The media and law enforcement: a case study concerning an agreement on the public release of crime information.

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LA THÈSE A ÉTÉ MICROFILMÉE TELLE QUE NOUS L'AVONS REÇUE
THE MEDIA AND LAW-ENFORCEMENT:
A CASE STUDY CONCERNING AN AGREEMENT
ON THE
PUBLIC RELEASE OF CRIME INFORMATION

by
LEONARD ROBERT CHANDLER

A THESIS SUBMITTED TO
THE FACULTY OF SOCIAL SCIENCE
IN CANDIDACY FOR THE DEGREE OF
MASTER OF ARTS
DEPARTMENT OF COMMUNICATION STUDIES

WINDSOR, ONTARIO, CANADA
APRIL, 1979
THE MEDIA AND LAW ENFORCEMENT:  
A CASE STUDY CONCERNING AN AGREEMENT  
on the  
PUBLIC RELEASE OF CRIME INFORMATION  

ABSTRACT  

Of the information contained in academic journals and other publications in Canada, concerning events related to mass media, little has been methodically assembled and collated. This thesis documents such an event—any "arrangement" concluded between owners of private broadcasting stations, through the Canadian Association of Broadcasters (C.A.B.), and the Canadian Association of Chiefs of Police (C.A.C.P.)—and the "media war" which followed. 

In February, 1973, the Canadian Radio-Television Commission (C.R.T.C.), (since re-named the Canadian Radio-television and Telecommunications Commission), found it necessary, pending further discussion, to enjoin the C.A.B. from implementing an "agreement", drafted and approved by the executive committees of C.A.B. and C.A.C.P., concerning, among other things, police control of crime news. The document, which had come to the Commission's attention through reports "in the media", contained a statement of principles and guidelines drafted by the two associations several months earlier. Its genesis was precipitated largely as a reaction to the Quebec October Crisis in 1970 during which police-media relations had deteriorated to a point where, in the words of one observer, police and media "held each other in contempt."

The Commission acted after the guidelines were initially condemned by the Quebec Legislature as a threat to
freedom of the press, and then were described in the national press in terms which implied a surrender to police pressure. Responding to their critics, the broadcasters claimed that negotiations with the police chiefs had been openly conducted and known to the press for at least a year. In the press campaign which followed, while the police preferred to remain silent, the broadcasters' association accused the press of biased and irresponsible journalism.

A C.A.B. request to the C.R.T.C. for an "impartial forum" was granted, and a public hearing took place in Ottawa on April 10th, 1973. In attendance, as interveners, were representatives of print and electronic media, and the police chiefs' association. Three individual briefs were presented. During the hearing it was disclosed that serious differences existed, not only between media and the police, but between media themselves. Brought to light, and directly related to the police-media and intermedia friction, were problems of communication, discipline, and ethics, particularly in the acquisition and dissemination of crime news.

In terms of methodology, the study makes use of the historical-critical approach as, from bulletins, letters, press releases and news stories, events relating to the thesis are traced from October, 1970, to the hearing in April, 1973. Significant documents, including the full text of the C.A.B. - C.A.P.C. guidelines are inserted in appendices. The text includes an historical summary of press freedom and the electronic media in Canada.

It was found that abnormal police-media tensions were, and still are, caused largely by the use, in crime reporting, of inexperienced newsmen. A contributory factor was, and is, police suspicion of media generally, and an "awe" of electronic media in particular. While police in Canada tend to be more critical of the press, other police forces are more
concerned with broadcasting. It was also found that codes of ethics are outdated or ineffectual, and that there is an urgent need for a system of liaison between the media and police. If, in Canada, most criticism of police activity comes from print media, especially the daily press, the latter must also be given credit for consistently maintaining public awareness of the importance, in a democracy, of free expression.

Research for this thesis showed there is currently some indication that police-media attitudes are changing, as evidenced by, for example, action taken by the police in Toronto resulting in improved relations with all media. At the same time, other indications point to a growing body of opinion favouring some form of government control over journalistic irresponsibility which such opinion considers harmful to the public interest. The study suggested that broadcasters issue informative and explanatory bulletins to the public on a regular basis to serve as records of programme content and station editorial opinion.

Although the guidelines were eventually abandoned, it was concluded that they served a useful purpose in compelling media, especially broadcasters, to re-examine their goals and values, in society at large, and in relation to law enforcement agencies and the dissemination of crime news.
ACKNOWLEDGEMENT

The writer owes a debt of gratitude, in the preparation of this thesis, to the teaching and library staffs of the University of Windsor, and to the following individuals and groups:

The Thesis Committee for their patience and assistance;

The Canadian Radio-television and Telecommunications Commission for providing a copy of the hearing transcript, related documents, and biographical data concerning the Commissioners;

The Canadian Daily Newspaper Publishers Association for information concerning the Toronto police/media guidelines, and for copies of press clippings, and bulletins issued by their organization;

The Canadian Association of Broadcasters for making available their film, The Media and the Community;

The Hon. Eugene Whelan, M.P., for his help in obtaining reading material from the office of the Solicitor General, Government of Canada; the Canadian Police College Resource Centre; and the United States F.B.I. Academy;

Mr. and Mrs. Joseph B. Hall, of La Salle, Windsor, for their constant encouragement.
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CHAPTER I

INTRODUCTION

Recognition has come slowly of the important—almost symbiotic—co-relationship which exists between freedom of expression, and open and unrestricted access to information which media believe should be made available to the public. While there is general acceptance of a policy favouring public distribution and discussion of information free from the control of any public authority, constraints to such a policy remain in certain areas. One such area, with which this paper is concerned, relates to criticism of the method by which crime news is collected, interpreted or edited, and distributed, by various media, and more particularly by radio and television.

If it is true to say that only in recent years has the inter-connection between expression and information become a subject for general, and often contentious debate, it is equally true that a major reason for the ongoing attention afforded to information accessibility has been persistent media pressure. If, previously, there was a general attitude of indifference, or complacency, with the development of highly sophisticated methods of production and distribution, first in print, and then in electronic media—perceptions of news dissemination underwent a profound change. Media's power to influence audiences, enlightening and entertaining, editing and interpreting, became a growing source of discussion among social scientists, politicians, and numerous public agencies including those engaged in law enforcement. It is this latter aspect of mass communication, the relationship between media and authority, which forms the central focus of this study. In particular, this
study holds that despite the attempts to reconcile the two
groups, as evident from the discussions of the special hearing
held by the C.R.T.C., and despite the possible harmful social
consequences, the relationship between the two groups remains
unresolved.

According to one writer, in Canada "common law has been
reluctant to recognize a right to privacy because such a right
would endanger a more fundamental right of freedom of speech" and arguments used by doctors, newspapermen and others of their
right to protect confidential information has, correctly, been
rejected by the courts. However, as newsmen point out, such
reluctance to restrict access to information has not necessarily
been extended to public authority. In recent years media have
consistently reported instances, and thus raised public aware-
ness of, the allegedly illegal methods by which police acquire
their information.  

Assertion of the public's "right to news," as opposed to its right to "classified information" contained in government
or other public files, extends as far back as the early 19th
century news sheets, when the concept of freedom of the press
had become, or was becoming, an established principle. In the
United States, for example, the English tradition of press
freedom was enshrined in a Constitutional Amendment, while the
latter was greatly enhanced by the passage of a Freedom of
Information Act.  

Accessibility of news and information for public con-
sumption in Canada, while attaining levels undreamed of a
generation ago, and often confusing or contradictory, has
been vigorously and vigilantly defended by civil libertarians.
Lawford believes that countries such as Britain, Sweden, and
the United States, by providing laws which allow public access
to government documentation, laws which have no equivalent in
Canada, have established and upheld the "right to know."  

Increasingly, access to information conflicts with
"national security," or infringes on the individual's right
to privacy or to a fair trial, all of which, in a highly technological world of electronic surveillance, data-banks and computers, are seen—rightly or wrongly—as potential barriers to the free flow of information. The dilemma is discussed, in part, in a Report on Telecommunications in Canada, prepared in 1971. In complex industrialized societies, such as Canada, where vast distances make communication both a tool of cohesion and a vital necessity in the provision of up-to-date information on issues of social, political and ecological importance, it is almost inevitable that the need to be kept informed must sooner or later find itself on a divergent course with the equally important needs of security, privacy, and law and order. The police regard news-media with suspicion, accusing them of inaccuracies, irresponsibility, and of being uncooperative.

The opening weeks of 1973 found media—and the nation—pre-occupied with the death of former Canadian Prime Minister Lester B. Pearson. The flood of stories and tributes overshadowed a news release, datelined Quebec City, concerning an unprecedented arrangement proposed by the Canadian Association of Broadcasters, representing the majority of private stations, and the Canadian Association of Chiefs of Police. Following release of details contained in the proposal, a number of influential daily newspapers across Canada, in their news columns and editorials, questioned the arrangement which they interpreted as giving police the effective right of censoring newscasts.

The broadcasters' proposal was contained in a document entitled "A Statement of Objectives, Principles, and Operating Guidelines for Effective Working Relationships Between the Peace Agencies of Canada and the Media." Exactly who had drafted the document was not entirely clear although statements made later indicated that it originated with the police. That it had the full support of its co-sponsors— the executive committees of the Canadian
Association of Broadcasters (C.A.B.) and the Canadian Association of Chiefs of Police (C.A.C.P.)—is beyond question. Whether their general membership were acquainted with the document or its contents is not so certain; some news directors later denied any knowledge of it. In the interests of brevity, the document is referred to throughout this paper as "guidelines." It appeared at a time when electronic media were being described as "the most powerful Canadian instrument for the dissemination of news."  

(Broadcasting, especially television, would, within a few years, challenge not merely all earlier forms of mass communication, but exert a cultural influence almost beyond imagination.)

If the guidelines been fully implemented, their implication, as will be seen, would have been far-reaching. From the hearing they generated, emerged a number of disturbing questions involving not only media-police "cooperation" but also the whole principle of freedom of the press and media’s response to public interest. On the other hand, some positive trends emerged and these will be discussed in the concluding chapter.

In terms of methodology, it became apparent, from the study’s beginning, that the most suitable means of accomplishing its purpose would be from an historical-critical perspective. This naturally would require the recording of those events which were specifically related to the study, and it is this sequence which forms the overall format of the thesis.

Following this introduction, Chapter Two examines, in a national and international context, the historical inter-relationship existing between freedom of expression, and the right of the public to be kept informed of events without unjustified interference from, or arrangement or involvement with, public agencies. That there are certain exceptions to this latter generalization, will become evident as the study progresses.
Regardless of the term used, whether freedom of the press, or of speech, or of expression, the subtle differences have, for the purposes of this study, been regarded as so insignificant that their meanings are taken as synonymous. Further, the study proceeded on the assumption that Canada, as a signatory to the United Nations Charter, and having more recently (1960) passed its own Bill of Rights, lay claim to a tradition of freedom of expression and of the press. Some deviation from this tradition has been noted.

Chapter Three concerns the October Crisis in Quebec, and connects that event with the precipitous and mutual action taken by private station owners, represented by the Canadian Broadcasters Association, (C.A.B.) and the Canadian Association of Chiefs of Police, (C.A.C.P.) following viewing of a C.A.B. sponsored film. It was claimed by both organizations that the guideline document had been formulated after months of open discussion, beginning almost immediately after the Quebec crisis. Statements made by several of those who appeared at the hearing (see Chapter Five) indicate that their claim may not necessarily have been correct, both as regards openness, and time of formulation. Throughout the negotiations, the police maintained a low profile, continuing to remain silent even after the guidelines, early in 1973, evoked criticism by the national press. An analysis of the guidelines' contents is also part of this Chapter.

Press reaction to the guidelines, and the role assumed in this event by newspapers as "watchdogs" of press freedom, as well as justification for press criticism in the light of professional and ethical journalistic standards, are examined in Chapter Four. This Chapter also discusses the role of broadcasting's regulating authority, the Canadian Radio-Television Commission (C.R.T.C.) to whom the C.A.B. finally appealed for a public hearing. It will become clear that
the controversy was caused, in part, by faulty and ambiguous language used in the guidelines. There was especial apprehension over the mere fact that such an arrangement between news media and police could even have been contemplated, let alone committed to written form. There appeared adequate cause for the C.R.T.C. to accede to the broadcasters' request for a public forum.

The conflict which erupted between the press, and private broadcasters, is given careful examination in Chapter Four, utilizing excerpts from the national press, and the response of station owners, through news releases covering a period from the middle to the end of February, 1973.

The enquiry itself is fully discussed, including the major interveners and their presentations, particularly the defensive statements of broadcasters and police, together with questions asked by the Commission, in Chapter Five. (Background information on the presiding Commissioners, and those individuals who, and organization which, made verbal presentations can be found in Appendix D-1.) Use is made of the actual hearing transcript to bring out the most significant points to permit readers to compare statements made by supporters and opponents of the guidelines.

In the final Chapter, results of this study have been summarised, a number of conclusions drawn, and certain recommendations made.

Every effort was made to collect and correlate as much documented evidence as was currently accessible or available directly from the parties involved, not all of whom displayed a willingness to cooperate. The study is thus limited to that extent, as well as by problems of time and distance.

Research sources included government reports, academic journals, newspaper stories and editorials, press releases, correspondence, a short current mail survey of
Canadian police chiefs (the majority of whom expressed themselves as being in favour of "increased police responsibility for the release of crime news"),\textsuperscript{12} and the C.R.T.C. hearing transcript.

Ideally, the most effective method of obtaining accurate primary source research information would have been by personal interview, but unfortunately, because of the great distances involved, this was impossible. Several newspaper editors in a number of large cities, as well as the C.A.B., the C.A.C.P., and the Canadian Daily Newspaper Publishers Association, (C.D.N.P.A.), were contacted by mail for their views, information and comments on the guidelines and press freedom. A list of these is given in Appendix A.

It is sincerely hoped that the study will form an empirical, objective and permanent record for future reference by researchers, scholars, and students of media and communications studies in Canada, and elsewhere.
Notes

Chapter I


"Information Act would hamper police, chiefs warned," Toronto Globe and Mail, 2nd September 1978, p. 3.


9 See text, Chapter Five, pp. 60-61.


12 See Appendix C-1.
CHAPTER II

THE PUBLIC'S RIGHT TO INFORMATION:
AN HISTORICAL PERSPECTIVE

Human need for information can be attributed to a number of factors: natural curiosity, the opportunity for self-expression in an environment of enlightened understanding, and a fundamental desire for knowledge for its own sake. The interchange of news and ideas between individuals was a prelude to the spread of intelligence to groups, communities, and regions. Ultimately, aided by the advance of communications technology, the process attained the level of national and then international intercourse.

As societies became more complex, socially, economically, and politically, and events moved more quickly, so the need grew for closer communication at all levels. Audiences began to expect, or anticipate, if they did not actually demand, explanations and interpretations by "opinion leaders" of those events which affected, in varying degrees of significance, members of those societies. Mass media—first of all print, then radio and television—became increasingly influential, assuming as part of their function the important role of news disseminator, their practitioners sometimes acting as social critics, and at other times as journalist-investigators. From journalism evolved the right, firmly established (with certain qualifications) in Constitution or Common Law, in parliamentary democracies, of press freedom.

