
APPENDIX B

CBSC Decision 10/11-1803+ Sun News Network re *Canada Live* (Margie Gillis interview)

The Complaints

The CBSC received a total of 6,676 complaints about this broadcast in both English and French from across the country. Some of the initial complainants were provided with an opportunity to request a CBSC ruling, but then due to the large number of complaints, the CBSC stopped providing that opportunity and simply agree to adjudicate the matter. Of the people who were provided with the opportunity to request a ruling, 6 individuals did so. The correspondence related to those files is reproduced below.

File 10/11-1803

The CBSC received the following complaint on June 8:

Dear Sir/Madam,

I am writing to complain about the treatment dancer and choreographer Margie Gillis received on the *Canada Live* show aired on June 1st, 2011. Krista Erickson, anchorwoman for the Sun News Network, set about not only to publicly insult and humiliate one of Canada's most respected and admired artists on that occasion, but to make a political statement through her attack. Surely regulations must exist to prevent the media from taking such an aggressive and politically biased stance on prime-time TV?

Thank you for your attention.

The CBSC wrote back to the complainant, explaining that it needed the time of broadcast in order to pursue the complaint. The complainant wrote back with that information on June 9:

Many thanks for your reply. I saw the interview as part of *Canada Live* with Krista Erickson on June 1st, 2011 between 3pm and 5pm ET.

File 10/11-1805

The CBSC received the following complaint on June 8:

Dear Complaints Committee,

I am writing to complain about the methods used by Sun News to get an internationally renowned Canadian artist, and the most medaled artist in Canada, to interview. It is nothing short of entrapment and shows the very lack of compassion that Ms. Gillis referred to in her Governor General Award-filmed interview. Sun News Network is not news at all. It preys on

unfamiliar and unsuspecting person of interests and uses the most crass and disrespectful form of sensational journalism that reflects the least compassionate sector of our society. Sun News Network does is not worthy of a licence if its purpose is to carry out its business in this way. It is unacceptable treatment of anyone including an artist of this calibre. It was a public smear plot which reflected the personal opinion of this interviewer as well as her employer, Sun News Network. It was a disservice to our society and a horrendous attack on a graceful, unassuming artist who has indeed sacrificed throughout her life to hold and share a place for beauty in this world. The sacrifice begins by realizing that to create such beauty and inspiration in the world one will live at the economic margins of society for most of their lives. Krista Erickson failed to do any advance math which would point to how meager the grant values she brought up amount to and Ms. Gillis was not given a moment to grasp what was actually happening and then reply. Erickson's interview was a full-on and relentless attack. It was humiliating for me to witness and particularly because I am a tax-paying Canadian whose taxes support corporate tax cuts as well as arts funding. I am also an artist.

Everyone is entitled to their [*sic*] opinion, however, a minimum standard of ethics should prevail at all times in order for a tv station to deserve its licence. No station should enjoy a licence to misrepresent their intentions to their guests and publicly harass them with the clear intention of public embarrassment and humiliation.

I ask you to remove Sun TV from basic cable programming until it can demonstrate respect to its guests and its audience.

I look forward to your treating this matter with the seriousness it deserves.

Thank you.

The CBSC wrote back to the complainant, explaining that it needed the date and time of broadcast in order to pursue the complaint. The complainant wrote back with that information on June 9:

Thank you, [CBSC], for your email and your actions on this matter. I saw this interview on June 1 at 11:38 pm on the Sun News Network website. The live interview *Canada Live with Krista Erickson* aired on Sun News on June 1, 2011, at 4:15 pm Eastern Time and is shown in Nanaimo on channel 177 (Shaw TV).

I would like to add to my initial complaint the outrageous leap in logic with a tendentious comparison between Margie's expression of a general lack of compassion in society with the death of a soldier in Afghanistan.

Given that Sun TV (in Nanaimo at least) is a pick-and-pay channel, yet still has the capacity to make their programming available on their public website, my request, to be more specific for CBSC, would be that the Sun News licence be revoked.

