
Appendix B

to CBSC Decision 01/02-0651

CKTB-AM re the *John Michael Show*

I. The Complaint

The following complaint dated March 7, 2002 was received by the CBSC (the CRTC, various individuals at CKTB and Magnotta Wines were also copied on this e-mail):

Preamble:

I wish to have the opportunity to meet at the radio station with the person-complained-of present so that he may meet his accuser face-to-face. That way there will be no treachery involved. I will make myself available before 22 March 2002 and after 8th April 2002.

Good afternoon Ladies and Gentlemen

J'accuse.

I listened to the John Michael show on 6th March 2002, having joined it about 10:00AM.

I grew more alarmed by the moment as he referred to the problems in the mid-east with increasing passion. During the rest of the show he must have intoned the word KILL at least 50 times, if not many more.

His rhetoric became increasingly more offensive, and at times I felt he was espousing and encouraging genocide. Certainly he was encouraging hatred between the combatants and contemporaries. His "KILL until there is only one man standing" oft repeated mantra was egregiously offensive and alarming.

RES IPSA LOQUITUR*

*Let the facts speak for themselves.

I cannot faithfully enter into a discussion on the contents of the portion of the radio program I heard, because I would need to have a copy of the appropriate tape. After receipt of same I reserve to myself the privilege of laying out evidentiary analysis of his words, in support of

my complaint. I would encourage all addressed parties to review - at least - that portion of the program from 10AM to noon, to determine whether my concerns and complaints are founded in fact.

By copy of this complaint, I respectfully request a copy of the taped portion between 10 am and Noon 6th March 2002.

I felt his rhetoric not only crossed the line of good taste, but violated several frontiers of broadcasting ethics.

I became particularly incensed when he brought in the Magnotta Wine commercial to patronize and castigate a caller who disagreed with his view point, and while holding the lady and her remarks in context made unseemingly comments to her about "sex-in-a-glass". Reprehensible.

Comments on program 7th March 2002.

I joined the program about 9:30 am. He was verbally flailing away at the people who had taken exception to his previous program yesterday, belittling them with words that are to be adduced from the tape of today's (7th March 2002) program. He obviously does not suffer dissent gladly or graciously.

PLAGIARISM

During this show he decided on a dubious strategy of attempting to relieve himself from his dreadful remarks the day previous. He said he had only adopted the words from a writer in a newspaper published earlier. It was a pitiable visual word picture to see a person artlessly dodging the responsibilities of his actions. The word "disingenuous", to describe the person's integrity and character springs readily to my mind.

He treated his audience to a reading of that article, which bears only a faint resemblance to his vitriolic remarks of the day before. - Let the reader refer to the subject tape. Not only did he **publicly confess to being a plagiarist**, but plainly demonstrated he had severely editorialized and embellished it (on both shows).

I'm quite certain the author of the article to which John Michael referred would not readily connect it with the radio program of 6th March 2002.

A plagiarist is a thief by another name. Plagiarists in schools are failed or expelled if not both.

I refer the addressees to John Michael's hostile and abusive remarks to and about the British accented gentleman who chose to call-in and who voiced objection to the program of the previous day. It was unfair (because the caller was abused, also, after he had been released), abusive and vitriolic. A perfect demonstration of unprofessionalism.

N.B.

John Michael

I suggest you seek competent counsel before you use your microphone to disparage a person (me) who has a complaint about you. I refuse to debate you on air for many reasons. I have however asked for a meeting with you, face-to-face, so that you may meet your accuser. That is **your** right under the Constitution act. You have no mandated right to castigate, belittle, or humiliate people who do not have control of a microphone, on air; or who may disagree with your on-air work. Your duties under law, as an announcer, are known to you. I have warned you, as is **my** requirement. Please govern yourself accordingly! I look forward to meeting with you in the near future.

[CKTB Program Director]

We spoke 6th March 2002. You may wish to review with your corporate lawyer and with Mr. Michael an announcer's rights, duties and privileges with respect to usage of the public airwaves. It is a solemn job.

Marketing Manager at Magnotta

We spoke 7th March 2002. I am indeed grateful for the gracious manner in which you handled my concerns, and the information you conveyed to me on behalf of your fine organization.

CBSC and CRTC

Please accept this e-mail as a complaint. CRTC - I accept the stipulations at Step 2 of 5 in your on-line pro forma.

