

SÉNAT



SENATE

*L'honorable Céline Hervieux-Payette, c.p.
(Bedford, Québec)*

*The Honourable Céline Hervieux-Payette, P.C.
(Bedford, Quebec)*

CANADA

Ottawa, October 21, 2009

Canadian Broadcast Standards Council
P.O. Box 3265, Station D
Ottawa, Ontario
K1P 6H8

Dear Madam/Sir,

I am writing to file a formal complaint against the CTV Television Network and its journalist Robert Fife for violations of the codes of ethics of the Canadian Association of Broadcasters and the Radio Television News Directors Association of Canada.

The Facts

In a news story on the 6:00 p.m. edition of the CTV News bulletin on Thursday, October 8, 2009, Mr. Fife told Canadians that Liberal senators were blocking the adoption of the government's Bill C-25. He created a fictitious story about maneuverings inside Liberal ranks, and then misrepresented what actually took place inside the Senate Chamber.

He said:

Mr. Robert Fife: The justice minister ran into another Senate roadblock. Liberal senators are now threatening to water down a Tory bill that sets minimum sentences for drug dealers. [...] But later Ignatieff tried to outfox his rebellious senators while they were at lunch. His Senate team attempted to reinstate the original bill, but that wasn't enough for the Tories who wanted the bill adopted immediately.

But what was the actual situation?

In fact – and this is evident from the official transcript of the Senate debates – the Liberal senators wanted to debate the bill as amended by the committee immediately on the afternoon of October 8. It was Conservative senators, led by the Deputy Leader of the Government in the Senate, Senator Comeau, who refused to proceed immediately to debate the committee's report, thus blocking any chance that the bill could be discussed further or voted on that day.

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From the Hansard of Senate proceedings:

The Hon. the Speaker: Honourable senators, we are in presentation of reports. I have now put the following question: When shall this report be taken into consideration? The honourable Senator Fraser will now answer that question.

Senator Fraser: With leave, now.

The Hon. the Speaker: Honourable senators, is leave granted?

Senator Comeau: No.

Some Hon. Senators: No.

The Hon. the Speaker: The answer is no. Therefore, the motion is?

Senator Fraser: I move that this report be taken into consideration at the next sitting of the Senate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Under the Rules of the Senate, the next sitting of the Senate could have been the next day, Friday, October 9. However pursuant to a motion introduced by Senator Comeau, the Senate adjourned until Tuesday, October 20 – fully 12 days later.

Other journalists correctly represented the facts around the bill's consideration that day. In a Canadian Press article of October 8, journalist Joan Bryden explained the situation as follows:

Senator Joan Fraser, the Liberal committee chair, twice sought unanimous consent Thursday for the upper chamber to deal with the amendments by the end of the day. That would have cleared the way for the final debate and vote on the bill on Friday.

The Tories' deputy leader in the Senate, Gerald Comeau, refused. He said Conservatives would agree to expedite the bill only if Liberals would agree, in effect, to drop the amendments.

Moreover, Comeau then moved to adjourn the Senate until Oct. 20. The bill will now languish until then.

Indeed, this Canadian Press article was published on CTV's own website on the same day as Mr. Fife presented his news story.

Moreover, on the evening of October 8, the Leader of the Opposition in the Senate, the Honourable James Cowan, sent a press release to 2,900 media outlets across Canada, setting out the chronology of events:

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Instead of moving quickly on this bill, the Conservatives decided to adjourn the Senate until October 20th even though the Rules provide that the Senate should have met again on Friday at 9:00 am. Had the Government allowed the Senate to meet tomorrow, it could have completed its consideration of the bill before Parliament adjourned for the October break week. [...]

This puzzling behaviour by the Conservative Caucus in the Senate contradicts the repeated demands by Justice Minister Rob Nicholson for the Senate to quickly adopt this legislation.

The facts were not hidden – they took place in a public forum, with an immediately available public record (Hansard). The actions by the Conservative senators in delaying the bill were prominently raised during a scrum (attended by Mr. Fife?).

Mr. Fife also took the opportunity of the newscast to create a story of internal dissent in the Liberal Party. He said:

Mr. Robert Fife: The latest threat came as Michael Ignatieff pleaded with his senators to roll back amendments gutting another Tory crime bill, a bill aimed at eliminating double credit for time served before conviction... But later Ignatieff tried to outfox his rebellious senators while they were at lunch.