Please let me know if there is any other information required or any concerns otherwise.

I look forward to hearing the results of the CBSC inquiry into this matter.

Thank you, again.

File 10/11-1900

The CBSC received the following complaint on June 8:

To Whom It May Concern:

I wish to register a complaint concerning a segment aired on Sun TV's *Canada Live* program (June 1, 2011) titled "A Lack of Compassion?". In this segment, host Krista Erickson interviews dancer and Governor General laureate Margie Gillis. What ensues during this interview is in direct violation of the Canadian Broadcast Standards Council's *Code of Ethics*, but especially Clauses 5 (News) and 6 (Full, Fair and Proper Presentation). Miss Erickson can hardly be said to interview Margie Gillis, as she basically uses the segment to air a virulently anti-arts tirade in which figures are skewed, facts distorted, and an emotional, almost-irrational bias against any form of publicly-funded culture forwarded. She barely lets her guest respond to any of the questions she poses, which are not actually questions but points in a narrow, ideologically driven agenda.

Sun TV is a member of CBSC and has agreed to adhere to a *Code of Ethics* in which "news shall not be selected for the purpose of furthering or hindering either side of any controversial public issue, nor shall it be formulated on the basis of the beliefs, opinions or desires of management, the editor or others engaged in its preparation or delivery," and in which "the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of each broadcaster." I urge you to take action against Sun TV for breaching this Code in the most flagrant way possible.

Thank you.

File 10/11-1911

The CBSC received the following complaint on June 8 via its webform:

station:	Sun News Media
program:	Krista Erickson (Prime time: " A lack of compassion?" interview)
date:	June 1 st , 2011
time:	17:30
concern:	The use of extreme political propaganda and misrepresentation in the media.

File 10/11-1921

The CBSC received the following complaint on June 8:

I was outraged to see Krista Erickson's disrespectful attack on Governor General-award recipient Margie Gillis. This wasn't an interview, this was a combative attack led by a biased ideology.

According to the CBSC's code clause 6 "The fundamental purpose of news dissemination in a democracy is to enable people to know what is happening, and to understand events so that they may form their own conclusions." At one point Ms. Gillis wasn't even able to talk

because of Ms. Erickson's yelling over her guest. As Ms. Gillis pointed out, she was being interviewed as Ms. Erickson's guest and she should be allowed to talk.

I believe that Krista Erickson's "interview" was in violation of the *CAB Code of Ethics*.

The CBSC wrote back to the complainant, explaining that it needed the date and time of broadcast in order to pursue the complaint. The complainant wrote back with that information on June 15:

Thank you for your reply.

The interview I am referring to was entitled "A Lack of Compassion?" which aired June 1, 2011 at 5:30.

File 10/11-1965

The CBSC received the following complaint on June 8:

I wish to register a complaint about the piece by Krista Erickson, anchorwoman for the Sun News Network, which aired on June 1, 2011 on the network's *Canada Live* show. Ms. Erickson interviewed the distinguished dancer-choreographer, Margie Gillis, in an inappropriate and highly unethical manner. Ms. Gillis had just received a Governor General's Performing Arts Award for Lifetime Artistic Achievement. For more than three decades, she has served not only as an artist but a cultural ambassador for Canada.

The clip that accompanied the interview trivialized and misrepresented Ms. Gillis' work in several ways. It was extremely brief; it was presented out of context; it was manipulated and distorted -- altered by slow-motion and extreme closeup, and set up by Ms. Erickson's hand-waving mockery. Given the way it was presented, I have to wonder whether Ms. Erickson's rude remarks were based on this single, distorted fragment, or on actual viewing of the entire piece. And since her commentary denigrated not just this one piece, but virtually all of Margie Gillis' works, and all of contemporary dance, I wonder precisely how many contemporary danceworks Ms. Erickson has seen, before passing such damaging and gratuitous judgment.

