that the Canadian broadcasting system should "encourage the development of Canadian expression by providing a wide range of programming that reflects Canadian attitudes, opinions, ideas [and] values" Section 3(1)(d)(iii) states that the Canadian broadcasting system, through its programming, should "... serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights." Section 3(1)(g) states that "the programming originated by broadcasting undertakings should be of high standard."
12. Section 3(b) of the *Radio Regulations, 1986* (the Regulations) was enacted with a view to implementing the Canadian broadcasting policy objectives of the Act set out above. It specifies that 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.
13. The Commission's examination took into account the concerns raised by the complainant, the licensee's reply, and the Commission's own review of the program. Since the complaint was in connection with an open-line program, the Commission also considered the broadcast in light of the broadcaster's responsibilities as set out in *Policy Regarding Open-Line Programming*, Public Notice CRTC 1988-213, 23 December 1988 (the Open-Line Policy).

Abusive comment

14. The regulation prohibiting abusive comment is intended to prevent the very real harms that such comments cause, harms that undermine Canadian broadcasting policy objectives. Comments that tend to or are likely to expose a group to hatred or contempt cause emotional damage that may be of grave psychological and social consequence to

members of the target group. The derision, hostility and abuse encouraged by such comments can have a severe negative impact on the targeted group's sense of self-worth, human dignity and acceptance within society. This harm undermines the equality rights of those targeted, rights which the programming of the Canadian broadcasting system should respect and reflect, according to Canadian broadcasting policy. In addition to preventing the harm to those targeted by the comments, the regulation prohibiting abusive comment is required to ensure that Canadian values are reflected and respected for all Canadians. The broadcast of comments provoking hatred or contempt also undermines the cultural and social fabric of Canada, which the Canadian broadcasting system should safeguard, enrich and strengthen.

15. On-air comments contravene section 3(b) of the Regulations where all three of the following criteria are met:
- (i) the comments are abusive;
 - (ii) the abusive comments, taken in context, tend or are likely to expose an individual or group or class of individuals to either hatred or contempt; and
 - (iii) the abusive comments are on the basis of an individual's or a group's race, national or ethnic origin, colour, religion, sex, sexual orientation, age or mental or physical disability.

16. The Commission considers that the segment in question included comments that were abusive to Muslims on the basis of their religion. For example, the guest stated:

Everything we know about Muhammad ... presents Islam's lone prophet as a terrorist, as a thief, as a slave trader, as a pedophile, a man who engaged in incest, multiple acts of rape, mass murder, assassinations of all journalists. He is Islam's foundation. No Muhammad, no Allah; no Muhammad, no Koran; no Muhammad, no Islam. The foundation of Islam is based upon a perverted pirate and terrorist. That may not sound pretty but unfortunately that's the truth, and to deny it will only get us killed.

The most compassionate thing that one can do is to expose and condemn doctrines that are at their core racist, intolerant and violent. Islam is all of those things.

17. At one point during the interview, the guest stated that Muslims:

... do not have the capacity to understand what they're doing, nobody who has a rational coherent mind would follow the advice of a rapist and terrorist and mass murderer. ... So you have to start by them being irrational, they have been indoctrinated since birth and have either lost their ability to think or have found thinking to be dangerous in Islamic countries.

18. In the Commission's view, these statements result in dehumanizing Muslims, portraying them as intellectually inferior persons. Further, Muslims are portrayed as persons whose religious beliefs cause them to be a physical threat to non-Muslims. Although no direct call for violence was issued against Muslims during the broadcast, the Commission considers that the guest's remarks had the potential to inspire some form of action to be taken against Muslims on the basis of their religion. The Commission considers that this is a particular risk in the current political and international context in which terrorism is receiving increased attention.
19. The Commission also considers that the context of the broadcast was sufficiently serious for listeners to find the guest's explanations to be credible or convincing. Specifically, the seriousness of the subject matter, the nature and tone of the discussion, as well as the fact that the guest was introduced as an authority on the matter all led to the perceived credibility of the information being broadcast. Both the subject matter and the tone of discussion remained serious throughout the interview. The Commission considers that the comments made about Muslims and Islam constitute abusive comment that, when taken in context, tend or are likely to expose Muslims to hatred or contempt on the basis of their religion.
20. In light of the above, the Commission finds that by airing the segment in question, the licensee has breached section 3(b) of the Regulations.