Freedom of the press is a comparative newcomer to the broadening field of human rights, one of a growing package
of basic rights, including the freedoms of speech, assembly, and religion, to which all free societies subscribe, which have emerged over the centuries through man's desire for self-expression, for knowledge and justice. Newspapers began as publishing ventures that were licensed by the state, existing "at the pleasure of King and Commons"; early newspapers could be shut down "whenever they inconvenienced the authorities of the day." The battle for freedom to publish thus became part of the foundation on which was constructed freedom of speech.¹

Press freedom in Canada has been described as emerging "from the political brawls of John Wilkes, and the efforts of those who came after him."² The same writer continues: "The Englishman achieved his civil liberties in controversy and bloodshed. He has carried them with him wherever he has established himself."³ Human Rights in Canada outlines those documents which constitute the essence of this legacy handed down from British jurisprudence. Magna Carta (1215), protected feudal lords from "abuse by the King (and his) royal authority. The underlying principle of this ancient document is that the King must keep the law."⁴ The Petition of Right, signed by Charles I in 1628, "declared that the order of the sovereign was not sufficient ground for the incarceration of his subjects, and that no man should be imprisoned without a charge and an orderly trial."⁵ Although the principle of Habeas Corpus was recognized in England from the time of Magna Carta, a special Act was passed in 1679 as a result of the "imprisonment, without a charge, of a man called Jenks," to prevent a recurrence "of such outrages upon the liberty of the subject."⁶ The Bill of Rights, (1689), "embodied the conditions under which William and Mary ascended the throne . . ."⁷ It affirmed the supremacy of parliament, and "the new monarchs guaranteed freedom of speech and of debate . . ."⁸ The United States' Constitution, based on English law, embodied these and other rights in ten amendments, one hundred years later in December 1791.
Similar rights are contained in the Soviet Constitution in Article 125, which guarantees freedom of expression, although political dissident Pavel Litvinov complained at his trial in 1968: "... liberties are to be used (only) if they work in the interests of the state." Canada signed the Universal Declaration of Human Rights, drafted and adopted by the United Nations General Assembly, on December 10th, 1948.

In Europe, a convention on Human Rights drafted its own Declaration, whose articles were ratified by the United Kingdom, the first to do so, on February 22nd, 1951. Cited as "the most advanced and successful experiment in the field," it is significant if only because the Declaration indicated European ambivalence towards electronic media. Under Article 10, for example, section (1) states: "Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers." To this is added the qualification that the Article "shall not prevent States from requiring the licensing of broadcasting, television, or cinema enterprises." Section (2) of the same Article speaks of the responsibilities of freedoms which may be "subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime."

Broadcasting in Canada, as in the United States, Europe, and elsewhere, whether public or private, became subject to greater or lesser government regulation. The Federal Government had, by March 1923, issued sixty-two licenses to private commercial transmitting stations. During the same period, 556 licenses were granted to stations in the United States, and parliamentarians in Canada
began to complain of "Chicago-type programmes" being received in Canada, "even on Sundays" from south of the border. Pressed by a strong lobby supporting a national broadcasting system, the Canadian Government appointed a Commission to examine the use and control of broadcasting; the Commission's report was presented in 1929. Agreeing with the Commission's findings that private broadcasting interests were neglecting, in their own self-interest, the interests of the Canadian public, the central government introduced new regulations and, in 1932, established a permanent Canadian Radio Broadcasting Commission. Given wide powers, it was to initiate a public (national) broadcasting service, regulate the operations of private station owners, both as regards programme content and station ownership, and collect license fees. One of its earliest functions was to act as an official censor. Before discussing examples of the rare occasions when different levels of government in Canada attempted to impose control over the media, consider the origin of, and reasons for, censorship or the silencing of dissent and criticism.

The extent to which a given society is informed, or has unimpeded access to information, is the measure of that society's subjection, or non-subjection, to censorship. The suppression of information derives from fundamental authoritarian philosophy that the state (or agents thereof) alone is the best judge of what should, or should not be communicated to its citizens. It is by no means a modern phenomenon. Even in ancient Asian civilizations, as well as in classical Greece, accessibility to, or discussion of, the works and teaching of "seekers after the truth" were subject to the vagaries of changing dynasties and regimes. In the view of Schramm, controls "grew out of a long tradition of authoritarian thought . . . [Thus to] Plato, the state was safe only under the guidance of its wise men." Schramm cites
contrasting views on authority held by Gobbes and Hegel, who expound the precedence of the state over the individual, and Milton and Mill who argued for "truth" and individual rights. (In a 1973 brief on capital punishment submitted to the Federal government by the Canadian Association of Chiefs of Police, the latter recommended that legislation "consider the rights of society over the rights of the individual.")^{17}

As Schramm explains, what would be considered objectionable or seditious under one social system, might be looked at in quite a different light by another. The reason for this is simply that countries with capitalist democracies view freedom of expression, and public right to public information, from entirely different standpoints. Schramm notes that, although the United States' Constitutional guarantees of free press and free speech are paralleled by seemingly identical guarantees in the Soviet system, citizens in the U.S.S.R. (reminiscent of the Republic of Plato) must rely on their government for news and interpretation of events.^{18} (While in the United States, and Canada, there may be no overt censorship, privately-owned and monolithic media, often acting in their own self-interest, exert considerable influence, culturally, editorially, and in news selection, on their mass audiences.)^{19}

Although capitalist democracies regard themselves as adhering to libertarian traditions, with almost no restrictions on freedom of expression, (the Separatists of Quebec are perhaps a typical example), the electronic media, from their inception, have proved both a paradox, and a source of major contention; a paradox because, in spite of those constitutional guarantees, broadcasting in every democratic country is subjected to varying forms of control; and contentious because of the nature of the technology, the global effect, and their potential for almost any form of propaganda, from soap sales to nationalism. For these reasons, and utilizing the preconception that the radio
spectrum is a limited commodity, Canada, the United States, and most other countries, considered the air waves as public property. Yet this has not prevented their exploitation as modes of mass communication by private, as well as national, interests. (It was once thought that there was indeed a limit to the number of wavebands available for use by transmitting stations, a convincing argument used by governments for limiting licensees. With developments in micro-wave technology, such may no longer be an accurate assessment.)

If, on the one hand, radio stations in Canada were required to obtain a government license, print, on the other hand, having fought and won its battle in earlier years, remained relatively untouched by any form of government regulation. Thus, print media were in a decidedly favourable position regarding freedom of expression vis-a-vis their competitors in electronic mass communication. This, understandably, has in the past been a cause of friction between print, particularly the daily press, and broadcasting. (There was a period, in the mid-forties, when the press saw itself as soon to be replaced by an "electronic newspaper" controlled by a public agency.) 20

Rightly or wrongly, the press in Canada has traditionally regarded itself as the proverbial watchdog of human rights, "Guardians of the people's right to Know", a self-image which has never been seriously challenged by private or public broadcasters. 21 Neither has the press been reluctant to report, on occasion, broadcasters' resistance to police activity. 22

From the first days of the Canadian Radio Broadcasting Commission, in 1932, there were expressions of apprehension among the informed public, and in parliament, over the extent of the Commission's power. When the legislation was introduced, one House member felt it necessary to re-assure his listeners that the C.R.B.C.'s purpose was to raise revenues needed by the country, rather than being an instrument
of censorship. A recent, and carefully documented, account of Jehovah's Witnesses in Canada, offers the hypothesis that religious censorship, prior to 1932, "led directly to the establishment of the Canadian Broadcasting Corporation." According to M. James Penton, when Minister of Marine and Fishéries Cardin refused to give the Witness movement the radio licenses they had applied for, the Bible Students (as Witnesses described themselves) circumvented the decision by buying radio time.

A year after the C.R.B.C.'s formation, Vincent Dupuis, Member for Laprairie-Napierville, proposed to the House that the speeches of one Judge Rutherford, "a foreign anti-social agitator," be approved by the C.R.B.C. prior to their being broadcast over Canadian radio stations. Government leaders assured the House that the Commission had the powers necessary to enforce Mr. Dupuis' proposal. Penton tells how, on January 13th, 1933, the Commission "sent the following telegram to radio stations throughout the country: 'Speeches of one Judge Rutherford, foreign anti-social agitator, must not be broadcast on Canadian stations until ... submitted ... for approval." (Rutherford, a fiery, provocative preacher, was successor to the founder of the Watchtower Society, whose members Rutherford termed Jehovah's Witnesses.)

Public emotion was aroused by the Commission's action, and during a parliamentary debate on the issue, C.R.B.C. Chairman Hector Charlesworth was accused of a conflict of interest; as editor of Saturday Night Charlesworth had, in August, 1927, published an editorial attacking Rutherford personally, accusing him of having war-time pro-German sentiments. During the debate, a Member remarked that stories carried in the Montreal Herald displayed undisguised pleasure at the misfortunes which the Commission and broadcasting were undergoing. Public pressure finally caused the government to rescind its order, although Penton concluded that "Much of the press and the public sided with Charlesworth."
That year (1933), during a House of Commons debate on an amendment to the criminal code (unlawful associations), J.S. Woodsworth, Member for Winnipeg North Centre, urged that "freedom of speech receive such safeguards in Canada as it has long received in Great Britain." 29

While agreeing that "British common law and constitutional development are quite obviously fundamental to Canada's tradition of press freedom," 30 G. Stuart Adam believes that such traditions "institutionalize rather than dissolve the tension that is endemic to the relationship" between press and authority. To Adam, the Alberta Press Act, another example of news control in Canada, was a deviation from fundamental tradition. This Act, introduced by the Social Credit Party in 1937, is described by Adam as providing the Alberta Government "with the power to silence the journalists and the people on whom they were relying for information." 31 The legislation was passed by the Provincial Government of William Aberhart, and "tied closely to the Social Credit ideology and a clearly-stated propaganda strategy." 32 Named "An Act to ensure the Publication of Accurate News and Information", the bill climaxed two years of press criticism of the Social Credit government's policies, including charges of withholding information, of "vaudeville economics", and undemocratic practices. 33 Adams states that the Aberhart government had considered a policy of "invading the communications field... from the very outset (because) it was a powerful instrument for propaganda." 34 Aberhart's advisors urged preparatory steps be taken to implement the "systematic provision of a news circulating system under the unchallengeable control of the province, particularly in regard to facilities..."

Passage of the Act was, fortunately, delayed by Alberta's Lieutenant-Governor, who exercised his prerogative by refusing to give his consent. In March, 1938, the Supreme Court of Canada found the Press Act to be ultra vires, a
decision which Adam believes explicated the "press-state/journalist-politician relationship" vindicating, though not without "ambiguity", the "sovereignty of the publicity system." 36

That same year (1938), by sheer coincidence, the Canadian Broadcasting Commission was replaced by the Canadian Broadcasting Corporation (C.B.C.), whose dual function was (1) to develop a national, unifying system, and (2) to act as regulating authority over all broadcasting licensees. Private station interests began to view public broadcasting not merely as a rival, but a serious threat to the free flow of information; even the future of print, they claimed, was jeopardised by the new regulations. 37 Private station owners, organized as the Canadian Association of Broadcasters, made frequent appearances in Ottawa before the Special Parliamentary Committee on Radio Broadcasting. During the period 1946-47, the C.A.B. lobbied actively for the removal of C.B.C.'s wide-ranging regulatory powers. 38 Not until 1958, however, was a separate body, the Board of Broadcast Governors (B.B.G.) created, under the Department of Transport.

The Broadcasting Act of 1968 emphasised the right to freedom of expression, safe-guarded Canadian cultural aspirations, and replaced the B.B.G. with a new "single independent public authority" titled the Canadian Radio-Television Commission (C.R.T.C.), (a title which in 1976 would be lengthened, in a new Act, to the Canadian Radio-Television and Telecommunications Commission). The new Commission would supervise all aspects of private and public broadcasting. 39 Its duties were diverse: persuading the C.B.C. to extend its French service beyond the Province of Quebec; adjudicating over hearings for new license applications and changes in ownership of existing stations and networks; examining the intricacies of cable-television; and wrestling with the involved question of satellite communications. The
C.R.T.C.'s task became one of immense complexity. In order to achieve as wide a representation as possible, five full-time and ten part-time Commissioners were selected from various areas of the communications industry and different regions of Canada. All were required to be Canadian citizens. Like its predecessors, the new body also had its persistent critics, with occasional accusations that Commissioners were being removed, or appointed, on the basis of party affiliation.

In 1958, Canada drafted, in Bill C-60, its own Bill of Rights, passed by parliament during 1960, guaranteeing the fundamental freedoms of religion, speech, assembly and of the press. Since the 1972 United States Watergate Conspiracy, there has been a noticeable trend by media to direct much closer attention (in democratic countries) to press freedom and the provision of more open access to government files and reports. In Canada, the federal government, and certain provincial governments, have proposed freedom of information legislation. Canadians are particularly sensitive to the inaccessibility of their own government's reports some of which, ironically, are available in the United States.

The 1960 Bill of Rights has received few tests in court (the Drybones case being a notable exception) and is rarely mentioned except in derogatory terms such as "toothless", or as having "all the clout of an orphan." Recently, it has been advocated that the Bill be incorporated into the B.N.A. Act, Canada's Constitution. Meanwhile, such reputable Canadian daily newspapers as the Toronto Globe and Mail continue to actively campaign for a reduction in government secrecy. There can be no doubt that many Canadians have an underlying concern for, and a growing awareness of, the importance of press freedom. In a 1968 speech commemorating the 20th anniversary of the United Nations' Universal Declaration of Human Rights, Canada's Secretary of State, Gérard
Pelletier, said: "Seldom in the past have Canadians focused as intensively on human rights as they have in the past two years." A writer in the United States sees a close relationship between news commentators and the craving for freedom of speech.

In 1977, the C.R.T.C. held an enquiry into public broadcasting and concluded, from a survey conducted that year, that a majority of Canadians (75-80 per cent of those interviewed) felt satisfied that "there is at least enough freedom of expression in all mass media, including television, radio, newspapers and magazines." The same proportion said they were concerned about freedom of expression, and would "disapprove of any restriction...or control of information by their government over broadcasting, even in times of crisis." (Italics mine.)

Besides their impact on social customs, and their contribution to what sociologists refer to as "rising expectations", some forms of mass media have the capability of offering audiences "instant news", sometimes as it actually happens and, particularly if a news item is related to criminal activity, not always with the approval of law enforcement agencies. Radio bulletins and telefilm issued in Montreal during the October crises bore a striking similarity, in terms of excessive dramatization, and commanded as much attention, to audiences in Canada, as had the Kennedy assassinations in the United States.

In 1964, Marshall McLuhan, describing the media of radio and television as "hot" and "cool" respectively, wrote that experiments showed that all media, television and radio-channelled information showed results "high above lecture and print", although when each medium was "stepped up to high intensity...radio...stood significantly above television." In the disputes which arose in Montreal between media and the police, radio, for reasons not entirely connected with McLuhan's findings, created the biggest problem.
Censorship has been defined as "to judge or criticize, to count and calculate, and to prohibit and suppress... New extensions of rights and of freedom of thought and expression have been achieved, and unprecedented devices of intimidation and suppression have been constructed."\textsuperscript{50} It was the opinion of editorial writers in many parts of Canada that the C.A.B. - C.A.P.C. Statement of Objectives and Guidelines fell, at least in part, within the framework of this definition. (Similarly, there are those who, like the Canadian Daily Newspaper Publishers Association, see in the Official Secrets Act a threat to democratic countries such as Canada, "where freedom of the press is an essential requirement of a free people."\textsuperscript{51} The C.A.B. - C.A.C.P. guidelines, likewise, were seen as a threat. Furthermore, they served to create serious divisions between media, recalling the early friction existing between press and broadcasting raising, for a brief but eventful period, doubts about their credibility and their sense of responsibility to the public they claimed to serve.
Notes

Chapter II


3. Ibid., p. 10.

4. Ibid., p. 11. (Italics mine.)

5. Ibid., p. 11.

6. Ibid., p. 11.

7. Ibid., p. 11.

8. Ibid., p. 11.


11. Ibid., p. 44.

12. Ibid., p. 44.


27 Ibid., pp. 4149-53.

28 James M. Penton, Jehovah's Witnesses in Canada: Champions of Freedom of Speech and Worship, p. 106.


31 Ibid., p. 155.

32 Ibid., p. 156.

33 Ibid., p. 159-63.

34 Ibid., p. 160.


36 Ibid., p. 169.


38 Ibid., p. 164.


43. Canada, Canadian Broadcasting Corporation, Newscast, CBET, Windsor, 6 p.m., Tuesday, October 31st, 1978.


"R.C.M.P. fear source loss if ruling favours Krever," Toronto Globe and Mail, 13th January 1979, p. 5.