As I wrote in my book, *Media Ethics and Social Change* (Edinburgh University Press and Routledge, NY, 2004, nominated for the Clifford Christians Ethics Award), it is not required that a journalist like or even appreciate an artist or her/his work. What is required is the basic respect for the people s/he interviews and depicts. "Journalism is ethical to the extent that it tells as much truth as possible ... and includes a range of observation that provides a context for the 'factual' information reported about people and events." I quoted an account by the singer Frances Somerville of a review published in a major magazine that praised her CBC Radio performance of a Bach aria. The only problem -- she was ill and had to cancel the broadcast. She said the music critic's praise of her performance 'would have thrilled me if I had sung the recital'.

I wrote, "I think we can agree that here is a moral absolute. No one should review a performance he or she has not attended!"

In 2004, I thought such things were relics of the journalistic past. But Krista Erickson has done essentially the same thing -- she evaluated a body of work that she could not possibly

have seen. Even if she did see all of this particular Margie Gillis work, she most surely has not seen all of the works she derided in the broadcast.

The broadcast was unethical and insulting to the interviewee; the Governor General's Award nominators, judges and presenters; Canada's arts community; and the viewing public. I ask that you formally censure Krista Erickson, those with editorial responsibility for *Canada Live*, and Sun News Network.

Broadcaster Response

The CBSC did not oblige Sun News Network to respond to all complainants, only those who had filed their complaints before the CBSC posted its website message on June 24. To those complainants, Sun News sent the following letter on August 12:

I am writing in response to your complaint concerning Krista Erickson's interview with Margie Gillis, which was broadcast on Sun News on June 1, 2011.

Given the large number of complaints, we have chosen to provide a common response that addresses the main points made by those who took issue with the interview.

It is part of the mandate of Sun News to explore topics and issues that have not been fully explored in other media, including other broadcasters. It is also part of the mandate of Sun News to explore such topics and issues in a thought-provoking, fearless and hard-hitting way. We pride ourselves on this mandate.

One such issue is government funding for artists and for the arts in general. Sun News understands there are many people in Canada who strongly believe that government should fund the arts. There are many others who believe just as strongly that it should not, or who question what the justification might be for doing so. The very fact that there are strong differences of opinion underscores the importance of exploring the issue in a sustained and critical way.

Krista Erickson's interview with Ms. Gillis was part of Sun News's efforts to do so. Ms. Gillis is a member of the Canadian arts community. She is also a long-time recipient of government assistance to artists. In addition, at the time of her interview on Sun News, she had recently made a controversial, political statement on the need for further funding at the Governor General's Arts Awards. That made her an ideal interviewee for a segment on arts funding. Sun News thanks Ms. Gillis for agreeing to appear on the network to address this issue. It is important that different opinions be heard on Sun News.

The interview with Ms. Gillis ran for approximately 21 minutes. It was far from a "drive-by" that dealt with the issue in a brief and unsatisfactory fashion. Sun News suggests that the time devoted to a one-on-one discussion of this topic is a rarity in Canadian television journalism.

The interview gave Ms. Erickson the opportunity to question Ms. Gillis in great detail on her views on arts funding and push her aggressively to respond to the arguments made by those who do not support arts funding, nor see a justification for the substantial amount of funding Ms. Gillis herself has received. Ms. Erickson's interview gave Ms. Gillis a lengthy and equal opportunity to set out her views on the subject. And Ms. Gillis did so, forcefully and articulately.

Numerous complaints to the CBSC accused Ms. Erickson of in some way attacking Ms. Gillis. These statements do not do justice to Ms. Gillis. They minimize and downplay the tenacity with which she presented the other side of the debate.

The interview was more than just a polite and mild-mannered interview of the sort that is unfortunately all too common in Canadian broadcasting. It was a debate. Ms. Erickson did not simply accept Ms. Gillis's answers and move on to the next question. She took issue with Ms. Gillis's answers. She probed further. She raised analogous or related issues. This is what viewers of Sun News expect. And Ms. Gillis held up her side of the debate ably and forcefully.