The Open-Line Policy

21. Pursuant to section 3(1)(h) of the Act, the licensee of a broadcasting undertaking is responsible for the programs it broadcasts.
22. The Open-Line Policy sets out the responsibilities of broadcasters with respect to open-line programs as follows:

A licensee is responsible for the actions of its employees, including open-line hosts, producers and programmers. A licensee is also responsible for comments made by guests or callers during open-line programs.

23. The Open-Line Policy further states:

The Commission will require licensees it considers to have shown themselves unable to meet the provisions of the Act and the regulations with respect to open-line programming to develop appropriate guidelines and other control mechanisms that address the requirements regarding abusive comment, balance and high standard as set out in the regulations and the Act.

24. In its letter of response to the complainant, the licensee acknowledged its responsibility to challenge guests who make extreme, and potentially hateful, comments over the air. It stated that the program host had challenged the opinion of the guest on several occasions.

25. The Commission considers that, if the host had effectively counteracted or challenged the guest's remarks, or invited the guest to re-examine the hateful nature of his remarks, this may have mitigated the impact of the comments. Contrary to the licensee's response, the Commission is of the view that the host neither openly criticized nor adequately challenged the guest's opinions. Although the host raised, during the interview, the alternative views of the president of the Islamic Association of Canada, at no time did he directly oppose the guest's remarks. On the contrary, he helped to facilitate the guest's responses by inviting the guest to openly expound his views and to expand on some of his observations.
26. In this instance the Commission considers that the licensee did not appropriately assume its editorial responsibility as required under section 3(1)(h) of the Act. The Commission is further concerned that the program host appeared to be aware of the likelihood that the guest's views on Islam could be problematic, given that he indicated, at the beginning of the segment that the guest had been on the program before and was "... highly controversial, a guy who is very, very outspoken about the situation going on in the Islamic world."
27. In light of the above, the Commission considers the development of guidelines for open-line programming to be appropriate in this circumstance. Therefore, to ensure that the licensee adheres to its regulatory obligations in the future, and in accordance with the Open-Line Policy, the Commission requires the licensee to: a) develop appropriate programming guidelines with respect to the prevention of the broadcast of abusive comment, including the editorial responsibility of the licensee and host when presenting guests whose views are controversial, and b) specify, in those guidelines, the ways in which they will be communicated to the staff of the radio station. The licensee is to file its programming guidelines with the Commission within three months following the publication of this decision.

Other matters

28. The broadcasting licence for CFX expires 31 August 2006. The Commission hereby requires CHUM to provide, as part of its licence renewal application, a report on the implementation and effectiveness of the CFX programming guidelines. The Commission will consider discussing with the licensee the possibility of making these programming guidelines a condition of licence at that time.

Secretary General

This decision is to be appended to the licence. It is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>

Appendix to Broadcasting Decision CRTC 2005-419

**Transcript of programming broadcast by CFX, Victoria between 6:30 p.m.
and 7 p.m. (approximate) on 27 September 2004 during *Talk Radio*
(Prepared by CRTC Staff)**

Terry Moore – Radio host

Craig Winn – Guest

Jack Etkin – Caller

Terry The world is fraught with a lot of problems, and there is whole series of issues coming down. As a matter of fact, even today there's been more concern coming out of the world dealing with North Korea and the possibility of greater escalation with atomic weapons from North Korea. What is the story and some of these issues around the world? Well, our guest we've had on the air before, highly controversial, a guy who is very, very outspoken about the situation going on in the Islamic world, Craig Winn is joining us. He is an entrepreneur, he is a one time Internet billionaire who has been featured on the cover of *Business Week* magazine. He travels in search of what he says is truth. He is a man on a mission to get the word out of what makes terrorists tick and what we need to do to counteract their madness. His new book is called *Tea With Terrorists*. He is joining us on the phone line tonight to talk about that and to talk about the issue of Iran versus the U.S., versus the U.N., and versus Israel. He's joining us on the phone line from his home in the United States. Craig good of you to join us today.