51 See Appendix B, Item 12.
CHAPTER III

PRIVATE BROADCASTING, PUBLIC AUTHORITY,
AND THE OCTOBER CRISIS

In the opinion of one political scientist, Canada’s October Crisis "re-structured the traditional roles of the media, causing them to become protagonists as never before..." One question had arisen compellingly in the minds of newsmen in that period between October 5th, 1970, and December 28th, 1970: where did responsibility to their employers and to society at large end, and personal commitment begin? With the passing of weeks, newsmen became more and more involved in an unfolding, and ultimately tragic, societal drama, and they were finding it increasingly difficult to remain objective. The difficulty faced by reporters in achieving objectivity, and whether, in fact, objectivity is desirable, is a concern of experienced newsmen such, for example, as Roberts. Its attainment to any degree must always depend on past individual experience, on training, and on dedication to professional standards and ethics.

Latouche reasons that media’s perspective of the crisis underwent a metamorphosis, changing from condemnation of the terrorists as criminals, to a political view of what was taking place. When that happened Latouche goes on, owners of the media—including Radio-Canada—reacted by attempting to "de-politicise" the message, by retribution, by suspending or firing a number of newsmen. What, then, had begun as a violent political act of terrorism, was slowly transformed into an insidious conflict within media themselves which, in turn, as will be seen, led to repercussions extending far.
beyond the original acts of terror and media's "involvement" therein. Tension between media and law enforcement agencies, which had always existed at more or less acceptable levels, degenerated by the termination of the crisis, into confrontation and recrimination. The prevailing atmosphere over the threat of Quebec separatism has since been described as a "siege mentality." 4

As the October crisis deepened, friction became most marked between the police and broadcasting—that source of mass communication which, in terms of impact and immediacy, many, such as Roberts and others, believed to have the most powerful effect on its audience. 5 Never before had radio or television in Canada had to cope with the drama and political sensationalism intrinsic in the taking as hostage of public figures. It is important to keep in perspective that the crisis was centred in the Province of Quebec, and that there are abiding philosophical differences of attitudes toward media and authority in French and English Canada. These differences were emphasized again when the proposed guidelines first became an issue because of the objections of French journalists, and their traditional policy of subjective "involvement." When one kidnapping climaxed in the assassination of a Quebec Cabinet Minister, the tragedy began to take on the appearance, aided by media activity, of the kind of politically-related violence observed all too frequently by Canadian viewers of American television. The fault was not of the media, as will become clear later in this study. In a pervasive atmosphere of suspicion and mounting apprehension, the country's mass media attempted to follow events in Quebec and to keep the public informed. Media were hindered not only by evocation of the War Measures Act; their efforts to obtain accurate news were seriously hampered by the police (see Chapter 5). A current investigation by the Federally-appointed McDonald Commission, on R.C.M.P. wrongdoing, has established that there was, in fact, covert and illegal activity by law
enforcement agencies during the crisis, but such activity is beyond the scope of this study).

Three years later it would be claimed, not without justification, that the police-broadcaster guidelines were largely motivated by the October crisis. Beyond the immediate confusion of the event itself, however, there can be no doubt that much police-media friction was caused by actions of inexperienced reporters, and to inadequate liaison (in the sense of public relations) between newsmen and the police. A senior police officer has written: "... I am inclined to believe that television presents greater problems, especially to the field of police activities, than other forms of news media." Such was not exactly the case in Quebec. Largely because of the peculiar circumstances, especially its use as a message-carrier by the terrorists, radio became the medium which was to find itself most seriously in conflict with the police. As will be seen, the full scope of the rift which developed was not commonly apparent until some three years later.

Some months after the crisis had ended, the Canadian Association of Broadcasters, an organization which had for years represented the interests of private station owners, both professionally and as a political lobby, began to examine the reasons for the serious deterioration of police-media relations at a time when those relations should have exhibited a total responsibility to an alarmed public. In 1971, concerned by this question, the C.A.B. sponsored the production of a film, The Media and the Community, dealing with the October crisis and the role played by media, particularly radio, in that event. The film was instrumental, it was claimed later, in promoting broadcaster-police negotiations following its discussion at the C.A.B. annual convention the same year. It was during these negotiations that the guideline proposal was evidently put forward.

Using edited excerpts of news film taken at the time, The Media and the Community: A Matter of Responsibility
provided a graphic and dramatically demonstrated recollection—complete with screaming sirens, motor-cycle escorts, and crowded studio newsrooms—of what the film’s producers considered were the more significant elements contributing to police-media tensions in the October crisis. The excerpts were interspersed with brief close-up interviews, in retrospect, with some of the major figures involved: the Federal and Quebec Ministers of Justice; the Quebec Provincial Police Director; and representatives of Montreal radio stations. There was mutual recrimination among those interviewed; their comments were all the more remarkable considering that they were recalling an event of tragic proportions.

In the film, media were blamed by government officials and the police for escalating the crisis, withholding evidence, and making announcements which were speculative rather than factual. Montreal broadcasters asserted their rights to inform the public, and blamed the police for deliberately misleading them, and refusing to accept a request to attend at a radio station which was in involuntary touch with the terrorists. For their part, newsmen admitted holding back a communiqué and tapes which the police wanted. There were problems, evidently caused by the police themselves, over whether a communiqué should be handed over to City or Provincial authorities. The Quebec Provincial Police Director commented that he could not agree that the police and media should be "friends", an observation which, under the circumstances, was hardly necessary.

Although, in the opinion of Federal Justice Minister John Turner, the media were making the situation "contagious," he agreed that it was not in the interests of Canada "to control news." Suggesting that the C.A.B. analyse the whole scenario, and determine whether the broadcasters were "unwitting accomplices," he advised: "You may need autodiscipline."
A British diplomat, finally released by the terrorists after an eight-week ordeal in captivity, thanked Canadians generally, but had few kind words to say about media, which had announced his "death," and had prejudiced his chances of survival by speculating that notes he had been allowed to send his wife might contain hidden messages.

A Montreal station manager believed that, by and large, English media had shown "responsibility," whereas French media were "avenues of communication" for the terrorists. Agreeing that broadcasting had lost some of its freedoms, he had, nonetheless, fired a "highly controversial editoralist" who should not have access to "a soap box for his views."

Built up by a small group of media-manipulative terrorists, a climate had thus been created which could hardly be more conducive to "guidelines," and it was therefore not surprising that broadcasters mistakenly believed that they would be acting in the best interests of the Canadian public by meeting with the authorities to restore public confidence in news coverage of events involving serious crime. To broadcasters, the question which needed answering was not whether but how to cooperate.

After the C.A.B. film had been shown to members of the Canadian Association of Chiefs of Police at their annual convention at Calgary in 1971, with representatives of the C.A.B. present, the police were invited to offer their ideas on improving police-media relations. Because they, too, had experienced a loss of credibility, "due in part to invocation of the War Measures Act and their enforcement of the suspension of "all civil liberties . . . providing (them) with total powers of search, arrest and detention," police welcomed the opportunity. They were encouraged by a retired R.C.M.P. Deputy Commissioner, W.H. Kelly who, as he said later, "had a foot in both camps" and who was to play a major role in formulating and drafting the guidelines. Talks
between the two associations continued for the better part of two years.

During the latter half of February 1973, the C.A.B. and the daily press became protagonists in an acrimonious controversy arising from a questioning of the guidelines—both as a concept, and as a reality—and the extent of police involvement in their creation. The C.A.B. had, on February 16th, 1973, delivered to broadcasting's regulating authority, the C.R.T.C., a copy of the guidelines, the document having apparently crossed in the mail with a request from the C.R.T.C. for (1) details of any proposed "agreement" with the police, and (2) an enjoiner that the Commission would "expect that individual broadcasters will not implement any agreement such as that referred to in media reports until consultations with the Commission have taken place."

On March 2nd, 1973, the C.R.T.C. issued a public announcement stating that the document entitled "A Statement of Objectives, Principles and Operating Guidelines for Effective Working Relationships Between the Peace Agencies of Canada and the Media" was distributed to C.A.B. members in December, 1972. The announcement added that the document had come to the Commission's attention "through media reports in the middle of the week of February 12, 1973."

Before proceeding with an examination of the guidelines themselves, it is appropriate to note here a number of statements, made subsequently, which conflict with, and thus cast some doubt on, the veracity of the C.R.T.C.'s public announcement, and the claim of the Commission, that the document's existence first came to the Commission's attention in February, 1973. Evidence by the C.A.B. and the C.A.C.P. at a C.R.T.C. hearing some weeks later, (discussed at length in Chapter 5 of this study), contradicted the Commission's assertion. For example, the C.A.B. stated that they had sent the Commission a copy of The Media and the Community "last year, at their
request. The broadcasters insisted that from their first meeting with the C.A.C.P. in Montreal in 1971, their discussions "were openly and publicly stated on numerous occasions" and, furthermore, were "widely reported in the news media." The C.A.C.P. made similar claims and gave a specific instance, saying that they had "publicly reported the guidelines . . . in Quebec City . . . on Friday, September 1st, 1972 at 09:00 a.m. in the presence of the press, and the Chairman of the News Media Committee was at that time interviewed by Mr. Roach of the Canadian Broadcasting Corporation."

If the evidence given by the broadcasters (or their representatives) and the C.A.C.P. is correct, the same information to which the Commission took such exception in February of 1973 was, in actuality, available to it on (or even before) September, 1972, five months earlier. Why did the C.R.T.C. voice no objection at that time? Did the Commission decide to act only after the guidelines became a subject for debate in the Quebec legislature? These and other questions will obviously be raised again in this study.

Regardless of the guidelines' controversial and ambiguous propositions and re-statements of conduct already required by legislation or codes of ethics, the document's style can be described as quasi-military, and on that basis alone they would attract criticism as both unseemly and unsuitable for privately-owned media to become party to, more especially when a national emergency did not exist.

The first section of the guidelines, entitled "Working Mechanics," affirms that peace officers and broadcasters, through their respective organizations, agree "that there is value in a continuing joint national committee." The national committee would assist provincial, zone, regional and local committees in their mutual problems, and would be empowered, under the "Structure" of the guidelines, to coordinate the efforts of all police/media committees in
working out policies designed to assist peace officers and news media employees in the effective and responsible discharge of their respective duties." An open invitation had been extended to the CBC, the Canadian Newspaper Association, and others "as the committee desires" to participate.

As "Basic Principles," the peace officers of Canada "accept the principle that the public have a right to be kept informed on police and crime news," and the news media "accept the principle that the police, because of investigational and legal requirements . . , cannot always make available specific aspects of current police activity . . . ."

But it was section D, "Guidelines and Ethics," (the Vancouver Sun expressed the opinion that the word "ethics" was misused), wherein the chief cause for concern lay, and which resulted in press accusations of a betrayal of the right of freedom of speech, finally leading to a public hearing.

The "Guidelines and Ethics" stated that "these essential principles" could best be achieved by observance of the guidelines which recognised that the police and media "are partners in the fight against lawlessness, in the enforcement of the law, the maintenance of public order, the prevention of crime, and the preservation of domestic peace . . . ."

Clearly, it was argued later, this was incompatible with press freedom. Section D continued:

The people of Canada have a fundamental right to be kept advised concerning the activities of any organization paid for by public funds insofar as the exercise of that right does not interfere with the proper, efficient, and responsible functioning of any such organization.

While it was the duty of media to publicise matters which affected police efficiency, media might also wish "to give public recognition . . . to efficient and effective police work." While the media acknowledged its need for experienced police reporters, and the police "should assist the media to obtain police news and appreciate . . . deadlines," the police "must have the right to make the decision on release of news
for publication." Agreeing that both sides of a story should be reported, the practice of "scooping" of competitors "may seriously hamper" police forces. (Italics mine.)

Recognising that the success of police/media relations "depends substantially upon the degree of confidence and understanding which can be built up between them . . . . Any abuse of such confidence should be a matter for serious concern on both sides, including when necessary disciplinary action against those . . . . who . . . . fail to operate within the principles and ethics . . . ." Senior police and media representatives would train new personnel, acquainting them with the principles, guidelines and ethics, and there would be "continuing individual contacts, interchange of information, and consultation." (Italics mine.)

Stating the obvious, section D affirmed that both media and police had a duty to remember that accused persons are innocent until proved guilty, and reporters would not prejudice anyone's right to a fair trial. In times of emergency, there would be "day to day advance planning" to ensure "the closest cooperation" between police and media. Finally, peace officers would aid news photographers to obtain accident and crime pictures, but photographers and reporters recognise the need for crime news to be handled in such a manner that evidence would not be destroyed "before the responsible police officers have had the opportunity to protect it." Further guidelines and ethics would be established from time to time "within the framework of the general principles enunciated herein."

Before examining the press-broadcasting conflict engendered by the guidelines, two points are worthy of attention. First, the draft discussed throughout this study is (unless specifically stated otherwise) the English-language version forwarded by the C.A.B. to the C.R.T.C. and then circulated by the latter with their public announcement in March, 1973. The reason for pointing this out is simply that there were
other versions. For example, a French version brought questions from the Commission's Chairman about its apparent conflict with the English draft at the C.R.T.C. hearing. An English-language guideline text, a "(Revised) Preliminary Draft"—quite different from that sent to the C.R.T.C. —was dated February, 1973 and was forwarded by a Police Chief to the writer of this thesis. Further reference will be made to this question in later Chapters.

Second, the Standing Committee on Broadcasting, Films and the Arts, a Federal body, holding lengthy discussions at its meeting on April 17th, 1973, (on estimates), made no mention of the events described in the study.

On June 8th, 1971, speaking to the House of Commons Standing Committee on Broadcasting, Films and Assistance to the Arts, Henri Audet, then President of the Canadian Association of Broadcasters, said:

In periods of crisis whether created from outside or inside . . . no government has ever hesitated to mobilize all resources in its power to preserve the nations integrity and rights. We feel that we are in the middle of such a crisis . . . Canadian broadcasting has to be preserved at all costs . . . we are determined to assure the survival of the Canadian experiment.

Thus, the C.A.B. saw itself, in 1971, as embarking on a crusade to save Canada and broadcasting, at a time when a crisis so far as the general public was concerned, did not exist.
Notes

Chapter III


8 See Appendix B, Item 8.

9 See Appendix B, Item 6.

10 See Chapter 5, pp. 55-56, Summary of the C.R.T.C. hearing.


13 See Appendix B. Item 7.


15 See Appendix B. Item 9.


CHAPTER IV

BROADCASTING AND THE PRESS:

MEDIA IN CONFLICT

On Friday, February 16th, 1973, a detailed story by staff writer Robert McKenzie appeared in the Toronto Star below the headline: "Broadcasters reveal agreement to let police veto 'crisis' news." The article was typical of a number of related stories appearing in Canada's national press that week. McKenzie's comprehensive report included a large number of statements taken from interviews with media executives, politicians, and police officials. The newspaper's readership learned that a five-page "protocol"--the guidelines--had been tabled, on the previous day, before the Quebec National Assembly's committee on press freedom, an all-party group which happened, coincidentally, to be holding public hearings on "information problems."

The protocol, described by McKenzie as "a nation-wide agreement," had been tabled by representatives of the Canadian Association of French-language Radio and Television Broadcasters, an affiliate of the national broadcasters' organization. Quebec's Minister of Communications, Jean-Paul L'Allier, had expressed his opinion that the protocol was potentially "dangerous" as it could be used by the police to suspend news coverage at their will.