Sun News proudly stands by Ms. Erickson, who effectively carried out what Sun News considers to be the responsibility of an interviewer addressing a controversial topic. Sun News believes that the measure of good journalism includes challenging the point of view of the interviewee -- but also giving the interviewee the opportunity to respond and, in turn, to challenge the point of view being presented by the interviewer. Again, Sun News stresses that Ms. Gillis took up that challenge very effectively.

That is what the news media look like in a free and democratic society.

A large number of complaints suggest the proper remedy to the Krista Erickson interview with Margie Gillis is to have Sun News removed from the air. This reveals an intolerance for debate and a diversity of views that is not, and will never be, shared by the Sun News Network. Moreover, it runs counter to the fundamental principles, laws and constitutional rights afforded to a free media and on which a free society is based.

Sun News makes no apologies for being controversial, and will continue to take on contentious subjects.

Sun News, like all private media, is accountable to its audience and to the courts. Those who are offended by content have many remedies at their disposal, including changing the channel. One remedy that should never be on the table is to censor or ban voices one disagrees with or is offended by. Such a step would be inimical to the fundamental principles of freedom of speech.

In closing, Sun News and its parent company Quebecor Media respect, and always have respected, the rule of law under the Canadian constitution -- both the obligations that come with it, but also the freedoms it affords. No campaign, organization or complaint will change this fact.

Sun News submits that its interview with Ms. Gillis did not violate any CBSC broadcast guidelines or codes.

Additional Correspondence

File 10/11-1803

The complainant wrote back to the broadcaster on August 23:

Thank you very much for your reply to my complaint concerning Krista Erickson's interview with Margie Gillis, which was broadcast on Sun News on June 1, 2011.

I certainly appreciate that it is part of the mandate of Sun News to explore topics and issues that have not been fully explored in other media, and to explore them in what you describe as a hard-hitting way. Erickson's overtly aggressive attitude to Gillis, however, made it look much more like a criminal in the dock than a respected contemporary artist being put on the spot.

I do not agree that your interview was aimed at exploring the (apparently) contentious issue of state arts funding in a sustained and critical way. There was basically one argument that Erickson forcibly put forward: look how much you have received in arts funding, how can you justify it when neither I nor anyone else in the country understand or appreciate it? If a journalist interviews a world leader, for example, they [*sic*] would be laughed off the screen if they hadn't done their homework regarding the relevant issues of the day. The same should apply here. Erickson made no attempt to understand Gillis's replies and showed herself to be wholly ignorant of both contemporary dance and the arts in general.

Anyone watching that interview was indeed left with the impression that Ms. Erickson verbally attacked Ms. Gillis and I have great difficulty in understanding how you can defend this as good journalism. Indeed playing the "free and democratic society" card as a justification for giving free rein to biased and profoundly ignorant reporting is very disappointing.

That complainant also filed his Ruling Request on August 23 and pasted the most relevant portions of the above letter into the document.

File 10/11-1805

The complainant wrote back to the broadcaster on August 26:

I appreciate your efforts at explaining the Sun/Erickson interview with Ms. Margie Gillis.

I am very familiar with the difference in opinion as to whether or not the arts should be funded by our government. The same argument is made with respect to education, poverty, social services, health care and sports. The arts advocates and artists in our country are well versed in the dialogue and can easily participate in a critical exploration of most of these issues and particularly any conversations or explorations that surround arts funding.

In reading your response, it would seem to me that we are talking about two distinctly different interviews. Your claim of a desire to explore the topic of art funding in this interview has no rationality to substantiate it.

I certainly appreciate thought-provoking and fearless critical thinking. As for hard-hitting, I am not clear what you mean by that. The interview I witnessed and complained about shows Krista Erickson, clearly with the support of Sun TV, in the act of bullying rather than dialoguing critically or thought provokingly. There was no dialogue here. Ms. Gillis was a sitting target for public mockery and humiliation. That, by our *Charter of Rights*, is bullying and is not acceptable by law in Canada. Ms. Gillis' conversation attempts were interrupted and over-run at critical moments including the final word. Ms. Gillis continually attempted to re-direct the mockery toward the respectful, engaged and civil dialogue that we were all led to believe was the agenda.

