
APPENDIX B

CBSC Decision 07/08-0127 & -0469 CKNW-AM re episodes of Bruce Allen's *Reality Check* and the *Christy Clark Show*

The Complaints

File 07/08-0127

The CBSC received this e-mail dated September 21, 2007 via the CRTC:

I would like to file a complaint regarding a segment of *The Christy Clark Show* whereby an individual by the name Bruce Allen was a guest and during a ranting or some speech was inciting hatred, and racist comments towards several ethnic communities in Canada. The individual made these comments on CKNW Radio at approx 12:20pm-13:30pm.

Specifically the individual states "These immigrants should get out" and various other hatred-filled comments about turbans and RCMP and making disturbing comments to say the least.

I would like this complaint to be investigated and appropriate actions to be taken.

File 07/08-0469

The CBSC received the following complaint dated October 1, 2007 via the CRTC:

This is a complaint regarding Bruce Allen of CKNW radio in his program *Reality Check*.

Original outburst was on September 13th 2007

http://www.cknw.com/shows/realitycheck.cfm?REM=42563&fld=2007&fle=CKNWAM_4C0FD6_2007_9_25_13-15-28.wma&wids=300

Here it is quite evident what Bruce Allen is doing and saying. He has identified it as "Immigrant Bashing" and then gives examples.

1. The Sikh Boys with Handkerchiefs (said to ridicule the situation).
2. The Burka-clad Muslim voter.

He then says all of these issues join the list where other immigrants have sought and were given exceptions. Turban for Helmet, etc.

He then says, if you don't fit in, go home. A classic line of a man whose mind is darkened by IGNORANCE.

Bruce Allen is clearly a racist, and expressed his honest viewpoint in this snippet, as would any redneck, I suppose.

Bruce Allen should be taken off the air, and CKNW fined for allowing such atrocious viewpoints to enter our airwaves; where Sikhs, Muslims, Anglos, French, Spanish and many others have lived in harmony all along. We do not need someone in the media to be stirring the pot and spreading hatred.

In his apology on September 26th, Allen has tried to save face as it may have become apparent to him that he had opened his mouth a bit too wide. Maybe the listenership of CKNW has changed to multicultural!

<http://www.cknw.com/shows/realitycheck.cfm?REM=42669&fld=2007&fle=Rebuttal.wma&wids=300>

He was not using the examples of immigrant-bashing to help them fight a battle of any sort! He was using it to add to the list of his redneck objections.

Broadcaster's Response

The broadcaster responded to all complainants during October with the following:

The Canadian Broadcast Standards Council has asked us to respond to your email of October 17, 2007, in which you raised concerns regarding comments made by Bruce Allen during *Reality Check* that was aired on CKNW-AM on September 21, 2007. Specifically, you state in your email that you found Mr. Allen's comments to be "racist".

As you know, *Reality Check* is a short editorial segment, during which Mr. Allen routinely expresses his point of view on particular issues. Depending on the topic he is discussing, the program can be controversial.

Having listened to a tape of *Reality Check*, originally aired on September 13, 2007, we confirm that while Mr. Allen did use strong (and in part, incorrect) language to make a controversial point about a matter of public policy, his comments were not racist or discriminatory, nor did they breach the *CAB Code of Ethics*, which is administered by the CBSC and to which we adhere.

The CBSC has frequently stated that it is not *any* reference to race, national or ethnic origin, religion, sex, marital status or physical or mental handicap that will be sanctioned, but rather, only those references that contain abusive or unduly discriminatory material (*CFYI-AM re Scruff Connors and John Derringer Morning Show*, Decision 01/02-0279). We do not believe that Mr. Allen's comments fit this description.

The piece was centered around the issue of how far, in Mr. Allen's opinion, we should go as a country to accommodate the cultural needs of Canadian immigrants. In making the point that he believes immigrants should accept the laws of the country they immigrate to, he referred to a number of examples in which Canadian Sikhs have either asked for accommodation as a result of their religious customs or beliefs, or have been asked to compromise those customs or beliefs in order to comply with Canadian rules. While Mr. Allen referred specifically to members of the Sikh community, those references were not racist or discriminatory comments about Sikhs, but were comments about well known cultural conflicts from which the question of reasonable accommodation arises. By stating that "we are being pilloried by special-interest groups that want special rules for themselves", Mr. Allen is making it clear that he is not taking issue with any particular group, but rather, with the fact that we have collectively agreed, as Canadians, to create laws that apply to some and not others; that

Canada's laws do not apply to everyone equally. In this sense, Mr. Allen's comments were not abusive, discriminatory or racist.