This is simply false. There was no “pleading” – indeed, there was no discussion between Mr. Ignatieff and the Senate Committee members at all. On the day in question, the Senate Committee on Legal and Constitutional Affairs was holding hearings on another of the Government’s crime bills – indeed, they were listening to the Minister of Justice, the Honourable Rob Nicholson – and the hearing did not conclude until 1:00 pm. All the Liberal members of the Committee proceeded directly from the Committee meeting to the office of Senator Cowan, to meet with what Mr. Fife described as Mr. Ignatieff’s “Senate team.” At that meeting, they discussed a proposal to give unanimous consent in order to move to debate the Committee’s report that same afternoon. All Liberal Committee members were in agreement with the proposal. At 1:30 pm, the Senate proceedings began.

There were no machinations, no pleading by Mr. Ignatieff with his senators, no attempt by Mr. Ignatieff “to outfox his rebellious senators while they were at lunch.” This story was simply false and there was no truth in the alleged facts as presented to Canadians by Mr. Fife.

The Complaint

Neither CTV nor Mr. Fife provided any information on Conservative senators' refusal to debate Bill C-25, as a consequence of which its adoption was postponed;

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Neither CTV nor Mr. Fife provided any information on the adjournment of the Senate, at the request of the Government, until October 20;

Neither CTV nor Mr. Fife provided any information on the Senators' work in the Committee on the bill, other than an alleged "gut" of Bill C-25;

CTV, through Mr. Fife, presented a false story about the Liberal leader allegedly "pleading" with "his rebellious senators" and then attempting to "outfox" them while they were at lunch;

CTV made no attempt to contact the office of the Leader of the Opposition in the Senate to check the facts.

Consequently, in view of what appears to be a gross manipulation of public opinion, and pursuant to the CAB's Code of Ethics, I am filing a complaint against CTV for its violation of the following clauses of that code:

Clause 5 – News

- (1) It shall be the responsibility of broadcasters to ensure that news shall be represented with accuracy and without bias. Broadcasters shall satisfy themselves that the arrangements made for obtaining news ensure this result. They shall also ensure that news broadcasts are not editorial.
- (2) 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. 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.

Clause 6 - Full, Fair and Proper Presentation

It is recognized that the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of each broadcaster. This principle shall apply to all radio and television programming, whether it relates to news, public affairs, magazine, talk, call-in, interview or other broadcasting formats in which news, opinion, comment or editorial may be expressed by broadcaster employees, their invited guests or callers.

Furthermore, in view of Mr. Fife's obvious partiality, I am also filing a complaint against him for violating the following articles of the Radio Television News Directors Association of Canada's Code of Ethics:

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Article One – Accuracy

Broadcast journalists will inform the public in an accurate, comprehensive and fair manner about events and issues of importance.

Article Three – Authenticity

Broadcast journalists will present news and public affairs without distortion. Interviews may be edited provided that the meaning is not changed or misrepresented. Broadcast journalists will not present news that is rehearsed or re-enacted without informing the audience. Newsrooms should take steps to ensure the authenticity of amateur video and audio tape before broadcasting it. Editorials and commentary will be identified as such.

Article Five – Independence

Independence is a fundamental value and we will resist any attempts at censorship that would erode it. Broadcast journalists will resist pressures to change or alter the news. Intrusion into content, real or apparent, should be resisted.

In view of the fact that, since this error-riddled news story was broadcast, many Canadians have criticized Liberal senators and the Senate itself, I request that CTV make a full retraction of its presentation of the erroneous facts pertaining to Bill C-25, and that the journalist in question be reprimanded.

Finally, in view of the CTV-Stéphane Dion affair, in which the Canadian Broadcast Standards Council (CBSC) found CTV at fault, I also request that, in the examination of this complaint, particular consideration be given to the obvious lack of independence of CTV and its editorial staff. This is a serious matter, as earlier demonstrated by the influence of the television media on the course of the election campaign during the unfortunate CTV-Stéphane Dion episode.

Yours sincerely,

The Honourable Céline Hervieux-Payette, P.C.
Senator