The foregoing is my personal submission. I make no pretense at speaking on anyone's behalf. I have no intention of offending anyone, and now exercise my right of complaint in a respectful manner, to all concerned. There are occasions when a person must speak up. I see the current situation as just such an occasion.

The complainant then copied the CBSC on the following e-mail he sent on March 13 to the Attorney General of Canada:

Dear Sir,

I am forwarding copies of 2 emails to CKTB radio station, with request for action at CRTC and CBSC, respecting my allegations, complaint and requirements dealing with 2 radio programs coming from CKTB on 6th and 7th March 2002.

I respectfully request your assistance in the resolution of the matters attendant to these programs, especially the one of 6th March 2002.

The facts contained in the recordings of these programs will speak for themselves [*sic*], and will support my complaint.

Thank you, Sir, for your assistance.

ATTACHED MESSAGES

May I respectfully thank you for your response to my letter of Complaint, Allegations and Requirements dated 7 September 2002.

A week has passed since my having composed and dispatched that concern, sufficient time for "sober second thought". Today, the complaint stands, as stated, with an escalation of alleged severity of the activities of John Michael.

I am presently under Subpoena as a Crown witness regarding the 1985 Air India Disaster.

I worked as Air Canada's liaison officer with the Royal Canadian Mounted Police for several weeks on that disaster. I am acutely aware of matters dealing with terrorism and world conflict. I carried a Warrant of Appointment under Cabinet Directive 29 for several years when I was with the Royal Canadian Air Force security services. Much of my life has been involved in an active and supportive role in matters dealing with security of information, personnel and material.

I served Canada in some instances on 3 continents, and Air Canada on 5.

The foregoing is to describe a portion of my sensibilities, which have been honed to believe in "the dignity and sanctity of mankind".

Yesterday I was **treated** to the wonderfully gently intoned plea of The Secretary General of the UN, Kofi Annan, wherein he spoke on the need for a desisting and deceasing [*sic*] of all hostilities in the near east.

I believe that speech should be repeatedly played by people of good will.

Compare that to the horror I (we? - an audience of 200,000) endured from the lips of John Michael for at least 2 hours on 6th March 2002 and his attempted trivialization of it the next day - 7th March 2002. In

all correspondence I speak on my own behalf only, and make no pretense to speak for others.

His program caused what is referred to in civil court as infliction of mental shock. It is a real and viable head of action.

Criminal Code of Canada

On reviewing certain particulars of the Criminal Code of Canada, and specifically section 318 - Advocating Genocide, and s. 319 - Public Incitement of Hatred, I find myself inadequate to decide as to whether I should let the matter drop.

There is however a provisio [*sic*] in those sections of the CCC which requires the Federal Attorney General be the arbiter as to whether charges should proceed. Accordingly I am writing to the Attorney General to engage the assistance of that office.

CKTB 610

Prior to your responding to the CRTC in this case, I would very much appreciate if you would supply me with 110-120 minute audio tapes of the 2 radio programs mentioned. I want to make an evidentiary trial analysis of the contents of the tapes, which evidence will support my preliminary complaint.

Please refer to my email dated 7th March 2002, to [CKTB Management Personnel] of your organization.

Attention John Michael

I promised to keep you advised of all my correspondence, so there will be no treachery.

On April 3, the complainant sent another e-mail, the majority of which dealt with administrative issues. The portion of the e-mail relevant to the complaint is as follows:

In addition to the foregoing I wish to ***complain*** vigorously about the lack of control CKTB management employed over the content of the show, as it was unfolding. It went on for at least 2 hours!!!

[The Program Director] mentioned they were receiving calls of complaint along with my own. It has become obvious that other listeners were insensed [*sic*] as well.

This program did not cause emotional controversy, rather it caused rational disgust and abhorrence for the program's content.

Surely, at some point, CKTB management has an obligation to cause a standard to be broadcast, and take appropriate action, in mid-stream, so to speak.

[...]

Will you please keep me advised in due course.

II. The Broadcaster's Response

The broadcaster responded to the complainant's letter on April 9 with the following:

Your complaints to the Canadian Radio-television and Telecommunications Commission ("CRTC") about the comments made by John Michael on radio station CKTB-AM on March 6 and 7, 2002 were forwarded to me for attention and reply.

In your complaint filed on March 7, 2002, you indicated that John Michael is encouraging hatred between the combatants and contemporaries, and that his rhetoric not only crossed the line of good taste, but violated several frontiers of broadcasting ethics.

[...]