The Star article informed its readers that the protocol had been "agreed to the previous fall [1972] by the police chiefs' association and the broadcasters' group which represented 353 private radio stations and 65 TV stations across Canada." At that time, broadcasters association president Don Hamilton was quoted as saying, "... the association's
19-man executive approved the document . . . " and, following their decision, copies were mailed to member stations across the country. The Star also quoted Hamilton as pointing out that, at a special general meeting held on January 15th, 1973, " . . . not one of the 200 members even brought this issue up although they could have."2

McKenzie's account explained that there was confusion over (1) who had actually drawn up the document, and (2) who was committed to it. While C.A.B. headquarters in Ottawa referred to it as "a working document," C.A.B. executive vice-president Jim Allard confirmed "in a telephone interview"that the protocol was approved by the executive. (That there might, in fact, be different versions of the guidelines had not, at this time, been realised.) Allard's statement conflicted with one made by Don Hamilton and another C.A.B. vice-president, Pierre Stein, "about the part played by the R.C.M.P., former-solicitor-general Jean-Pierre Goyer, and Quebec Justice Minister Jerome Choquette" during the guidelines' preparation. Stein was quoted by the Star as saying that Goyer and R.C.M.P. officials (in the case of Hamilton, it was Goyer and Choquette) had met with a joint committee of broadcasters and police chiefs while they were drafting the agreement.3

The news story quoted France Fortin, vice-president of Tele-Capitale, operators of television station CFCM in Quebec City, and one of the French-language broadcasters who tabled the agreement before the committee, as saying "a representative of the Canadian Radio-Television Commission took part in certain discussions concerning problems raised by this document." Fortin was quoted as saying the Commission " . . . had not reacted officially to the agreement." Another vice-president of Tele-Capitale, Aurele Pelletier, a spokesman for "the French-language broadcasters" said any control of information "would be contrary to our philosophy . . . concerning freedom of expression and freedom of the press."4
Interviewed by McKenzie in Toronto, Syd Brown, president of the Police Association, "could think of no situation in which the working policeman would need such a document to aid him in his work." Neither did Brown think that it was up to the police "to say what is news." According to McKenzie, the strongest criticism had come from the Federation Professionelle des Journalistes du Quebec, an organization which represented about 700 newsmen in that Province. Claude Beauchamp, the Federation's president, was quoted as describing the agreement as "totally unacceptable ... with the thinking behind this document, we can expect the worst ... it is a fundamental principle of our society that information is public property." 5

Next day (February 17th) the Star carried a follow-up story, distributed by Canadian Press, Ottawa, advising readers of the C.R.T.C. caution to the C.A.B. and giving the response of the C.A.B., who denied that an agreement with the police chiefs existed. The same story quoted the New Democratic Party leader as describing the guidelines as "news management" and saying he envisaged a danger of newsmen becoming "spies" for the police. 6 Also on that date, the Winnipeg Free Press, in a brief news story from Canadian Press, Ottawa, informed its readers that the broadcaster-policeman proposals, intended to improve their working relationship, had "promoted" expressions of concern that journalistic freedom might be threatened, or seem to be threatened." After outlining the guidelines' contents, the Free Press then gave details of the unfavourable reaction of the Quebec Legislative Committee, L'Allier, and Beauchamp. 7

On Monday, February 19th, 1973, the C.A.B. president issued a strong defence of his organization's actions in a general newsletter, dated the previous day. 8 Again through the wire service of Canadian Press, Ottawa, the newsletter was given extensive press coverage. Press response was immediate but not, at first, critical, as newspaper stories were confined to summarizing without comment, the contents
of the newsletter. Headlines appearing above the stories were subdued, even perhaps, sympathetic. Two typical stories appeared in the Montreal Star and the Toronto Star on the date of the newsletter's release. Both stories were similarly worded, clearly relying on the same CP source for their content, and both spoke of "early criticism" of the guidelines without saying precisely who the critics were.

In the days immediately following, the tone of the press changed to one of open hostility and opposition to the guidelines. Broadcasters and police were described, by individuals quoted in news stories, and by editorial writers, as having entered into an alliance which threatened freedom of the press. Thus if, as the broadcasters maintained, the basic purpose of the guidelines was to ease police-media tensions, the method adopted had already created a division within media themselves.

The C.A.B. newsletter, five pages in length, contained a detailed statement of events preceding, and following, formulation of the guidelines. Hamilton said that some comments about the guidelines constituted "an outright attack upon the integrity of this Association and its members by those whose goal can only be to undermine public confidence in the broadcasting media and law enforcement agencies." The relationship between news media and peace officers "... was given a new focus by a number of events of recent years, including the so-called October Crisis of 1970." The broadcasting media, "often through no desire of their own", could become directly involved in such events while, at the same time, there was "increasing and often uninformed criticism of both media and public authority..."

Hamilton described how, at the C.A.B. 1971 Annual Convention, a "major discussion", and a "specially-produced film", were so successful in highlighting the issues that the same format was repeated at the 1971 meeting of the
C.A.C.P. Both sides then agreed to form a joint working committee "to pursue some of the questions involved." He stressed that the aim of both national associations was "not to seek any form of agreement; much less one binding on either membership and, most certainly not to seek any commitments which would in any way restrict the freedom of either peace officers or media..." After several joint meetings during 1972, the document under discussion was eventually drafted, referred to and endorsed by "the Board of Directors of both associations." 11

Denying that the guidelines were either an "agreement" or a "pact," Hamilton, who stated that the document had been distributed to C.A.B. membership to be "analysed and discussed by individual broadcasters" some of whom had already held discussions with local law enforcement agencies, insisted that it gave the police "[no] power of encouragement to seek to determine what material may be broadcast by C.A.B. member stations..." Neither did members require a "reminder from any source of their responsibilities under the Broadcasting Act...including reporting of police and crime news." 12

Hamilton argued that recognition of the police right to make decisions on the "release of news for publication is nothing more than an existing fact" and such recognition does not "imply any sacrifice of our additional right to later question and criticize the judgement of peace officers in withholding information in a given circumstance."

Referring to the declaration that "the police and media, in their professional capacities and as responsible citizens, are partners in the fight against lawlessness", Hamilton said that to suggest that such is not the case, "is to create a special category of citizenship, if not an invitation to license..." 13 The newsletter concluded by an assertion that the document was the sole responsibility of the two Associations, and "it is our intention to pursue the discussion of..."
these matters at our 1973 Annual Meeting and beyond in the confidence that ... the relationship between media and police ..., as well as the public, are best served by a free and open discussion. ..." 14

The C.A.B. newsletter failed to achieve the purpose intended; rather than calm the fears of press and public, controversy over the guidelines increased. Perceptive newspaper readers in provincial centres across the country were to observe, during the days which followed, a confusing spectacle of one form of mass communication challenging the credibility of another. Furthermore, the press would claim, either by implication or direct accusation, that the police were applying pressure by intimidation, exercising power beyond their lawful peace-keeping function.

Police pressure had been a topic of current news for some weeks preceding the anti-guideline campaign, particularly for their lobbying in support of capital punishment. An article by columnist Peter Reilly in the Ottawa Journal in the last week of January, 1973, bore the headline "Police pressure impertinent." 15 Four weeks later, the same newspaper carried a story, datelined Toronto: "Police, broadcasters pact seen threat." 16 This story quoted Andrew Joel, president of Southam Business Publications Limited, an affiliate of the Southam-Seikirk group, owners of a chain of daily newspapers extending from Quebec to British Columbia: "... efforts are being made to muzzle freedom of the press in the United States and there are disturbing signs of similar attempts in Canada." Joel, the story continued, said that a pact recently revealed between the Canadian Association of Broadcasters and the Canadian Association of Police Chiefs "would give police control over news during crises. And, of course, 'crises' is left to the police to define." By voluntarily surrendering their rights to inform, Joel believed that "these private radio and television stations ... clearly do not understand their responsibility to the public ... broadcasters ... should
not be partners of the police." This was followed by a succession of editorials concerned with the guidelines in the national press which adopted a similarly critical stance. Most of the comments were unsigned as it was not the general practice, as it is now, to give writer accreditation.

An editorial which appeared in the Windsor Star, a Southam chain daily, was headed "Police should stop pursuing media deals." It noted: "While it is, of course, perfectly normal and useful for the media to discuss news gathering methods with the police, to do so on the grounds of that ill fated document revealed in Quebec last week, cannot help but be a wasted effort." By implementing such an agreement, the editorial pointed out, it would be the chiefs of police, rather than people in the media "who would be responsible for judging what information would go out to the people." Therefore, a "media-police" conference, such as that being proposed by the Windsor police chief, should be reconsidered; a "specially designed code of ethics to govern media-police relations" would be both improper and unwise so far as the media were concerned.

Two incisive editorials appeared in separate daily newspapers owned by F.P. Publications Limited, described as largest of all Canadian newspaper groups in terms of circulation. Both papers basically agreed with the opinion of the independently-owned Windsor Star. In doing so, they went into a great deal more explanatory and interpretive detail. The Vancouver Sun informed its readers that the guidelines had evoked "expressions of disbelief from broadcasters in Western Canada." The paper hoped the media-police proposals would be studied "with skeptical dismay." Giving details of the objections voiced by L'Allier and Beauchamp, the Sun was particularly worried about that phrase in the guidelines which gave the police the right to make decisions on news releases.
Believing that broadcasters had misused the word "ethics", it was the Sun's view that the first maxim in a journalistic code of ethics "is to seek out the truth and present it as objectively as is humanly possible the primary right of a free people, the right to be informed of the acts of its governments, its community and business leaders, yes, and its police and other law enforcement agencies is abrogated" by "less than honest" efforts of news people. This editorial made use of the word "conspiracy" in the following context: "The fact that an agreement is made between the new gatherers and the potential news source is, in effect, a conspiracy, though an innocent and involuntary one, against the public interest."

The writer concluded with the observation that news reporting throughout the world "because of a spreading tendency to hide things from the public or to make newsmen spies and agents of authority" is becoming more difficult.

Another F.P. Publications daily, the Ottawa Journal, opened its editorial by advising the Canadian Association of Broadcasters to read the Canadian Bill of Rights, "with attention to the guarantees of freedom of the press." Stating that the C.A.B. - Police Chiefs agreement was promoted by the October crisis, the Journal's opinion of the clause setting up committees—such as had already been done in Quebec "with the help of Justice Minister Choquette"—was that it amounted to a partnership with the police in "self-censorship." The paper recalled opposition by parliament, during the October crisis, to the imposition of the War Measures Act "amid a smoke screen of secrecy, during which one cabinet minister let loose an alarming rumour of the F.L.Q. amounting to thousands of armed revolutionaries." It was the balanced reporting of a free press which had informed the public of the "irresponsible exaggeration." Because the F.L.Q. crisis was not only a criminal but also a "political" story, it was not a case
for interference with the news. The editorial closed with the comment that "The Bill of Rights guarantees no law can take away our freedoms, including that of the press. But freedom can be given away, bit by bit, and eroded. The C.A.B. should think about this."

A short editorial in the Montreal Star was skeptical, rather than critical, because "news will surface" in spite of "the most well-arranged efforts to prevent it." In the Star's opinion: "Whatever the deal, it hasn't a snowball's chance in hell of ever being implemented."

It is necessary to digress briefly in order to point out that in no case did the editorials mention, and judiciously so, print's long-standing—and documented—fear, from the earliest days of broadcasting, of becoming redundant. As far back as 1947, during the hearings of the Special Committee on Radio Broadcasting, reference was made to an electronic newspaper, controlled by radio and already alleged to be beyond the experimental stage, which would ultimately supplant print. J.J. Robinette, then Counsel for the Canadian Daily Newspapers Association told the Special Committee that, once the "facsimile newspaper" became a reality, there was danger of "the press, as we know it" disappearing entirely. At the same hearing, in June, 1947, a Commission member remarked on the similarity of the Newspaper Association's brief with that of the C.A.B. Both organizations were opposing the regulatory powers then held by the Canadian Broadcasting Corporation, for different reasons. The C.A.B. were campaigning for a neutral body to regulate broadcasting, while the newspapers argued that there was no danger in their controlling (private) radio enterprises.

More recently, Wolseley cites studies which indicate that college-educated audiences, in 1975, placed television as the leader in "the total job done". Grotta reports a decline in newspaper advertising, and other studies report
an increasing confidence in the accuracy of television news. Other sociologists, however, are more optimistic, speaking of "complementary competition between the mass media" and disputing any relationship between television and the success or failure of newspapers.

A further newsletter was issued by the C.A.B. in Ottawa on February 29th, 1973, in the form of six points. Advising members that there had been "considerable misinterpretation" of the guidelines, the release hoped that the newsletter of February 19th, 1973, would be "carefully read and considered by you and your staff and that it will be publicized." Members were told that Association officers had appeared on public and private phone-in shows on both radio and television, to provide explanations and correct inaccuracies. President Don Hamilton and others had met on Friday, February 23rd; "with Mr. Pierre Juneau, Mr. Harry Boyle, and Mr. Ralph Hart." Because there was "merit in having this entire matter dealt with in a forum that is and can be seen to be objective and impartial", a letter was sent to the C.R.T.C. and it "will shortly be announced that the request has been granted and the matter will be discussed at a C.R.T.C. April hearing."

Prior to the meeting of February 23rd, some regions had sent telegrams of support (using markedly similar phraseology) to C.A.B.'s Ottawa office, and copies of these were enclosed with the six-point newsletter. One telegram, from Toronto, read, in part; "Discuss this issue with the C.R.T.C. at the first opportunity specifically requesting the C.R.T.C. Chairman on future occasions of this nature to communicate with C.A.B. prior to giving statement to the newspapers which they may seize as an opportunity to disparage broadcasters." Others also urged a meeting with the C.R.T.C. at the earliest date possible.

Copies of the broadcasters' letter, dated February 27th, 1973, requesting a hearing, were circulated to the C.A.B.
membership with the February 28th news release. The letter was signed by C.A.B. Executive Vice-President T.J. Allard, and was addressed to Mr. P. Juneau, Chairman of the Canadian Radio-Television Commission. Allard wrote that there had been considerable "misunderstanding and misinterpretation . . . in the daily press" concerning the guidelines. The guidelines were not an "agreement" between the two bodies, they did not restrict, nor place any restraint on, broadcasters relative to their news-disseminating function, and gave no-one "control over broadcast news." Although "a detailed written explanation" had been given public release, part of which had been carried "in some of the daily newspapers, which gave wide circulation to the original mis-statements and misinterpretations," no paper had carried the statement in full. Neither had any of the "Central Canada dailies carried a 'letter to the editor'" which the C.A.B. had circulated to them to correct "major mis-statements made by these dailies relative to the 'Statement'." Therefore, the "only avenue left open" to correct the mis-statements was by discussion of the real purpose at a regularly scheduled session of the Commission. He also agreed that the request could be made public.

The C.A.B. president's report for February, was four pages in length, about a quarter of which was devoted to "this time of crisis." Describing it as probably "one of the longest months in history," Hamilton said that the C.A.B. had been "living in the eye of a hurricane of misunderstanding for almost three weeks . . . accused by political leaders, attacked by the daily press, and reprimanded by the C.R.T.C." Saying that he had maintained a clipping service, the "result of the press coverage from coast-to-coast" clearly showed "an antagonism . . . that constitutes an outright attack upon the integrity of this Association" which undertook "what we believed to be a reasoned and responsible stance to be sure that . . . in times of crisis our listeners and viewers are entitled to
the fullest and frankest reflection of news events."

Many hours were spent "in trying to deal with the problems that the daily press created . . ." The C.A.B. response to the press of February 18th, in addition to being distributed to the membership, "went to all press agencies in Canada, some outside the country, every Member of Parliament, every Senator, senior government officials, senior provincial officials, and a broadly based group . . . concerned with press freedom in broadcasting." Hamilton said that he had gone to Ottawa on February 23rd, and, after "frank and lengthy discussions" with the Chairman and Vice-Chairman of the C.R.T.C. he had every reason to believe that the Association's request for a public forum "will be provided with some immediacy."

The remainder of the February report discussed a variety of topics unrelated to the guideline controversy. The C.A.B. would continue to search for a permanent president; and C.A.B. Vice-President-Radio, Pierre Stein, had decided to leave private broadcasting to join the C.R.T.C. as Senior Planning and Development Officer.

The unprecedented hearing granted by the Canadian Radio-Television Commission to the C.A.B. took place in Ottawa, at the Skyline Hotel, on April 10th, 1973. Not until then were the "co-authors" of the guidelines—the chiefs of police—to bluntly acknowledge, "in the interests of the Canadian public", their involvement. Representatives of the C.A.C.P., silent during the preceding weeks, then admitted that they were "well informed" about those publications which had criticised the guidelines, and, for the benefit of the Commission, named several in their presentation. C.A.C.P. officials informed the Commission that they had also kept clippings "and other information." The police singled out one newspaper, the Winnipeg Free Press, as praiseworthy for its accurate evaluation of the guidelines' function; the paper was said to have stated that
in its view, newsmen had "over-reacted to the guidelines.31 (See Chapter 5.) Later, another intervener pointed out that the report referred to had appeared in the London Free Press. (Italics mine.)