Craig Hi Terry, it's my pleasure to be back with you.

Terry Well listen, we are delighted to have you back on. One of the things we've been looking at certainly is since you and I had our conversation the last time and I think it's high time that it's being done. A couple of our major national newspapers and some of our national correspondents are starting now to say why do we continue to refer to these people in Iraq as an example, as being insurgents and, and, and, and being, hum, being the, the Islamic hum, hum insurgents why don't we just call them up what they are that these people are nothing but lunatic fringe people who are out and out terrorists. They're not just because the fact that they are fundamentalists, quit calling them fundamentalists, quit calling them, quit calling them insurgents, call them up what they are: lunatic terrorists. Agree?

Craig No, totally disagree.

Terry Why?

- Craig Well cause everything you said was incorrect. First of all, they, they are not anything but fundamentalists. That is what they are. The, the Jihadists that are perpetrating hell on their own people in Iraq and are murdering Americans are good Muslims. They are fundamentalists following Muhammad's example. When we are willing to deceive ourselves and call them terrorists or call them insurgents instead of what they are, which is good Muslims, we have no chance to protect ourselves from them. So, lying on behalf of this enemy has become a past time and, in Europe and North America and frankly it's gotta stop.
- Terry So are you ... (cut off by Craig)
- Craig They are coming out of mosque. They are all reading Koran verses. They all chant "Allahu Akbar," Allah is greatest. They are good Muslims.
- Terry So you're telling me then, the, the news, that the news networks and all of the people that are doing the reporting on this, that we, that we have got it wrong, that we are doing them a favour by giving them the kind of attention that we are or not?
- Craig Well I'm telling you that, that every politician in America and every major national news network in America and Europe has it wrong. They are, they are continuing to call the good Muslim Jihadists everything other than good Muslim Jihads. They are fundamentalist Muslims following Muhammad's example.
- Terry And particularly the "Wahabe Line."
- Craig Well Wahabe is just a, a form of fundamentalist Islam. The Wahabe term came into vogue because it's not politically correct to say that Muhammad was a terrorist and Islam is a declaration of war against all humankind. It happens to be correct, but it's not politically correct till we pull up this term of Wahabism to suggest that these terrorists are Wahabs and not Muslims.
- Terry I just had a ... (cut off by Craig)
- Craig That Wahab means nothing but fundamentalist Islam. It's the fundamentalist Islam practiced by the most fundamentalist Muslims in the world. Those who, who run the country of Saudi Arabia as if it were their own personal fiefdom.

- Terry Now, I just had a conversation a week and a half ago with the president of the Islamic Association of Canada and he's also the president of the Islamic Situation of Canada Against Terrorism and what's going on in Iraq and other parts in the Arab world and he says that there's absolutely no way as far as he can see in his understanding of his faith that there is, that what they are doing has anything to do with Islam.
- Craig Well that's an absolute and utter lie and for, for him to say it is, is a disgrace for you to air it, is also embarrassing. Why don't we read a few Islamic verses so that we will separate fact from fiction. Here is the 8th sura: "All I have sent you from your homes to fight for the true cause; All who wish to confirm the truth by his words; Wipe the infidels out till the last." The Koran confirms infidels as anyone who is a Christian. They're surely infidels who says that Christ is the Messiah, the son of God. "Wipe them out till the last." That kills, means kill every one of them. Well, your pal is a liar. "I shall fill the hearts of the infidels with terror." So that means terror is standard Islamic practice, a practice of its God. "So smite them on their neck." That means cut off their head. We witness that every day, and a rejoin and incapacitate them for they oppose to Allah and his apostles. "Whoever opposes that should know that Allah is severe in retribution. Infidels will taste the torment that Allah is severe in retribution. Infidels will taste the torment of hell. So when you meet them in battle, do not retreat. For those who turn away from fighting (i.e. peaceful Muslims) will bring the wrath of Allah on themselves and their abode will be Hell. So fight them until all opposition ends and Islam is the only religion. If you meet them in battle and flick such a defeat, as would be a lesson for those who come after them that they need be warned. Surely the infidels cannot get away. Prepare against them, whatever arms and cavalry you can muster that you may terrorize them." Is that clear enough?
- Terry Very clear from that point of view. He says that those passages ... (cut off by Craig)
- Craig Yeah, but that's the Koran.
- Terry Yeah, but hang on. He also says, he also says that those passages, he says basically, are being, are are being, are being utilized and are being twisted by these fundamentalists and he says that they have nothing to do with today's present situation. What do you say?
- Craig That's absolute garbage. First of all, all the Koran has is, is these passages. Everything that was revealed in the Islamic era when Mohammed left Mecca in shame following the Satanic Verses is fixated on war. That's its only theme. Once Muhammad leaves Mecca and we begin the Islamic Era, he becomes a terrorist. He led 75 blood-thirsty terrorist raids in 10 years. Muhammad is the best example of a perverted terrorist the world has ever