As a viewer, I was interested in hearing what the right-representing station might have to say and how they would listen to an advocate for freedom of expression. I was led to believe that Ms. Gillis would take questions about 'Arts Funding' in Canada and participate in a free and open dialogue in front of viewers.

What I witnessed was a public personal attack on her finances which lacked accuracy and humiliated me as a taxpaying Canadian Citizen.

The information on which Ms. Erickson based her diatribe was inaccurately represented. For instance, The Walter Carsen prize is not taxpayer money at all. It is private money awarded through a selection committee of The Canada Council for the Arts. Most of her funding is based on a lifelong investment in her art form and some are actual lifetime achievement awards. A more realistic explanation of the funding Ms. Gillis received would have gone a long way to stimulating actual thought-provoking dialogue.

The interview encouraged the public to mock and humiliate the artist and the art form as opposed to engage in thought stimulating dialogue. It invited hate mail visible on Gillis' Facebook page and on your own YouTube comments section. On that same page Ms. Gillis encouraged her advocates to not engage in disrespectful communication, to use complaint systems in place if they desired to complain, yet to refrain from "fighting fire with fire". Yes, she was graceful, intelligent and articulate. Margie is a fiercely intelligent woman. She was prepared for the dialogue she was invited to participate in. She was not prepared for what transpired. It was clear in the watching that her invitation came under false pretenses. As one of the public, I was invited to witness under false pretenses and before my eyes Margie was assailed verbally and cut off at critical moments in the conversation. This, [Mr. M., Sun News Director of Legal Affairs], is bullying and is not acceptable. For your information, I did inquire as to the pretenses under which she was invited and my evaluation, as a certified movement analyst, was accurate.

Beyond the interview itself, the style and the purported purpose, the network misunderstood a line in a film made about Ms. Gillis for the Governor General Awards. She said that she used to think we live in a compassionate society and that she doesn't think that anymore. Ms. Gillis was speaking about the very humanitarian issues that would require soldiers to be in Afghanistan. She was speaking about a shift in society to one that is more self-engaged than engaged in the greater good. It doesn't take a scholar to get that, Mr. [M.]. Sun saw fit to extract that line, use it out of context in two ways: 1) to say that she meant the government was not generous enough in arts funding; and 2) to ask the public to compare the compassion level of arts funding to the fact of a soldier's death in Afghanistan. This was a sensationalized, manipulative and mis-representational twist on her words which was utterly inflammatory and disgusting. No one could be prepared for such a misrepresentation, especially given that Ms. Erickson did not allow Gillis time to respond. I have had a family member sacrifice in combat on the front lines, Mr. [M.]. He fought for freedom of expression and this is not a wasted fight. It includes the right to health care, education, politics, a humane standard of living, sports, arts and media (which also receives funding).

Further, it is an old media tactic to turn a complaint into a complaint and is easily seen through. Ms. Gillis, and the arts community in general, stands behind the principles of free speech as much as you purport Sun TV to. In fact, Sun TV stands to learn from artists about exploratory, thought-provoking dialogue that is frank and to the point. The difference is dialogue WITH. One dialogues and explores with another, one spars verbally with another. When a human being is set up under manipulative parameters as a target for verbal abuse, monologue style, we are talking about abuse of privilege.

I stand by my desire to see Sun TV's licence revoked until such time as your on-air work reflects honesty and expression which does not violate the *Charter of Rights*. Your response lacks reflection and is unacceptable.

That complainant also filed her Ruling Request on August 26 with the following letter:

I received a response from the broadcaster in regard to this complaint and am unsatisfied with its lack of depth, self reflection, and its apparent use of the tactic of turning my complaint into Sun TV's complaint.

I responded to his email and have included it below.

The broadcaster's response would seem to reflect an entirely different interview than the actual one of which I complained.