In its Annual Report for 1973-74, the Canadian Radio-Television Commission summarised what had occurred prior to the hearing, concluding: "The Commission understands that as a result of these further discussions (held, in particular, between the C.A.B. and the R.T.N.D.A. following the hearing) the C.A.B. decided not to proceed with implementation of the principles and guidelines contained in the statement."32
Notes

Chapter IV


2 Ibid.

3 Ibid.

4 Ibid.

5 Ibid.


11 Ibid.

12 Ibid.

13 Ibid.

14 Ibid.

23. Ibid., p. 287.
27. See Appendix B, Item 2.
29. See Appendix B, Item 3.
30. See Appendix B, Item 5.
CHAPTER V

SUMMARY OF THE C.R.T.C. HEARING:
THE SUBMISSIONS AND QUESTIONS

The examination which follows is of necessity restricted to the relevant and more significant points from the major interventions recorded in the official hearing transcript and which were actually read, either complete or in summary, to the Commission. Altogether, there were twenty-eight interventions. (The transcript totals 264 legal-sized pages of which approximately 60 are in the French language, untranslated.)

Commission Chairman Pierre Juneau summarized events leading up to the request for, and decision to convene a hearing. In December 1972, the C.A.B. had distributed to its membership "a document prepared by the Association in conjunction with the Canadian Association of Chiefs of Police entitled: 'A Statement of Objectives, Principles and Operating Guidelines for Effective Working Relationships between the Peace Agencies of Canada and the Media.'¹ This statement had come to the Commission's attention on February 12th, 1973. Four days later a message was sent to the C.A.B. asking them not to implement any agreement such as that referred to in media reports until the Commission had been consulted. On February 27th, the C.A.B. sent the Commission a letter, requesting a hearing, as this was "the only avenue left open to us" to correct "mis-statements" about the guidelines, to discuss their real purpose, and to explain their background.² In view of the considerable public discussion which had already taken place, it was decided to accede to the C.A.B. request. Although there was "no evidence at the moment
that the broadcasters . . . are implementing this state-
ment", the Chairman said that, because of the numerous
opinions expressed toward it, and because the C.A.B. had
requested the hearing, the C.A.B. would be allowed to
comment at the conclusion, if they so desired. The pro-
cedure would not be one which placed the broadcasters in a
position of adversary.³

Submission of the Canadian
Association of Broadcasters (C.A.B.)

Donald Hamilton, president of the Canadian Association
of Broadcasters told the Commission his comments would be
directed toward two objectives: first, to place the state-
ment of objectives and guidelines into perspective, and
second, "to lead subsequent interventions to a full and
open discussion . . . that . . . it is in the public interest
that a greater degree of understanding exist between news
media and police authorities regarding their responsibilities
and problems."⁴ For a number of years there had been a
"chasm of misunderstanding" brought into sharp focus "as a
result of the October Crisis in 1970."⁵

Although responsible news broadcasters "strongly sup-
ported the need for a healthy tension" between police auth-
orities and newsmen, "they questioned the necessity for a gulf
of such dimensions that, in some cases, legitimate law-and-
order activities were prejudiced while . . . the public was
deprived of information . . ."⁶ Hamilton then presented a
film commissioned by the C.A.B. which "was not directed to
examine the F.L.Q. crisis itself" but the inter-relationship
between media, particularly broadcasters, and the authori-
ties.⁷ He told the Commission that prints of the film,
The Media and the Community, were actively circulated among
the membership, to local and regional authorities, and "among
the public at large."⁸ A copy had been sent to the C.R.T.C.

Describing the film as "a very painful self-examination," Hamilton said it had promoted a panel debate and general discussion at the C.A.B.'s annual meeting in Montreal. That same year (1971), the film was also shown to the C.A.C.P. in Calgary, at which time broadcasters and police had both participated in a panel and floor discussion. He emphasised that "what happened during the October crisis was [not] our only area of concern . . . there were incidents before and since that made us feel that, in the interests of society as a whole, we should begin to seek an improvement . . . between peace agencies and broadcasters."10

At the conclusion of the Calgary meeting, the Police Chiefs had "passed a resolution authorizing its representatives to enter discussion with all media on matters of mutual concern." Meetings between broadcasters and police continued, not in secret, but "openly and publicly . . . and widely reported in the news media." The film had also been made available among the membership for use as an aid to discussion by their employees. 11

Hamilton explained that the C.A.B. - C.A.C.P. talks were "distilled into a draft document" (the guidelines). They were considered at the C.A.C.P. annual meeting in 1972, and by the C.A.B. Board of Directors. Later, they were "sent to member station for study . . . " (Hamilton made reference to only one draft; those parts which he cited left the impression that no changes had been made from the original.)12 Although the document was intended merely as a discussion paper, it had been the subject of "widespread misinterpretation and misrepresentation, mainly in the printed press, and mainly by individuals who had not seen it."13
Saying that in some cases there had been no attempt to check with the two associations, Hamilton believed that those who "raised the cry of danger to freedom of the press may well wonder where the real danger lies." Far from being an agreement, the statement of guidelines was designed for the purpose of providing the mechanics and atmosphere for assisting "in the full and independent dissemination of news." Not seeking even "an ultimate agreement on this subject," Hamilton told the Commission that his Association "has no power or authority to impose anything on its membership other than the administrative demands of our constitution." How, he asked, therefore, could it be suggested that the C.A.B. "is engaged in some process of negotiating any 'agreement' committing its members to anything?" He repeated that the sole motivation for the guidelines was from concern for the public interest through media-police understanding of their respective responsibilities and problems.14 (Italics mine.)

The first questioner, Commission Vice-Chairman Harry Boyle, asked if Hamilton could identify those who took part in the police-media discussions. He was told that "there were a series of meetings with different groups representing different regions.... But we never got to the actual formal part of... a... national committee." Those involved were predominantly directors, news directors and news personnel, the licensees, and "representatives from the various police agencies of Canada:" The guidelines were finally drafted by Mr. Kelly, Mr. Allard, Mr. Maurier, Mr. Dawson, (Jack Dawson). "That was about it."15

From questions asked by the Vice-Chairman, the Commission learned that, from Hamilton's recollection, the 1971 C.A.B. Montreal convention was an open forum attended by the press. Hamilton believed that "most stations probably have operating guidelines for the newsrooms and have stated news policies." Rather than merging, there was "a very clearcut
division... totally different relationships between the authorities or people in the process of making news or distributing news and the electronic media and those same people in the print media..." With the introduction of television "... the electronic media have taken on a new dimension and I think have gained a significant respect by the people who make the news." (Italics mine)

The C.A.B. had been led to believe that, because "many members are constantly introducing new people into their newsrooms", and many stations are located in small communities, it would be desirable to formally put "something on paper... to... refer to in the future." Similar to reporters in major cities who "find a comfortable working relationship... with the authorities", people coming in to be trained "need some set of guidelines to which to refer..."16 (Italics mine.)

Hamilton admitted that "it never crossed our minds" that "putting this down in terms of paper might raise certain alarms in the minds of people who are very concerned about... normal tension... between journalists... and police." Asked to define the term "free press", he identified it as "the public's right to know", and, in terms of a licensee under the Broadcasting Act, it is "to be sure they are informed... accurately." Hamilton saw no conflict between management and personnel in the distribution of news "because management positions in this (electronic) industry have a very broad and a very good understanding of all parts of the stations they operate... they are the ones who must deal with the community or usually end up dealing with the community." If judgements were made regarding the holding or release of crime news which were not in the public interest, "there would be a hue and cry against the electronic media." Replying to the question "... have you made any attempt through R.T.N.D.A. to know what proportion of stations employ people who have had
actual journalistic experience in newsrooms?" Hamilton said he did not have that information and "I don't think we have ever tried to assemble it." 17

Commissioner Shaman wanted to know about qualification for membership in C.A.B., and was told that anyone could join who is "prepared to be bound by the constitution, pays his dues, who is not a CBC station, any privately-owned station is free to join. . . ." C.A.B. was a voluntary trade association with 400 members, who had "400 different opinions." The Association did not go in to check station operating guidelines. 18

Dr. Northrop Frye was concerned that media were shown in the C.A.B. film as building up a situation where the F.L.Q. were seen as "the alternative to the government, yet there was nothing in the guideline statement dealing with that particular aspect." Hamilton explained that the entire C.A.B. membership had not had an opportunity "to openly discuss on any occasion in convention all of the details suggested either in the draft document or any of the items raised within the film that in a certain manner fathered the draft document." At the next convention, the C.A.B. president told Dr. Frye, there would be "a very good, brisk, very general discussion of this and many related items". . . one of the most lively of recent years." Dr. Frye: "I shall wait for the next exciting installment, Mr. Hamilton." 19 (Italics, mine.)

Making it clear that he was referring to the "professional level" and "not management level," Commissioner Therrien asked if any reporters were present at any of the guideline discussions. He was told that the C.A.B. was trying "to sort out our own relationship within our own industry first before . . . other industries or other interests." Mrs. Pat Pearce, the lone female Commissioner, wanted to know the difference between print and electronic media, to which Hamilton replied that, in his opinion, there were two dimensions—immediacy, and size of audience—which created for.
How certain was the C.A.B. president that the 1971 broadcasters convention in Montreal was "an open forum?" The question was asked by Chairman Juneau. Hamilton replied he could check the file "within half an hour," but to the best of his recollection he was "quite clear, quite clear" that the press were present and the meeting was an open one. The Chairman wished to know the "exact status" of the guidelines at the present time, whether they had been formally approved by the executive committee of the C.A.B. Hamilton's answer shed a little more light on the guidelines' origins:

... on November 23rd, 1972 the executive committee recommended that the statement be sent to the board of directors for their approval and permission to pass on to membership. At that time the suggested guidelines had been completed and considered by the annual meeting of the chiefs of police which had taken place in Calgary that year, and at that time they were approved by that organization for further discussions. (Italics mine.)

Hamilton said that if such discussions were to take place, "it was essential that the C.A.B. take appropriate action ... and that action consisted of sending the guidelines to the board of directors in order to secure their endorsement for passage to membership." The present condition of the document was that it had been "approved by the board of directors for distribution ... with the request that membership come back with comments ... at the annual meeting."
explained that the document "was not meant to be tabled with any public body until we had finished discussing it...[and] treating it as a Green Paper within our own organization..." and that would take another four or five months. Chairman Juneau wondered whether the French translation he was using was in fact "the one that was sent out on December 6th, together with the English statement." Hamilton assured him that there was only one French translation "we directed." However, even in the English text, the Chairman could find no reference in any of the documents he had seen "that it is a preliminary statement or it is a draft." Hamilton answered that to those not familiar with C.A.B. bulletins, not on their mailing list, "or not normally receiving the standard mailings that come from our office, certainly there is opportunity for misinterpretation." (The Quebec Minister of Communications, Jean-Paul L'Allier in his Annual Report for 1973/74, makes no reference to the guidelines or the C.R.T.C. hearing.)

Submission of the Canadian Association of Chiefs of Police (C.A.C.P.)

Leo Séguin opened by emphasizing that the guidelines were a "preliminary draft." His Association "has thus far chosen to remain silent because in the first instance it was not directly involved or taken to task." The "tone of articles gave the idea that the police were the silent power behind the draft guidelines," but the Association had been confident there would be an opportunity to "vindicate its position concerning its relationship with the news media." Like the broadcasters, the police were also deeply concerned about media comments which had been "erroneous...irresponsible" and "deliberately misleading." (Italics mine.)

The police, aware that they were a "restraining force on the absolute freedom of the individual," nevertheless,
spared no effort to create a good image "and in this respect we have had excellent dealings with some of the media." It was realization of the importance of police-media relationships that led to the guidelines which were "first made public and available to the news media on Friday, September 1st, 1972 in Quebec City." It was not until February, following "a completely erroneous interpretation and misuse of the document during Quebec National Assembly hearings on news media that the controversy arose . . ." In spite of police participation in open line programmes, and comments when called upon, their association and the C.A.B. "have either been ignored, misinterpreted, or 'edited'." Seguin made reference to "a few who have adopted a theory of negative conspiracy to the detriment of the public," and said that the police already have a duty to classify as secret or confidential "any information, the release of which would be considered as prejudicial to law enforcement." This authority of the police to control information "has never been questioned nor should it be . . ." Although Scotland Yard and the British people must surely be recognized as the cradle of proper police procedure "their police refused to give out certain information relating to the murder of the Governor of Bermuda."24 (Italics mine.)

Criticising the inaccuracy and sensationalism of newspaper reporting, Seguin complained that it had been several years since an "accurate evaluation," was made by the press concerning the police. Another example had occurred more recently: Gerry Toner, of the Winnipeg Free Press believed that newsmen had "over-reacted" to the C.A.B. - C.A.C.P. guidelines. The association's biggest concern about inaccurate interpretations was that those writers are too easily "identified with the free thinking theories born in the early part of the century." Seguin cited examples of "questionable reporting."

The Ottawa Journal, on February 8th, 1973, purported "that the police chiefs were willing to 'trade off' capital punishment for stiffer parole laws and that parole reform might be
improved according to the chiefs, if the Chairman of the Parole Board were removed." This story was a "complete fabrication; the police are in no position to influence legislation, nor do their feelings have any bearing on laws they are charged to enforce." But the "epitome" of misleading and "unnecessarily descriptive" journalism appeared in the Ottawa Journal on January 23rd, 1973; it stated that police favoured "reverting to the practice of strangling murderers." Seguin told of a letter sent to the Ottawa Citizen by the C.A.B. which was misquoted and "edited with even some relevant paragraphs completely omitted." So far as the issue at hand was concerned, what had started as "a joint effort" with an invitation to all media to participate, to formalize "cub reporter" practices "which already existed ... was confused with another project concerning the news media ..." In spite of attempts to provide a clear and accurate explanation, "as late as March 12th on C.B.C. Viewpoint we still hear the most inaccurate misrepresentations and accusations." 25

Seguin concluded by repeating: "The Canadian Association of Chiefs of Police and its membership publicly reported the guidelines in question at Quebec City during its 67th annual Conference on Friday, September 1st, 1972 ... in the presence of the press ... and Mr. Roach of the Canadian Broadcasting Corporation." The guidelines were offered to the media "to be followed or rejected as they see fit." 26 (Italics mine.)

Replying to a question by Vice-Chairman Boyle, Seguin said: "This had started at the Canadian Association of Chiefs of Police ..." It was "more than a year ago" when he had been invited to participate on a committee formed by the Ontario Police Chief's Association. "At our very first meeting certain guidelines were put out" subscribing to "the policy that the public has a right to be informed." After that meeting, when he returned to Ottawa, Seguin invited all
media to meet with him, intending to set up a system "to accurately inform the media, all media". A system--similar to "that old ... trust"--was almost worked out "when some of the media, for some reason, decided it was not the right thing". The Commission learned that the meeting, held at Ottawa police station, was "very informal ... [and] at the management level". Seguin thought that there had been "some coverage" on the radio stations.  

The Commission Chairman suggested that specific problems with the media might be catalogued and analysed, rather than dealing in generalities or ideological arguments. Describing that as "a huge undertaking", Seguin said a major police concern was the "negative attitude" in editorials.  

Saying that he had checked the statement, that the police-broadcaster discussions in September, 1972, were made public, and "We have ... on file a Canadian Press Report", the Chairman said it was not clear "whether at that time the statement itself was made available". Seguin assured him that the full statement, with "the exact wording", identical to that sent to the Commission, was made public in September.  

The Chairman had noticed that none of the documents supplied to the C.R.T.C. made any reference to the term "preliminary draft", including the guidelines distributed by the C.A.B. The C.A.C.P. spokesman replied that although "the title may have changed, the wording is identical". Juneau commented: "Well, there seems to be a discrepancy there".  