known. He killed, mutilated, raped and savaged a higher percentage of the Jews within his reach than did Adolph Hitler. This is a disgusting human being. Everything we know about Muhammad, 100% of which comes from the Islamic (word unclear), presents Islam's lone prophet as a terrorist, as a thief, as a slave trader, as a pedophile, a man who engaged in incest, multiple acts of rape, mass murder, assassinations of all journalists. He is Islam's foundation. No Muhammad, no Allah; no Muhammad, no Koran; no Muhammad, no Islam. The foundation of Islam is based upon a perverted pirate and terrorist. That may not sound pretty but unfortunately that's the truth, and to deny it will only get us killed.

Terry Give me, give me your take on the way the Bush administration both, both senior and junior have, have utilized and worked with the Saudis.

Craig Oh it's a total abomination, it's going to lead to the destruction of, of my country. I'm, I'm appalled. The Bush administration, both one and, and two, have allied themselves with the principal manufacturing facility of terrorists world wide. It is not per chance that 80% of 9/11's terrorists were Saudi Arabian. It is not per chance that Osama Bin Laden is a Saudi. It is not per chance that the Arabs who, who were Muslims and raped the little girls in the, in the Russian school were from Saudi Arabia. When we ally ourselves with a nation most responsible for indoctrinating the terrorists who kill us, we will die as a result. So both Bushes sold out America, the lives of Americans, to further their financial relationship with the (word unclear) warlords. It is an utter disgrace.

Terry Then you also have taken a very strong look at what's going on in Iran right now. We know that Iran tested missiles over the weekend, that there seems to be some very strong evidence, although they deny it, that they are moving toward some form of, of major nuclear capability. Tell me what you see shaping up right now between the way that this whole thing been sidebarred with the war in Iraq, the situation in Iran and how you see these forces coming together and what's going on with, with what is being utilized now, with the tactics in Iraq.

Craig Well, this is not going to be Monday morning quarterbacking because I wrote about this two years ago in *Tea With Terrorists*. What I wrote then was that, that America would foolishly invade Iraq which would be amongst the worst decisions America could possibly make. And as a result of that, we would get bogged down in a Vietnam repeat where there is no chance to prevail. But by doing that, we would also ignore the most serious, ah, threat against America which are Iran because of its proximity to having a nuclear bombs and Saudi Arabia because they are the principal financier of terror. And so during this last two years, what we've enabled the Iranians to do is to

complete their nuclear program. Yes, they have an intercontinental ballistic nuclear missile. It is identical to the nuclear missiles used by North Korea because the Chinese [brokered?] the trade because the Chinese wanted to buy Iranian oil more cheaply.

Terry Yeah.

Craig The fuel for the atomic bombs was supplied by the French and the Russians who built nuclear power plants for the Iranians allegedly to generate electricity, but that's a lie and they knew it. And the reason it's a lie is Iran floats on so much natural gas and oil they literally burn off the natural gas because there is no market for it. But all an atomic plant does is boil water. So if you're throwing away money that would gas, that would boil water, why would you spend billions of dollars building nuclear power plants? The answer is simple: the dollar products. The Iranians wanted the residue of those nuclear plants knowing that they would get the centrifuge technology from Kahn, the Pakistan scientist, which I predicted two years ago would happen. And that they would use the centrifuges to finish the production of their weapons grade Uranium 235.

