



Broadcasting Decision CRTC 2011-715

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Ottawa, 17 November 2011

Complaint regarding the broadcast of a headline on *The National* by the Canadian Broadcasting Corporation

The Commission finds that a headline broadcast by The National on 5 May 2011 regarding Osama bin Laden was accurate and that it did not violate the Canadian Broadcasting Corporation Journalistic Standards and Practices, the Television Broadcasting Regulations or the Broadcasting Act.

Background

1. In June 2011, the Commission received a complaint alleging that the Canadian Broadcasting Corporation (CBC) broadcast an inaccurate headline during the show *The National* hosted by Peter Mansbridge on 5 May 2011. The headline introduced a report about the death of Al-Qaeda leader Osama bin Laden, which stated that Osama bin Laden had “killed 3,000 people” during the 11 September 2001 attacks (the 9/11 attacks).
2. The CBC followed its standard complaint process in responding to the complaint. On 6 June 2011, Mark Harrison, Executive Producer for *The National*, responded that exhaustive United States government and independent investigations have concluded that the Al-Qaeda leader was responsible for the 9/11 attacks and that Osama bin Laden himself said, in a 2004 videotape, that he was responsible for the attacks.
3. CBC Ombudsman Kirk LaPointe also conducted a review of the complaint on 27 June 2011. The Ombudsman concluded that there was no violation of the CBC Journalistic Standards and Practices. He also stated that the United States Intelligence linked the 19 men involved in the attacks to Al-Qaeda, whose leader was Osama bin Laden. The Ombudsman further reiterated that Osama bin Laden had acknowledged his role in a 2004 validated video.

The complaint

4. The complainant was not satisfied with the Ombudsman’s review and filed a complaint with the Commission on 12 July 2011. The complainant alleged that the headline was inaccurate for the following main reasons:
 - the FBI never charged Osama bin Laden for the 9/11 attacks;
 - the former director of the FBI stated that the FBI had no hard evidence tying Osama bin Laden to the 9/11 attacks; and
 - the CBC has not clearly explained the facts to its audience, as it omitted to report that the FBI has not charged Osama bin Laden for the 9/11 attacks.

5. The complainant requested that a clarification be issued by the CBC to specify that the FBI had not charged Osama bin Laden for the 9/11 attacks.
6. On 27 July 2011, CBC News Executive Editor Esther Enkin filed a response to the complaint. She reiterated what was stated by Mr. Harrison and the Ombudsman and added that “there is overwhelming reason to believe Mr. bin Laden is responsible for the deaths of 3,000 people in the 9/11 attacks as stated in the CBC News story. There is no credible evidence to the contrary.”
7. On 8 September 2011, Commission staff sent a letter to the complainant in which staff stated that it had reviewed the complaint and found that no regulatory intervention was warranted. Commission staff also stated that the Commission was satisfied with Mrs. Enkin’s letter explaining there was sufficient credible evidence to substantiate the headline that the complainant was questioning. The complainant was not satisfied with the determination made by Commission staff and requested a Commission decision on 14 September 2011.

Commission’s analysis and decisions

8. In its examination of the present complaint, the Commission took into consideration the complainant’s concerns, the CBC’s response, the Ombudsman’s review and its own analysis of the broadcast.
9. Section 3(1)(g) of the *Broadcasting Act* (the Act) stipulates that “the programming originated by broadcasting undertakings should be of high standard.” Section 5(1)(d) of the *Television Broadcasting Regulations, 1987* (the Regulations) states that “a licensee shall not broadcast...any false or misleading news,” which includes inaccurate statements in news. Given that the complaint is in regards to a CBC broadcast, the Commission also considered the CBC Journalistic Standards and Practices. In the document’s introduction, accuracy is listed as one of the primary values of the CBC:

We seek out the truth in all matters of public interest. We invest our time and our skills to learn, understand and clearly explain the facts to our audience. The production techniques we use serve to present content in a clear and accessible manner.
10. The Commission agrees with the statements made by the CBC and the CBC Ombudsman that the headline broadcast on *The National* on 5 May 2011, more particularly that Osama bin Laden had killed 3,000 people during the 9/11 attacks, is supported by “overwhelming credible evidence.”
11. In light of the above, the Commission considers that the broadcast was accurate and finds that it did not violate the statement regarding accuracy set out in the CBC Journalistic Standards and Practices, the prohibition to broadcast false or misleading news set out in section 5(1)(d) of the Regulations or the declaration that programming should be of high standard set out in section 3(1)(g) of the Act.

Secretary General