In the last few months, there were many incidents of violence between the Jews and Palestinians in Israel. Since the situation in Israel is an important source of concern for many countries the media have been covering such incidents or commenting on them.

In his program aired on March 6, 2002, John Michael referred to certain principles that were applied by Mr. Mike Harris while acting as the Prime Minister of Ontario [*sic*], namely:

- Do not seek consensus in a crisis.
- Challenge and scrutinize everything in front of you.
- Do not procrastinate.
- Trust your instincts.
- Risk failure instead of risking nothing.

In reference to the comments made by Mr. Harris in another forum, Mr. Michael wondered if the problem in Israel could be solved through peace talks. Mr. Michael expressed the opinion that it was impossible to solve the conflict between Israelis and Palestinians through peace talks and that a war was the only way to achieve peace even if it might create some injustice.

The debate was on the peace process and he made it clear that he did not care who could win the war. Many listeners phoned in to express their point of view during that program. John Michael tried to restrict the debate to the question referred to hereinabove and indicating that the debate was not the merit of the position of either group involved.

The objective of radio station CKTB-AM is to keep its listeners informed about what goes on in the world and to provide a reasonable opportunity for the public to be exposed to the expression of different views on matters of public concern.

Some people may consider that a debate on that topic is inappropriate and we respect that point of view. The comments made by Mr. Michael may have been distasteful but, in our opinion, with all respect for an opinion to the contrary, they did not encourage hatred towards Palestinians or Israelis. Obviously, his comments have offended you and we regret it because our objective is to inform our listeners, not to offend them.

It is our policy not to provide copies of our broadcast log tapes which are kept in accordance with the requirements of the CRTC. However, the tapes relating to the programs referred to hereinabove were preserved for any future uses that may be required.

We thank you for taking the time to provide us with your comments on this matter.

III. Additional Correspondence

The complainant was unsatisfied with the broadcaster's response and sent the following e-mail dated April 9, on which he copied the CBSC:

May I thank you for your response, preserved hereunder.

With profound personal respect I suggest that you (personally) have not taken the opportunity of listening to the 2 hour (10:00 am to noon 6th March 2002) tape of the program in its entirety. Had you done so I am certain the text of your reply would be totally different.

You dealt only with one (1) aspect of the remarks, and the remarks to which you refer are and were not in any way offensive. The other remarks and the repetition of the word KILL repeated at least 50 times with mounting fervour, etc, etc, are what amount to offensive broadcasting.

In order for you to make a responsible and "due diligence" report to the CRTC and myself I respectfully request and require you personally, or your agent, to listen to those two hours in its entirety, and then respond accordingly. Respectfully I suggest your "due diligence" in this matter has not been fulfilled.

It appears you relied on some other people to put you in position to make your reply.

If so, those same agents have placed you in an undesirable position of not being able to comment factually. (This is far from the first time, of which I am aware, subordinates or clients have left their Counsel to "hang-out-to-dry" for whatever purposes.)

[...]

The follow-up program on 7th March 2002 is likewise extremely informative in that Mr. Michael attempted a weak "*mea culpa*" by pretending to have plagiarized [*sic*] the entire tirade from a named author. His attempt to transfer blame to the author, to whom he made frequent reference on 7th March 2002, fails. - Listen to the tape, please.

You sign the email (reply to which is this email) as General Counsel.

I am therefore certain that you will appreciate my remark that Mr. Michael's deplorable misconduct is covered by the maxim of civil law expressed in Latin, *CULPA LATA DOLO AEQUIPARATUR* "Gross negligence is held equivalent to intentional wrong".

Again, with profound respect to yourself Counsellor, I cannot, and furthermore do not, nor am I required to, in good conscience, accept your reply, as sent to me this date, 9th April 2002, as being a correct and faithful reply to my allegations of Mr. Michael's misbehaviour, and indeed alleged criminal conduct by Mr. Michael.

I likewise request CRTC and the Minister of Justice hold your initial response in abeyance until such time as you have had an opportunity to (re)visit the facts (tapes), and assure all interested parties that the required "due diligence" has been performed and accomplished.

The allegation of FAILURE of management at CKTB to exercise control of Mr. Michael during his inappropriate tirade STANDS, as you have not addressed that issue either.

The foregoing response contains certain remarks which may be misconstrued as being harsh and even unwarranted. I assure you I intend no offence, but only conclude the remarks are truly warranted, as evidence above.

I refuse your response in the sure knowledge that we both pursue only the truth.

I will make myself available to you, for a discussion of the issues, at your convenience.