The Commission expressed its concern over the phrase: "The authority of the police to control information has never been questioned and nor should it be, for then its efficiency might well be reduced accordingly". The Chairman did not think Mr. Seguin meant that, and wondered "if this sort of thing doesn't create a lot of misunderstanding . . ." Seguin replied: "If anything we have said in this has created more tension, we regret it . . ." Asked about the
phrase "negative conspiracy", he explained that police had detected, principally in editorials, a "negative approach" to whatever police do, or whatever topics police briefs deal with; those who cannot understand what the police are saying should phone and ask for an interpretation. Seguin said that police criticism was not restricted to the media; they were also critical of themselves when necessary. 31

The police representative described the C.A.C.P. as voluntary, therefore not all chiefs in Canada were members. The association's membership included deputy chiefs, members of provincial forces, security people "such as the Bankers Association", the Canadian Pacific and Canadian National. The guidelines had been seen by four regional associations--Western, Quebec, Ontario, and the Maritimes--but no position taken by them was binding on their members, and there had been little feedback respecting the guidelines. Some discussion followed as to the need for guidelines at all when existing laws were adequate, the Commission felt, to deal with cases that were either sub judicata, or involved libel or slander. 32

Submission of Mr. W.H. Kelly, former Deputy Commissioner, R.C.M.P.

The transcript of Mr. Kelly's articulate and persuasive presentation is longer than any of the other interventions. He had quite clearly gone to the hearing with the firm intention of staunchly defending the position of those who supported the guidelines and, more specifically, protecting the image and credibility of law enforcement agencies.

Kelly described himself as "a former policeman of nearly 37 years service and engaged in the study of police problems since retirement some three years ago": He had first become involved "in this particular problem in 1971.
when I was asked by the C.A.B. to sit on a panel at the
Montreal meeting about which we have heard this morning".
As a member of the Canadian Association of Chiefs of Police,
with "a foot in both camps", he became "a member of the
national committee, the Media-Police Committee, and (he was
also) a member of the Provincial News-Police-Media Committee".
He would like the Commission "to think that I am representing
the public in this matter more than I am the C.A.B. or the
C.A.C.P. . . . " 33

   For some minutes, Kelly spoke of the importance of "a
free news media", and expressed his agreement with statements
such as that made "by recently retired Lord Chief Justice of
England, Mr. Parker, who said, 'Free speech and a free press
is just as much a part of our democratic system as law and
order'". Even if a free news media "breeds a measure of
irresponsibility, it is part of the price we pay for the
freedom we enjoy". He believed that "It would be an extre-
meely dangerous thing for a police force to be above criti-
cism . . . or . . . to control . . . the means by which it
can be criticised, even in time of emergency".

Turning his attention to the criticism which arose
from the guidelines, Kelly said that when the facts are
known, "the C.R.T.C. may see fit to commend the C.A.B. and
the C.A.C.P. for their efforts in trying to give the public
more and accurate police news. . . ." The "full intent of
the document under review" had been "completely ignored . . .
the critics . . . know as well as anyone else that the
police do have control of police information . . . held in
trust by the police for the courts." The critics had taken
item D(5) of the guidelines to mean that the police would
act as a censor, although the actual meaning "is that the
police must have the right to withhold information . . .
until such time as its release will do no harm to police
investigations and prosecutions . . ." It was clear from an
impartial reading of the guidelines that they referred
specifically to crime news, and their purpose was to explore ways and means "by which the police and the media could work in greater harmony to supply the public with more accurate police news and at a time when it would not be against the public interest." 35

There is "intense competition" among reporters who are "pressured by their editors to meet deadlines (more often in the electronic media)", and "Police handouts are never considered sufficient and reporters are always endeavouring to develop their own unauthorized and often unreliable sources within a police force." Charges are made, particularly during emergencies, of police non-cooperation, and when reports "parallel police investigations", tensions are created. 36

The rivalry between press, television and radio, greater in larger centres, "is not entirely divorced from self-interest"; there is always a desire to attract new readers, listeners and viewers" and "it is an accepted fact that the 'ratings' affect the advertising rates and the general financial success of media enterprises." Competition "often results in sensational reporting, in premature reporting of police information, not always obtained from authorized sources . . . as well as the reporting of half-truths and other forms of abuse." Kelly recognized that the laws of libel and slander protect individuals from the media, but "there is a great amount of irresponsible reporting that cannot be brought into the libel category and which affects no individual directly." 37

The mutual mistrust between police and media was because neither cooperates with the other, and police attitudes are conditioned "by good or bad reporting of police news." Fortunately, most police chiefs "look upon their relations with the media as a very important aspect of their responsibility". Kelly provided examples of "bad reporting", one of which was a denunciation of the guidelines by a
reporter who "in my hearing, admitted publicly on an
Ottawa radio station that he had not read the document
before writing his lengthy criticism . . ." Comparing the
guidelines with "the many recent editorials criticising
(the document)" would provide other examples of irrespon-
sible reporting, some of which was "vindictive rather than
objective." 38

Kelly cited an editorial "in one of Canada's leading
dailies" which was "typical of the criticism to be found in
much of the press in Canada." It stated, inaccurately, that
there was an "agreement" between the C.A.B. and the C.A.C.P.
Kelly said that this represented "an extremely dangerous
invasion of the right of free information in Canadian demo-
cracy." There was nothing in the guidelines to open the
way to "totalitarian control," nor was there anything to
indicate that "members of the C.A.B. would give up their
rights as public watchdogs in this sphere." To remove parts
of the guidelines from their context "and misinterpret them
and then hold them up to ridicule . . . is a breach of the
newspapers responsibility . . ." 39

Distortion of the news is likely to occur "when
reporters depend on uninformed sources and report gossip,
rumour and innuendo as fact." News media without respon-
sibility "is as bad as censorship." Any attempt to correct
news media which operate within the law yet abuse the
freedom to disseminate news should be commended; media free-
doms "can only be properly exercised in an orderly society;
that is, where law and order exist . . . as corporate citi-
zens the media has a responsibility to assist the law en-
forcement bodies in developing it." 40 (Italics mine.)

It was Kelly's view that the October crisis had in-
creased a pre-existing tension and mistrust between media
and police, especially in Montreal; the C.A.B., who "were of
the opinion that during this period they should have done a
better job . . . went looking for reasons why they had not."
Then "... the C.A.C.P. was encouraged to discuss problems with the C.A.B. This resulted in the eventual formation of national, provincial and regional committees ... of the police and broadcast media and the setting up of the document which is now under discussion." Newspapers representatives, and the C.B.C. were invited to attend a meeting "about a year ago, (April, 1972) called to explain to them what the C.A.B.-C.A.C.P. arrangement actually was ... all were anxious for the participation of the Press and C.B.C."

As early as "the Spring of 1971 in Montréal and again in the Fall of 1971 in Calgary," interviews on police-broadcaster relationships were given to newspapers. Kelly noted that it was since that time that Ontario and Quebec had formed Press Councils, which tended to support his submission of irresponsibility in the publishing of news, although he did not think that such councils were much more than a public relations approach ..."41 (Italics mine.)

The former senior R.C.M.P. official ended his submission by expressing the hope that the Commission would "see that the attacks by the daily press are not based on what the 'guidelines' paper actually contained, but on the interpretation that the press has chosen to place upon items taken out of context." The police "have no intention of censoring police news. On the contrary, they aim to have more police news made public." He added: "It is indeed a saddening experience to find the honest efforts by ... loyal Canadians to ... have been misconstrued as something akin to a subversive movement." Much of what Kelly had said to the Commission paraphrased--occasionally using the actual wording of--the guidelines.42

During Commission questioning, Kelly was asked whether, by having "a foot in both camps," he knew of criteria among broadcasters "in terms of the functions of their news departments." Kelly replied that "the police beat is looked upon as a good place to break in young reporters with the consequence that the quality of news ... all too often
suffers." Vice-chairman Boyle asked if it hadn't occurred at some point "that really a lot of this document could have been obviated with an agreement with the broadcasters . . . that the act of reporting the police news was a highly important one." 43

Agreeing that media are "watchdogs" which is something more than simply reporting news, Kelly saw different responsibilities between electronic and print media. He saw "a different impact. People turn to the electronic media to get immediate news . . . and . . . to the press for a deeper interpretation of what is happening . . ." He thought there was "something gospel about the written word . . . whether it's factual or not [what is written] is taken up by people in authority as being factual." 43 Police chiefs "object very strongly" to "newspapers or media people having sources of information, unauthorized sources, within a police force." 44

The Chairman asked about discrepancies between the C.A.C.P. and Kelly's submissions regarding the dates of newspaper interviews. Kelly explained that during the panel discussion which took place in Montreal in 1971 between the C.A.B. and the C.A.C.P., he recalled an interview given to the press. He was sitting close by, and listened to, Mr. Phillipe de Gaspe Beaubien, who was panel director, give "an interview on what was intended on all this to a newspaper representative. What paper . . . I don't know." 45

Saying he was attempting to get police chiefs and news directors talking, Kelly gave his definition of "an unauthorized source within a police force," and was asked whether he was suggesting "that newspapers and newspapermen, newsmen in general, should, according to some code, refuse to talk to any sources except those that are authorized by the police authorities?" He replied that it was not a media problem, "it is a police problem." 46 (Italics mine.)

Kelly believed that "without a free press all sorts of problems would arise and I think it is absolutely necessary
to have what we might term a healthy tension." But he could give "case after case where the press—unfortunately the press—I don't know much about the news media perhaps, the electronic media, have deliberately reported things that they know to be not factual." He said he had seen cases where the names of prominent people "have been falsified in news reports to avoid embarrassment..." 47

Commission Counsel Johnston asked: "Would it be your hope that if the statement of principles [guidelines] were adopted that it would tend to eliminate reporters going out and investigating crimes on their own?" Kelly replied that though it would tend to eliminate it, "I don't think we could eliminate it entirely." Not only did he hope that would be the effect, but also that police forces "would look very closely at the means of supplying the media with news so that there is an improvement over what exists today." Although it was possible that, in the past, reporters had assisted in police work; they were also reluctant to be called "informers." Thus, a reporter failed, in many cases, "to appreciate his responsibilities as a citizen." 48 (Italics mine.)

As far as involving "the radio and TV news directors or the reporters who actually are implementing, or would be the ones who would have to act under" the guidelines, Kelly said they were involved through the "trilevel committee system, the national, the provincial and the zone or regional committees [who] deal with the policemen in forces who have the responsibility for handling news..." There should be a rapport "all the way down the line."

Submission of The Newspaper Guild (Canadian Region).

The Newspaper Guild's Canadian Director, Mr. R.J. Rupert, prefaced his submission by correcting "in as good-natured a way as possible" Leo Seguin, "in an inaccuracy..."
I think that the article in support of the Canadian Association of Broadcasters' position was written by Gerry Tonner, then of the London Free Press, not the Winnipeg Free Press."50

The Newspaper Guild was opposed to any form of censorship, believing that a free press "is a cornerstone" of democratic societies. His organization took "strenuous exception" to the guidelines drawn up by the C.A.B. and the C.A.C.P. Whatever those involved chose to call it, "it constitutes an attempt to control the news." Any attempt at enforcement will be contested "through arbitration procedure, the courts and government. . ." Rupert said that "Any judgement about what is, or is not of interest to society is best made by journalists, not by politicians nor by the police." Although there had been abuses, "more often the judgement has been good."51

The Newspaper Guild had no quarrel with some sections of the guidelines, but Rupert thought that the police and broadcasters would probably agree that the statement that "police and media. . . are partners in the fight against lawlessness, in the enforcement of the law, the maintenance of public order. . ." had caused them a great deal of trouble. He challenged "that in all cases the police and the media are partners in these matters." Nor was the section acceptable which stated that police had "the right to make the decision on release of news for publication," the way in which it was interpreted by the Newspaper Guild. But having heard the C.A.C.P. and broadcasters' explanation, it was merely a re-statement of an existing police right. Rupert questioned the "dangerous potential" inherent in the proposal to discipline newsmen who failed to observe the guidelines. In Rupert's opinion, the whole document "was an exercise in rhetoric. . . concerned with . . . public relations. . . I think their experience has been that it has had anything but public relations value."52
Asked what the Guild's representation was in the broadcast media, Rupert listed stations in Quebec, Ontario, and British Columbia, and said "We represent the CBC News Service, both television and radio, in all centres but Quebec and Montreal . . ."

Rupert told the Commission that outside of "job descriptions," there was no "memorandum or code," and he wasn't aware of any formal definition of the role of people who "perform the various function." Regarding newscasts, "A management person makes the final decision . . . we do not have a reporter power in the newsroom . . ." Rupert shared Kelly's concern that too often a junior reporter is "shoved" on to the police beat, and in the case of most small radio stations there is no specialist police reporter. Some large papers, the Toronto Star for example, have experienced men in judicial and police affairs. As one with experience of the print media, Rupert was aware that it was not uncommon for private radio stations to call newspapers to find out what's happening on the police beat--but, because they were competitors, "we couldn't do that." 54

Conceding that he did not think that "everything is well taken care of," Rupert said his organization would be willing to be included "in the dialogue." However, the advice of the Newspaper Guild "may eventually be, and I am almost afraid that it will be, 'Don't try'." Whether or not there were media problems depended on training and ability; irresponsible reporting can never be eliminated, "but the quality of the journalist . . . is going up." 55

Submission of Mr. Peter Reilly, Member of Parliament for Ottawa West.

Because it was late in the day, Mr. Reilly said he would not read his brief of almost eleven pages, but instead
would invite questions from the Commission. Responding to a question, Reilly said he had written, directed and produced the C.A.B. film which had played such an important part in police-media discussions. At the time the film was made, Reilly felt that "there was a distrust between the members of all news media, most particularly between broadcast reporters and the police." Rather than the day-to-day mistrust "which is a healthy thing, it got to the point where I had to conclude that each side held the other in contempt." He cited as an example, the communiqué, issued by the terrorists, which came into the possession of a private radio station, and which was shown to reporters and cameramen while police were kept waiting in a corridor: "at the end . . . the communiqué . . . if it had ever been of any value as evidence, was ruined as such." He told of police sending a radio station helicopter on a forty or fifty mile "wild goose chase" up the St. Lawrence river, and of one of the hostages who suggested that his life "was put in jeopardy by an irresponsible bunch of reporters."  

It was Reilly's opinion that through the guidelines, broadcasters and chiefs of police had made an effort to remedy "a deplorable situation," although "some of the wording is questionable." Like Kelly, Reilly also believed that the film's sponsors, and the police, should be commended. The state of affairs in Montreal during the winter of 1970 and the spring of 1971 was "not good for the police, it was not good for the broadcasters and was most assuredly not good for the public." If he had been in charge of the investigations, rather than listening to terrorist stories about those "ravenous beasts, the cops," there would have been a few reporters in jail . . . " On the other hand, " . . . a great deal of the difficulties could have been avoided if officers had been there who had "some guidance in public relations." 
Reilly saw nothing sinister in the guidelines, and frankly wondered "at all the concern." Regarding the role of the Commissioners, he said they could "take away the license from an operator" and "force a company out of business by the decision of a very small number of people." He contrasted the powers of the C.R.T.C. over broadcasting, with the lack of control over newspaper reports, and observed "we have the potential for censorship right at the top, here." Defending broadcasters against editorials which appeared in the Ottawa Citizen, Reilly said that "if the self-appointed guardians of freedom had been as diligent in the pursuit of the facts at the time this matter arose, as they are now... this hearing might not have been necessary at all." 58

Reilly recalled that, when the War Measures Act was announced, in 1970, he, as an employee of CJON-TV, and George Bain of the Globe and Mail, had strongly opposed the government's action. The Commission had called for a tape of his broadcast, but, because Bain worked in an unregulated industry, no-one had called for a transcript of what he had written. 59

Reilly was asked to speculate why there was "excessive" action to the guidelines. Reading a critical editorial from the Ottawa Citizen, and an edited version of a letter in response from the C.A.B., Reilly said that he would leave it to the Commission to infer a motive; he couldn't say if there was a "natural antagonism" to broadcasters. 60

The Chairman wished to know whether Reilly had read the Quebec Legislature transcript; it might have been the new revelation "about the existence of the statement [guidelines]" which had "helped to create the sort of misunderstanding that we have been referring to." Reilly replied by saying it was his belief that "there is far too little investigative reporting going on in this country... the CBC had clamps put on it in the fall of 1970... there have been other instances where the government... tried
to suppress freedom of legitimate news." He urged the C.R.T.C. to vigorously pursue "the whole matter of censorship." 61

Submission of the Radio Television News Directors Association of Canada (R.T.N.D.A.)