As you may know, the topic of "reasonable accommodation" is currently being widely discussed in Canada, most notably as a result of the Bouchard-Taylor Commission, an initiative spearheaded by Quebec Premier Charest for the purpose of gauging public sentiment on the issue of how far the province should go to accommodate religious minorities. In making a statement about what Canada's approach to "reasonable accommodation" should be, it is our view that Mr. Allen was, on this particular occasion, commenting on a matter of public interest about which he is entitled to express an opinion. The CBSC has stated that there is nothing "more fundamental to the principle of freedom of speech enshrined in the Charter than the entitlement of an individual to express a differing view on a matter of public concern" (*CKTB-AM re the John Gilbert Show*, Decision 92/93-0179). However unpopular his point of view may be, we maintain that Mr. Allen should be free to comment on what is an issue of public policy.

All this being said, we appreciate that Mr. Allen was clumsy in his use of language during the segment, referring, for example, to a "patka" as a "handkerchief". He also incorrectly referred to the name "Kaur", a Sikh name, as "Khan", a Muslim name. Mr. Allen appeared on *The Christy Clark Show* on September 14, 2007 and apologized to anyone who may have been offended by these errors. We further recognize that the manner in which Mr. Allen expressed himself may have been hurtful to some listeners. In order to make amends for comments such as "shut up and fit in" – comments Mr. Allen admits may have been "too harsh" - he broadcast a clarification on September 26, 2007, during which he recognized the importance of immigration to Canada's continued vitality and success. As a result of the September 26th broadcast, the Canadian Organization of Sikh Students, a group that had lodged a complaint regarding the piece to the CBSC, issued a press release stating that they would not be pursuing the matter any further.

One of the main objectives of talk-radio is to stimulate debate about topics that concern its listeners. While we understand that the topic in question was a delicate one that should have been handled with greater care, we do not believe that it violated the CBSC *Code of Ethics*. We do regret, however, that you were offended by some of our programming, but assure you that we take our responsibilities as broadcasters very seriously, and work hard to make sure all of our programming complies with the *Broadcasting Act*, the *Radio Regulations*, the *Code of Ethics* and standards required of us as a member of the CBSC.

We trust that this letter has addressed your concerns.

Additional Correspondence

File 07/08-0127

The complainant in this file submitted his Ruling Request on October 18 with the following note:

The response from the broadcaster did not address my complaint that the commentary was not factual, was intended to incite hatred towards a specific immigrant group and that the comments were claimed to be an "editorial". It is important a ruling be provided to prevent in the future such non-factual comments directed at selected minority groups that are singled out by commentators based on non-factual information perpetuating hatred towards that

group by the public. If not addressed, many people may feel they can make non-factual commentary towards ethnic groups based on personal bias, hatred or intolerance. I find it extremely alarming that an individual can single out an ethnic group on the personal basis of what he/she feels is not Canadian and does not adhere to the commnetator's personal subjective views of what is acceptable.

File 07/08-0469

The complainant in this file first wrote back to the broadcaster on October 31:

Thank you for your email dated 24th October 2007. I have read it carefully.

I am sorry to say that I do not agree with you. As a taxi driver, I have been at the receiving end of racist aggression at least two times since the broadcast. Once the people actually cited Bruce Allen as being their hero! They were upset that someone wanted to translate the Canadian National Anthem to Punjabi.

Your response to me does not tally with Bruce Allen's rebuttal, <http://www.cknw.com/shows/realitycheck.cfm?REM=42669&fld=2007&fle=Rebuttal.wma&wids=300>

In his apology, Mr. Allen has said very clearly that he was actually batting for the immigrant. The boys and girls with last name Singh, Kaur, the burka-clad voter, also citing the old issues of helmet and turban on motorcycles. And RCMP officer wearing a turban.

In your letter to me you have said that Bruce Allen has an opinion (from Sep 13 audio). But Bruce Allen has contradicted you, saying he was on the side of the the turban guys.

I have no qualms about people discussing these issues in an amicable manner. However, when your show host says that those that do not fit in should go home, this is a racist remark with clear repercussions. He did not say those that break the laws should be deported. "Who does not fit in? And into what?" are my questions. *Charter of Rights* ring a bell?

I will be filing my discontent with the relevant body within 14 days.

Thanks for taking the time and responding.

PS: A little feedback for your station, also kindly forward this to Bruce Allen.

The complainant then filed his Ruling Request and additional comments on November 7:

From Bruce Allen's controversial rant Sept 13th 2007 - "This is all very simple. We have laws in this country. They are spelled out and they're easy to get a hold of. If you're immigrating to this country and you don't like the rules that are in place, then you have the right to choose not to live here. But if you choose to come to a place like Canada, then shut up and fit in. We are a democracy, but it seems, more and more, that we are being pilloried by special interest groups that just want to make special rules for themselves. This is easy to solve: these are the rules, there is the door. If you don't like the rules, hit it. We don't need you here. You have another place to go: it's called home."

The broadcaster does not say why Bruce Allen would make such inflammatory, and clearly racist remarks on its Radio Station.

The "Reasonable Accommodation" explanation is stepping aside from the inflammatory and racist remarks made.