Terry Alright, hold that for just a moment cause I've gotta take a break here and pay some bills. When we come back in just a few moments, we'll continue our conversation with the very outspoken Craig Winn who says they're not terrorists, he says, they're fundamental Islamic ... soldiers who, in effect, are out there to kill every single person that they possibly can who does not agree with the way that they think and he says it's not just in Iraq, it's right across the Islamic world. Back after this.

(Advertising Break)

Terry Let's get back to our conversation with Craig Winn. Mr. Winn, the author of *Tea With Terrorists*, a one-time Internet billionaire, he is featured on the cover of *Business Week* magazine, he has appeared on talk shows, both television and radio, on numerous occasions and particularly since 9/11 and he says don't get yourself confused, he says, you're dealing he says, he says, with, with Islamic fundamentalists who are fully capable of knowing exactly what it is that they are doing and he says they're spreading the word Islam and that they're going to try to kill every single person who does not agree with their point of view is, essentially, that correct?

Craig Ah, most of that's correct. Muslims will continue to fight non-Muslims until Islam is the only religious and political dogma on the planet or they have killed all non-Muslims. Hum, or they're stopped from, from doing so. They do not have the capacity to understand what they're doing. Nobody who has a rational, coherent mind would follow the advice of a

rapist and terrorist and mass murderer with delivering the, the way to God. So you have to start by them being irrational, they have been indoctrinated since birth and have either lost the ability to think or have found thinking to be dangerous. In an Islamic country if you reject Islam, you're murdered. So a Muslim is unable to use reason and evidence to make a sound decision, which does make them hum, hum, hum certainly renders them unable to think insane is a psychological term and I don't think I would use that term.

- Terry Alright, let me take a quick call here. Jack, are you there?
- Jack Yeah, I want to say I have seldom, in my many, many years of life, heard a message so filled with hatred as to be verging on insanity on the radio and I've heard him a couple of times on your station and I wonder what kind of hate-filled message your station is trying to promote?
- Terry Not our station: he's our guest. So direct it to him. Go ahead Craig.
- Craig Well the fact of the matter is that Islam is the most racist and hateful rant that ever comprised. It's more hateful and racist than *Mein Kampf*. To expose *Mein Kampf* as being hateful and racist and violent is not to be hateful, racist and violent. It is to be merciful. The most merciful thing that one can do. The most compassionate thing that one can do is to expose and condemn a doctrine that are at their core racist, intolerant and violent. Islam is all of those things, but this caller does not know is he does not know the Islamic scriptures. If he had read the Seerah, which is the only book written about Muhammad within 120 years of his, of his death, if he had read the Islamic hadith, if he had read the Koran in the context of Muhammad's life and in chronological order, he would recognize that his message is more racist, more intolerant and more violent than Hitler's *Mein Kampf* and he too, would be trying to awaken the world to it because that would be the most merciful thing one can do.
- Terry Jack, go ahead.
- Jack Well, hum, he's right. I haven't read the Koran. I'm Jewish, but I know a lot of Muslim people and listening to what you are saying, you're the one who's filled with hatred and, and insanity and you're laying your trip of hatred on hundred of millions of people and saying that they're all like this ... (cut off by Craig)
- Craig You're, you're a very sick man and I'm sorry for you.

Craig and Jack talk at the same time (The words are indistinguishable.)

Terry Hang on, hang on.

Craig and Jack talk at the same time (The words are indistinguishable.)

Craig You can say you haven't read a doctrine, you have no idea what it says and yet you accuse me when I expose that doctrine for what it says as being hateful. That is so perverse. Why don't you read the Islamic scriptures and once you've shed your ignorance, why don't you call the station and apologize because what you are endorsing by claiming that I am the hateful person as opposed to the Islamic scriptures is the same thing as the Germans who said "You know this Hitler guy, he's not so bad. You know, I know some good Germans so all Nazis can't be terrible." And what happened as a result? Six million Jews lost their lives and 55 million people. You can't tolerate evil.

Terry I gotta break cause I gotta pay some bills. I'll be back in a moment with Craig Winn. Back after this.

(Advertising Break)

(The remainder of the broadcast is not relevant to this complaint.)