The Association's president, Mr. Whitehead, described the R.T.N.D.A. membership as "news directors and news persons of both publicly-owned and privately-owned broadcasting stations and networks." The Commission had already received his brief and he would, therefore, present only a summary of its chief points. 62

In addition to the laws of Canada, the R.T.N.D.A. code of ethics, printed in full in the written submission, were the only written guidelines recognized by the Association. Whitehead said that "not one single news director reported to me any station management edict that the guidelines be implemented in the newroom, let alone any so-called agreement with the police." 63

There had been a meeting between "the police chief and all of the news media--even the newspaper in my own city." The meeting (which the Commission was later told took place in March 1973) seemed to Whitehead to confirm the intentions of the C.A.B. statement. The document discussed "was introduced by the police chief and was labelled, 'A preliminary draft'." There was "nothing sinister or alarming or restricting about news executives seeking the opinions of the public, the police or elected bodies." But if anything is committed to paper such as "an operating code or set of rules and regulations, it will be an auto-disciplinary code." He later explained that auto-disciplinary meant "our own operating code ... written by us, approved by our membership, hopefully adhered to by our membership ..."
and ... is what we have carried out here.\textsuperscript{64} (Italics mine.)

In spite of the fact that his Association, "like our print brethren" was caught by surprise "by revelations about a reported agreement," it was the Association's opinion that the "C.A.B. intended to improve ... working relationships and meant nothing more. The interpretations presented to the Canadian public since the middle of February have done nothing except convince police ... and the people, that some members of the press are not capable of accuracy ..." The police and media were adversary only to the point "where the work of the news media should not deter the rights of accused persons, should not interfere with the investigative work of police forces and should not produce situations where police forces absolutely refuse to communicate with news people."\textsuperscript{65} (Italics mine.)

During a series of questions regarding the working conditions of newsmen in broadcasting (he believed that electronic and print media salaries compared favourably), Burt Canning explained his interest "in this particular brief." He told the Commission he was one of a four-man panel which took part in a discussion in 1971, after the film was shown. In September 1972, he was invited to the broadcaster-police-chiefs meeting in Quebec City. Canning was explicit about the guidelines: "At no time was there mention to me that a code or a list of guidelines had been prepared ... it was apparent that there were no professional working newsmen called in to actually help in its formation." Canning gave his opinion on the quality of radio personnel: "... the newsroom has become a repository for announcers who can't announce, salesmen who can't sell and engineers who have lost their screwdriver." There existed "a degree of immaturity that has to be coped with." Men are frequently hired on the basis of their voice, and "if you are lucky to inherit a program manager who is news oriented, you are in business." But, too often, "to them, news or public
affairs is just something else that has to go on the air as part of programming." Details are obtained from people at the scene of an event, without time to check with an official; therefore, as a guide, "commonsense, good taste and libel" should be used as guideposts, as they have been found "to keep us on the track." (Italics mine.)

All that was needed by a station was a police contact "to give us the tip," then "we can do our own investigation." At this point, Whitehead interrupted to comment that he felt there was a need for some sort of document in circumstances where a local police chief will not co-operate in releasing news. Canning said that very often "the printed press get their news from broadcasting. I know in Montreal several of the newspapers monitor various radio stations to get again the tip service from . . . that particular station." Outside of networks, very few stations were equipped for investigative reporting; the term, in Canning's view, was more applicable to television. He gave the Commission an explanation of how decisions were made on the length of air time a story would be given, and he assured the Commission that the C.A.B. and the R.T.N.D.A. had worked together to improve the quality of their staffs, as well as increasing their membership.

Describing a meeting with police from all three levels and the Department of Transport and others at Dorval Airport concerning "the handling of skyjackings," Canning said it was arranged for media to be serviced by loud-speaker in an airport room; when the question was raised about television cameras, however, "they had absolutely no response." If the electronic media felt they were being "short-circuited" without just cause, "then our job would be to go after the story anyway." He gave another example of what occurred at Montreal airport when, during an aircraft incident, "A policeman or someone in 'uniform came along and said 'Any of the press here?' and so they all identified themselves hoping
they would be led to greater glory covering the story and the chap says 'You are not allowed here, out'.

Whitehead was asked when the meeting between R.T.N.D.A. and the C.A.B. had taken place, and he said this was in March 1973. However, there were continuing guideline discussions at the Ontario (Provincial) level, through Don Johnston, News Director at C.F.R.B. in Toronto, although he, too, "was not aware of any sort of written document at all." His discussions had simply been meetings with police chiefs.

Submission of La Federation Professionnelle
Des-Journalistes Du Quebec (F.P.J.Q.)

The Association's President, Claude Beauchamp, emphasised that the French and English versions of the guidelines did not say the same thing. He did not believe that they were discussing a "working document," and was convinced that it would be implemented as a firm policy. Therefore, not to take the guidelines seriously was a dangerous attitude. He felt that the C.A.B. had not appreciated the full significance of what they were doing. Beauchamp was not prepared to accept that such arrangements should be made with the police to limit information. The police and media were separate entities and it was unnecessary for them to promise each other that they would perform their respective functions. Their relationship was a "two-way street, parallel but not convergent." They had different perspectives which precluded mutual agreements.

Submission of C.T.V. Network Limited.

Murray Chercover, C.T.V. President, said that the document under consideration came to his network's attention "early in December" and it was then our decision "not to involve C.T.V. or its news department in any further development of the document." When "it was inadvertently exposed publicly in early February we immediately went on record for C.T.V. with
the C.A.B." He stressed that the association with C.A.B. "does not itself constitute an endorsement of this statement of objectives." He believed that any dealings with "police agencies, governments, boards, commissions, companies, unions, or any other particular interests . . . should be at arm's length." Nothing should be subordinated to the Broadcasting Act and the laws of the land, but C.T.V. was also concerned "with assuring both freedom to report and responsibility in reporting."71 (Italics mine.)

Chercover spoke of the continuing need for judgments in most aspects of broadcasting. He had seen "... policy booklets as high as three telephone directories, and in fact ninety percent of the material is useless and wasteful. The fact is that ad hoc decisions have to be made ... The most important thing ... is professional standards."72

Tom Gould, C.T.V. Director of News Affairs, saw no difference between reporters' difficulties today "than I had when I started out 26 or 27 years ago." He assumed that the guidelines were "launched" by the October Crisis, but saw something "rather ominous in the scene that the people who undertook them ... misunderstood the position of the press in our society ..." Nevertheless, mature reporters would never have withheld a communiqué from the F.L.Q., nor did Gould think that part of a reporters' function was "to go on the air with it ... since ... lives at the time, were very much in danger ... [while] the policeman [was] kept waiting in the hall."73 (Italics mine.)

Gould puzzled the Commission with his statement that "things are improving. I haven't had any expense claims with receipts for hard-hats lately ..." until he explained: "there is a great deal of spill-over by what happened in the United States, the police riot in Chicago. I have been clubbed on the head a few times down in the Southern United States—there were some police forces down there that I wouldn't want to be alone in a dark room with, never mind sign a code of practice with ..." He personally did not follow the modern
school of journalism which says "a journalist should be committed to a political course of action or a particular philosophy . . . I think he has to measure . . . events as a spectator and not as a participant." Chercover, who found "no significant change except in the context of the October crisis," made a closing statement that "what essentially we must provide is for balance for the opportunity for those who are committed to a particular line of political action and for those who are opposed to [it]."74

Submission of Ralph Cowan, Journalist and former Member of Parliament, Toronto

Mr. Cowan, who told the Commission he had "more than forty years experience on . . . Canadian newspapers," focussed attention on the section dealing with Guidelines and Ethics, which he described as "a fine sounding subtitle," and which, among its eleven paragraphs, (of a total of twenty one total paragraphs in the complete statement) asserted that it was the duty of police and media to remember "that persons accused of crime remain innocent in the eyes of the law until a contrary determination is made by a court of competent jurisdiction." Cowan argued that "the names of the accused be withheld from publication either through the electronic media or the press until convictions have been registered against them."75

Submission of L'Association Nationale Des Employes Et Techniciens En Radiodiffusion (NABET)

Robert Bouchard, spokesman for the Association, expressed strong criticism of the guidelines, which he described as "dangerous." He believed they would have become established policy, a form of law without legislation. The administration of justice was not a matter for the media and police to decide, and it was for this reason that the guidelines pact, which
"hamstring" and control news, did not have the desired effect. Bouchard stated that, rather than becoming involved with law enforcement agencies, newsmen should be encouraged to develop an understanding of their work by joining their own professional organizations. He pointed out that the French and English versions of the guideline document were contradictory. Bouchard made no reference to questions about the guidelines raised in the Quebec Legislature which preceded, and were instrumental in the broadcasters' request for the C.R.T.C. hearing.76 This was the final submission.

In 1978, the Solicitor General's Reference Centre, Government of Canada, described the C.R.T.C. hearing as the "most comprehensive study on police-media relations in Canada . . . by the Canadian Association of Broadcasters and the Canadian Association of Chiefs of Police." The Reference Centre's statement said that three major papers were presented--by C.A.B., C.A.C.P., W.H. Kelly and Peter Reilly. All were supportive of the guidelines (with some reservation regarding the language by Reilly); oddly, the Centre made no mention of those papers which opposed the guidelines.77

The furor ended almost as suddenly as it had begun. After the hearing, the Ottawa Journal reported that the Newspaper Guild, F.P.J.Q., N.A.B.E.T., and, to "a lesser extent," R.T.N.D.A. were critical of the guidelines, Beauchamp being quoted as calling it "a concrete agreement."78 Beauchamp was also said to have called on the Quebec section of C.A.B. to make public what he called "a secret agreement with the Quebec Police Commission on measures to prevent demonstrators occupying broadcasting stations." The Journal quoted Robert Bouchard of N.A.B.E.T. as saying that there already were too many restrictions on the flow of information, and he would like to retain "the very miserable bit of press freedom we have." Bouchard called the guidelines a "Charter for a police state." The Toronto Globe and Mail's Hugh Winsor wrote a restrained
report on the hearing, telling his readers that broadcasters had assured the Commission censorship was not the aim of the pact. He described Kelly as acting as a "consultant to the broadcasters and police chiefs, and one who "helped draft the guidelines." The Winnipeg Free Press offered no report on the hearing.

As has been seen, the hearing covered a varied range of topics—from media ethics, to censorship and even the role of the broadcasting commission itself—and raised several questions. Was there valid justification for the fears, and criticisms of the C.A.B.—C.A.C.P. guidelines, and were the police-media discussions frank and open? How far should media go in cooperating with the police, in the public interest, "as partners in the fight against crime?" Should newsmen's "sources" be protected and confidential, and does Canada need a Freedom of Information Act? Does the C.R.T.C.'s role in the regulating of electronic media place those media at a disadvantage in relation to print? Is the admittedly abnormal tension which existed between media and police, and also within media themselves, still a problem which, should there be another emergency similar to the October Crisis, would result in the same antagonism and breakdown in communications? The concluding chapter will address these and related questions.
Notes

Chapter V

1Canadian Radio-television Commission, "Transcript of Proceedings held at the Skyline Hotel in Ottawa, Ontario, on the 10th day of April, 1973." p. 3. (Mimeographed.)

2Ibid., p. 4.
3Ibid., p. 5.
4Ibid., p. 6.
5Ibid., p. 7.
6Ibid., p. 7.
7Ibid., p. 7.
8Ibid., p. 9.
9Ibid., p. 9.
10Ibid., p. 8.
11Ibid., pp. 8-9.
12Ibid., p. 9.
13Ibid., p. 10.
14Ibid., pp. 10-13.
16Ibid., pp. 14-19.
17Ibid., pp. 18-22.
18Ibid., pp. 23-24.
19Ibid., pp. 25-26.
Ibid., pp. 32-34.


"Transcript of Proceedings held at the Skyline Hotel..." pp. 43-4.

Ibid., pp. 43-47.

Ibid., pp. 48-54.

Ibid., pp. 54-55.

Ibid., pp. 56-62.

Ibid., pp. 64-66.

Ibid., pp. 67-68. See Chapter VI and also refer to Appendix B, Items 7 and 9.

"Transcript of Proceedings held at the Skyline Hotel..." pp. 69-70.

Ibid., pp. 70-73.

Ibid., pp. 75-80.

Ibid., pp. 91-92.

Ibid., pp. 92-94.

Ibid., pp. 94-97.

Ibid., p. 97.

Ibid., pp. 98-100.

Ibid., pp. 100-102.

Ibid., pp. 102-104.

Ibid., pp. 104-105.


Ibid., p. 110.

Ibid., pp. 112-113.

Ibid., pp. 115-117, 125.

Ibid., pp. 126-127

Ibid., pp. 128-131
Ibid., pp. 232-237.

Ibid., pp. 238-248.

Ibid., pp. 250-260.


Hugh Winsor, "Censorship not aim of media pact on police reporting hearing told," Toronto Globe and Mail, April 11th 1973, p. 5.
CHAPTER VI

CONCLUSION

Both media and police perform parallel functions: media sell a service to the public, while the police perform a public service. Before proceeding to a determination of how, or indeed whether, the public interest could conceivably have been served by the proposed co-operation between private broadcasters and peace-keeping agencies, some further comments are needed on the possible causes which motivated the two organizations.

Marked by political assassinations, plane hijackings, hostage-taking, and urban violence, 1970 ended a decade of almost universal social unrest on a scale unknown in modern history. This pattern of international terrorism was discernible in the modus operandi of the Quebec F.L.Q., in the kidnapping by them of public figures, and the manipulation of electronic media as highly effective tools of propaganda. The swiftness of events was calculated to create confusion and discord among media, the police, and society at large.

The period was also one described as the "decade of the secret." Never before has the existence of life-controlling secrets been given so much publicity and never before have such exertions been made for the safe-guarding of secrets. That this had a semblance of truth became clear during the C.R.T.C. hearing; a communications gap of major proportions existed between the police and media; a state of affairs which broadcasting executives elected to correct.

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Without intending to justify or excuse the action taken by the C.A.B., their move to reach an accommodation with the police was made under circumstances where, in their view, an obvious, even (as seen in Chapter Five) desperate, need existed for some remedial action to be taken in the public interest. Beyond the anti-crisis pro-Canada crusade referred to in Chapter Three, private broadcasters could hardly be criticised for wishing to avoid a repetition of what had taken place in Quebec in 1970. It was for this reason that the C.A.B. had sponsored production of The Media and the Community, a film which had, for them, immense introspective value, and initiated their invitation, according to statements at the hearing, to the chiefs of police. It was the latter decision, which proved to be an embarassing miscalculation, precipitating the guidelines, and print media's charges of jeopardizing freedom of the press, and, finally, a C.R.T.C. hearing.

In addition to its cathartic effect, the hearing exposed serious shortcomings in the day-to-day conduct of newsmen, a deplorable lack of communication between media and the police, and an alarming hostility and rivalry between both groups, and within different media modes. Reilly was quite evidently not over-stating the case when he described the atmosphere in Montreal at that time as "not good for the police . . . not good for the news broadcasters and was most assuredly not good for the public." 2

The reluctance of other media to participate in the early guideline discussions should have served as a warning to the broadcasters; such was not the case, as, more or less openly--there were conflicting statements over this at the hearing--they unwisely pursued a course of negotiating with the police chiefs. The danger of confusing authority with legitimacy has been the subject of such writers as Carl J. Friedrich. 3
In fairness to the broadcasters, there was a good deal of prestige attached to the fact that a retired R.C.M.P.
Deputy Commissioner (W.H. Kelly) was acting as their advocate, if not their leader. What was overlooked was that, in
spite of his claims to be representing broadcasters and police
(not to mention the general public), Kelly was a police officer
for 37 years and there is where his chief loyalty would, quite
naturally, be expected to lie. No explanation was offered or
requested by the Commission as to whether Kelly had a finan-
cial (ownership) or other interest in broadcasting, an interest
which would seem to be a prerequisite for membership in the
C.A.B. Existence of the guidelines had already established
that the C.A.B. was a policy-making body. As such, there was
reasonable justification for further Commission questioning on
C.A.B. membership requirements.