The interview:

- 1) was misrepresentative: I was led to believe that this would be an interview on arts funding rather than a full-scale attack on one artist's funding and her articulation of a point of view on global humanitarianism. It is clear that Ms. Gillis was equally unprepared for the point of view of the attacking interview.
- 2) was misleading: the information provided was presented in a way as to inflame and mislead. Funding sources and purpose as well as time lines were misrepresented.
- 3) used bullying as a tactic. In any instance when Ms. Gillis attempted to deal with exacerbated information Ms. Erickson cut her off. The interview resulted in hate mail on Sun TV, You Tube and Gillis' Facebook. We are protected from this power tactic by our *Charter of Rights*. The Sun TV response had the audacity to turn the public complaint around to accuse those who disagreed with their tactics of believing in Censorship and of being against Freedom of Speech. This furthers the example of their use of bullying.

Thank you for ruling on this matter.

File 10/11-1900

The complainant filed her Ruling Request on August 12 with the following note:

I was not evenly remotely satisfied with the broadcaster's response. It was just as offensive as the program in question. The broadcaster remains unapologetic and claims not to have violated CBSC's guidelines or codes. The evidence, however, is firmly against them.

File 10/11-1911

The complainant indicated his dissatisfaction with Sun's response on August 14:

I must ask, is this type of response typical?

By that I mean a response that completely ignores the issue that many people (more than ever recorded to date) have expressed towards the treatment Margie Gillis received by Sun News Media and Krista Erickson?

Is [Sun News' Director of Legal Affairs] aware that Sun News Media receives funding from the Canada Government as well, yet still found it reasonable to attack a world-renowned artist for doing the same?

Is it standard to use buzz words like "hard-hitting", "fearless" and "though-provoking" as if they actually mean anything in the real world? As if they are excuses to behave like children?

Is it also standard to turn around and accuse those that take issue with unfair, unbalanced, unprovoked attacks by claiming that we are in fact the problem, that we somehow have no faith in Margie Gillis?

I am wholly unsatisfied with this response from Sun News Media, as I am sure many others will be as well and will request a Ruling by a CBSC Panel.

It is time for Canadians to take a stand against news organizations that take the opinion of a small number of Canadians as fact. A time to take a stand against the divisive nature of opinion polls and soft news. I feel fairly certain that half-truths and rhetoric are not what the news media look like in a free and democratic society

I thank you both for taking the time to respond and deal with this issue.

File 10/11-1921

The complainant filed her Ruling Request on August 16 with the following note:

I was not happy with the Sun TV's response concerning my complaint. Because of the amount of complaints Sun TV received they supplied a mass response which attempted to answer everyone's complaint.

I feel that the response misses the point of my complaint and maybe many others. I have no issue with a good debate and I also have no issue that the topic under fire was arts funding. What I took issue with was the complete lack of respect that Ms. Erickson showed to Ms. Gillis during her attack and yes it was an attack not a debate. Ms. Erickson waving her arms in mimicry saying "what is this and I don't get it" was completely disrespectful and had nothing to do with addressing, as Sun TV wrote, "a controversial topic." I was not upset at the topic that was being debated but how Ms. Erickson chose to pursue it [*sic*]. I see a debate as a formal interaction and representation of an argument while an attack is done in a hostile manner. And this is why I made my complaint, I feel that Ms. Erickson was hostile towards Ms. Gillis which crossed the line in providing the viewers with a democratic debate.

File 10/11-1965

The complainant sent an e-mail to both the CBSC and Sun News on August 14:

As you must surely realize from the volume of complaints, and the journalistic principles you must surely have learned at some point in your career(s), the response from Sun News is an

irresponsible dodge. Sun News has expressed concern only about its potential legal liability. I am not a lawyer, and cannot pass judgement on the legality of the company's and its employees' behaviour. However, as a media ethicist with considerable experience and relevant credentials, I feel qualified to say that the interview in question – and the company's decision to air it and continue to defend it – violates the principles of responsible journalism as most ethicists would understand it.

Along with countless others who have expressed their concerns, I continue to be deeply dissatisfied with the journalistic standards that you have demonstrated, and continue to demonstrate and defend.