An interesting point brought up during the hearing was
the question of different perceptions and attitudes towards
print and electronic media. That such differences are believed
to exist was still the feeling of about 35% of those who respon-
ded to a questionnaire distributed by the Canadian Daily
Newspaper Publishers Association in October, 1977. The
C.D.N.P.A. study, believed by its authors to be the first
formal Canadian survey of this type, was undertaken because
of an increasing awareness "among managing editors that access
to police information was becoming more difficult to obtain
and that the courts were becoming stricter regarding what court
proceedings could or could not be published." The question-
anaire was mailed to police and court reporters, as well as
managing editors, of all daily newspapers in Canada with
membership in the C.D.N.P.A.—62 of 106 papers canvassed
responded. Those who felt that newspaper and broadcast
journalists were treated differently by the police, saw broad-
cast media as being held in "awe" by law enforcement agencies
who, at the same time, were more accessible to broadcasters
because of the "limited nature" of their story coverage and
and the impermanent or transient quality of radio and television as compared to print. This was confirmed at the hearing by Kelly (himself an author, whose works are on the reading lists of the Canadian Police College and the P.B.I.) in his use of the term "gospel" as descriptive of the press. The message conveyed by print becomes more established as "truth" through the nature of the medium itself, a point the guidelines' authors (regardless of their intentions) overlooked. The study also found that of the three levels of police activity—municipal, provincial and federal—most difficulty in obtaining information was encountered with the federal police. Officials contacted by telephone in March, 1979, at three radio stations in Windsor, Ontario (CBE-CBC, CKLW and CJQM) said that, to the best of their knowledge, no similar study has been carried out by broadcasters.

Through bulletins and newsletters, as well as in their regular news columns and editorials, the press has shown particular concern over charges laid under the Official Secrets Act (the Toronto Sun, and Peter Treu cases are current examples). A C.D.N.P.A. newsletter cited Professor Arthur Siegel, of York University, a broadcast commentator and former journalist, as describing the Canadian political system as "based on absolute secrecy, tempered by institutionalized leaks."  

Clearly, an important part of the function of the press is its ability, through the permanent medium of print, to enlighten, entertain or campaign more or less collectively and cohesively, with an ease of access to information presently unavailable to electronic media. In this respect there is bound to be a certain envy, not to say a feeling of righteous frustration, among broadcasters toward print. Such frustration is not unconnected with the fact that broadcasting is subject to regulation. It would be easy to conclude that broadcasters, as a group, and because of a lack of tangible
records, are apathetic in their attitude to freedom of expression, but such a conclusion cannot fairly be drawn without making reference to the programme content of stations across Canada, a difficult if not presently impossible task. The CBC, especially, attempts and often succeeds in producing excellent examples of in-depth documentaries and investigative journalism through television presentations such as *Fifth Estate* and *Ombudsman* (TV), and *Sunday Morning* and *As It Happens* (Radio).

If the same situation were to occur today as happened in Quebec in 1970, would there be the same confusion and animosity between the police and media? So far as can be determined, the answer to that question would have to be a qualified "yes." The reason for giving an affirmative answer is because, as has been shown, to a large degree, the same unreasonable tensions still remain, as evidenced by the results of the C.D.N.P.A. survey and the ongoing press campaign against what it describes as an atmosphere of growing rather than decreasing, secrecy. There has, however, been at least one important and positive development in police-media relations in Ontario. In contrast with the broadcaster-police guidelines, conceived by them mutually, a 1978 C.D.N.P.A. bulletin reports, through Ed Monteith, managing editor of the Toronto Sun:

> Each member of the press working on the street has been provided with a pass, and they wear this pass when on crime or fire assignments. The pass must be returned if the person should leave the paper's employ, and if it is lost it has to be reported to the chief of police. Since the passes have been issued, staff report it has made a tremendous difference. There is cooperation now, where prior to the passes there had been obstruction.7

The Toronto Police Department, according to the same bulletin, recently issued its own guidelines for dealing with the press. (see Appendix B Item 13) including photographers and television cameramen.
Has there been a noticeable improvement in the quality of journalists since 1973? A great deal was said during the C.R.T.C. hearing of the importance of journalistic responsibility and the need for newsmen to observe ethical conduct and to strive for accuracy or objectivity in their editorials or news stories. The "police case against the media" is a phrase used by Joe Scanlon who arrived at that conclusion after conducting a three-year study of cases at the Canadian Police College in Ottawa. In an article in the Carleton Journalism Review, Scanlon presents an analysis of nearly 400 individually-reported examples of irresponsible and inaccurate crime news reporting, submitted to him by individual police officers. He is convinced that, on balance, such reporting reflects a serious media problem, often caused by reporters' inadequacies and inexperience. In his opinion, when the publishing of information might endanger life, media should accept police guidance. In Scanlon's view, the police are correct when they "ask that the media discuss and formulate policies on such matters." From Scanlon's point of view, it is difficult to be optimistic regarding the upgrading of professional journalists. Yet there are signs that the attitudes of the police and media are changing. A panel of police and managing editors at the 32nd Canadian Managing Editors Conference in Banff, Alberta, agreed that relations between them were "generally good" after "a two-hour animated discussion." Again, the police panelists said that police spokesmen "tend to be more open with reporters who are experienced." Two presentations from senior British police officers also reflect this changing attitude.

In a paper prepared for the Eighth Senior Command Course, John W. Browett, Assistant Commissioner, Royal Hong Kong Police Force, sees the origins of conflict between media and police as arising from the reporter's task of relaying information to the public, and the police officer's task of assembling and presenting information without bias to the
courts in order to substantiate a charge. Some officers, according to Browett, want to have no contact whatsoever with the media "because they are afraid of it." Statements are made by officers under pressure which they later regret making; if they are made to the print media, there may be time for "off the cuff" remarks to be elaborated, but in the case of TV and radio, this possible safeguard may not exist. In the course of his studies, Browett (in common with police in Canada) found that "certain parts of the news media seem to take a delight in highlighting the errors of the police force." He believed that in many ways the people in control of television have a greater responsibility to the public "because they are working to much more stringent deadlines, are having to operate in the news realms at higher speeds and are dealing with one of the most powerful of all 'persuaders' — pictures."

If he seemed to be concentrating on television, it was because he saw it as "the predominant news medium of the future. During the past 25 years the newspaper scene has changed. . . . Many newspapers have died . . . and the experts are now suggesting that the time will come when a daily newspaper is transmitted over some form of television link." Although some researchers thought that television tended to blur the division between fact and fiction, and there is as much cause for concern about what is not shown as what is, "the police service is absolutely opposed to any form of censorship." He did not, however, think that the people in control of television "would be quite so opposed to some form of surveillance as possibly the police would be." (In Canada, there would appear to be some basis of support for this theory as indicated in that section of the C.A.B. guidelines which gives police effectual control over crime news.) The police would prefer to see "a greater degree of discretion being exercised over the presentation of news rather than direct censorship." The way to achieve
this was by developing "a high level of individual trust between those who report and present the news and the police service." In order for this to be done, it might be necessary "for police to relax some of their attitudes towards the media and to allow individual officers to speak more freely than they are expected to at present." Browett preferred to see news bureaux manned by police officers with a knowledge of media, rather than bureaux manned by reporters with a knowledge of police work, and newsmen covering crime news should have the ability of those covering, for example, the political scene. Acknowledging that experienced news reporters "are nearly as skilled at accumulating facts as are some police officers", he wondered whether editors, particularly in broadcasting, "are sufficiently conscious of the need to balance a few aspects of an event against the totality of the event and against the problems involving such public agencies as the police service." The major point being made by Browett was the need to develop the kind of trust which will "gradually make it possible for newsmen to understand the whole spectrum of events" rather than isolated incidents. He saw this trust as beginning at the senior management levels of police and news services.

The question of trust, and the building up of mutual police-media confidence was the subject of an address given in 1976 by Sir Robert Mark, of London's New Scotland Yard, to the International Press Institute's General Assembly in Philadelphia. Speaking on kidnapping, terrorism, and the media, Mark said that the London Metropolitan force were compelled to take a special interest in kidnappings and hijackings following a number of incidents in London and the Provinces between 1969 and 1973. It was while an international police conference was being arranged with 42 other police forces that "we were overtaken by events in the form of a kidnapping for extortion which resulted in the most astonishing and encouraging voluntary cooperation between press and police [illegible]."
ever known in Great Britain." Exploring the possibility of resolving the problems likely to arise in achieving the best possible relationship with the press in the event of terrorism or kidnapping, and in order to serve the best interests of the public, a code of procedure, acceptable to both police and media, was drawn up. It was agreed upon, in 1972, by the Metropolitan police, and senior representatives of national, provincial and foreign press, and radio and television.

Mark explains that the new code "represents a reversal of the policy formerly governing police/press relations in London, and that the evidence of four years suggests that it is generally satisfactory." The code's basic principle--"trust begets trust"--gained increasing support from both press and police as experience enhanced mutual confidence. Mark said that the advantage from the police' point of view was an immeasurable improvement in relations with the press, reflected "in the accounts of our doings in newspapers, on television and on radio." The new arrangements:

recognize the need to reduce secrecy in police affairs to what is strictly--I emphasize strictly--necessary, the purpose being to promote and retain public confidence by demonstrating our willingness to go as far as we can in being accountable for what we do or fail to do.

Mark said that there might be two possible complications: first, if there were hostages, or passengers held in a hijacked aircraft, the police might have to ask the press not to publish details of tactical planning while the operation was taking place; and second, in the event that military aid was required to deter a terrorist attack, or fight a close-quarter battle with a small determined band of armed terrorists, liaison with the press would be undertaken jointly with the government, the Defense Ministry, and the police. (What Mark was describing closely resembled events in Quebec in 1970, but with the important qualification that there the prevailing police-media mood was one of
mutual hostility.)

The specific case to which Mark had referred earlier, known as the Spaghetti House siege in which several hostages were held for six days by three gunmen, ended with the only casualty being a self-inflicted wound by one of the kidnappers. To Mark, restraint and discrimination shown in this case by media was "beyond all praise." In another case, a girl was held for ransom for nine days and again "there was no mention of the case in the press or on television, notwithstanding that the police had made full disclosure to the media." The girl was released unharmed. (Italics mine.)

Finally, Mark told of "the intense interest and satisfaction felt in Great Britain" by the arrest of two alleged kidnappers, the safe recovery of the victim, and the recovery of some $150,000 ransom money in Detroit only a fortnight after our own case, and "after exactly the same kind of voluntary cooperation with the police on the part of the press." Significantly, neither Mark nor Browett at any time suggested the preparation of written guidelines such as were drawn up between C.A.B. and C.A.C.P. Furthermore, all negotiations described by them took place between police and media as a whole. (Italics mine.)

Because it is not the purpose of this study to attach, or establish, "blame," or make accusations of "conspiracy," no attempt has been made to explain certain disturbing discrepancies and contradictions relative to the guidelines, which became apparent during the C.R.T.C. hearing, nor to probe the possible prior knowledge of government or other public officials. Unanswered is the question of who drafted the revised guideline document which, although dated February 20th, 1973, and the most recent draft, was not sent to the C.R.T.C. This study will have served its purpose if it succeeds in directing attention to serious deficiencies in police-media relations which have, in the past, affected the quality of media journalism, bringing confrontation between
the police and media in a time of emergency.

Further studies must be made, particularly regarding the attitudes of broadcasters towards the accessibility of crime news and liaison with law enforcement agencies in "normal" times, as well as times of stress. Public comprehension would be assisted if broadcasters were to issue informative or explanatory public bulletins on programme content on a regular basis. As has been shown, misunderstandings can arise when important statements are improperly translated from English to French, or vice versa. Greater emphasis must be placed on ethical conduct and journalistic integrity by schools of journalism and by managing editors and news directors, with a parallel approach by police forces. A "linkage" of all news media is inevitable.

Desmond Smith, of the Globe and Mail, asks "is pleasing the public the supreme end of daily journalism?" Are news broadcasts, merely television shows, and are regions merely marketing areas? But while there is certainly a need for changing the attitudes of media as a whole, this is not to say (as suggested in the police-broadcaster guidelines) that healthy police-media tension should be replaced by police-media "agreements." Outdated and ineffectual codes of ethics require re-drafting to confront contemporary media problems. News story inaccuracies are amplified by too much reliance being placed by too many newspapers on limited sources such as wire services. There exists an obvious--even critical--communications gap between those very sources on which greater faith is, and must, be placed in their substitute role for traditional inter-personal and inter-group forms of communication. All media modes have an important part to play in Canada, especially in the days that lie immediately ahead, on subjects such as national unity, cultural identity, the causes of social inequality, the uses and abuses of natural resources, and the improvement of communication between those who formulate, those who administer, and those who are expected to observe the law.
Stemmle sees the main cause of media friction "in the existing informative function." Recognizing the limitations of each medium, he believes that only by standing in a complementary relation to each other can they succeed in fulfilling their functions as society's collective communication media. As a practical extension to Stemmle's thinking, inter-media friction might be reduced even further, and media service to the public enhanced, by involving newsmen at every level of media in news-improvement discussions. (Italics mine.)

In spite of the undeniable professional shortcomings outlined in the independent studies of journalism professors such as Scanlon and Osler, (and confirmed by this study) the medium of print, especially newspapers, must nevertheless be recognised for its efforts in continuing to stimulate public consciousness with regard to the meaning and value of press freedom, and the need for vigilance in safe-guarding freedom of expression in all its forms. While no single carrier of mass communication holds a monopoly on freedom of expression, some of the statements made during the C.R.T.C. hearing showed that private broadcasters had a good deal to learn from the national press in the area of fundamental rights. One thing which must have become clear to the C.A.B.: embarking on a crusade is one thing; travelling in what may be seen as compromising company is both unwise and objectively self-defeating.

The contentious issue of official news sources, and news control (whether crime-related or otherwise) has, not unnaturally, been the concern of European scholars such as M. Rainier Lepsius. Using an admittedly extreme case, he describes how the Nazis attack against the social and political order utilized police authorities to limit freedom of the press "in the interests of the State." Peter Newman writes of the dangers of Canadian police forces, by necessity "paramilitary organizations with entrenched seniority systems designed to promote those who 'live by the book',"
moving into the political arena making, rather than enforcing, the laws. This is also the theme of Peter Cowan who expresses his concern over the possibility of police becoming an arm of the political system. While the Special Senate Committee on Mass Media, in 1970, stated that, in general, there was no "newsmen's privilege" in Canada, the Committee also found:

alarming instances of reporters, newspapers and radio stations being forced or pressured into acting as police informants in a way that seems ... a genuine danger to freedom of the press ... police frequently seize--with or without warrant--tapes, film footage, and photographs ... to be used in their investigations or as evidence in later prosecutions.

If it is true, as one writer claims, that media war makes news, "out in the open, with no gentlemen's agreement to reduce the vividness of discourse," and such media war is conducive to free speech, the general public is the beneficiary. But the kind of "war" which developed from the C.A.B.'s guidelines, in which media attacked both themselves and the forces of law and order, was most definitely not in the public interest.

It is quite possible that newsmen in Canada would be assisted by a "shield law" which, combined with freedom of information legislation, would encourage investigative reporting and inspire journalists to provide a greater meaning, depth, and clarification to news stories. There remains the risk, however, that such legislation would tend to be too constraining and inflexible, and thus be conducive to authoritarianism. There is a clear need for further research in this particular area. Ultimately, in exercising the fundamental right to freedom of expression, there can be no substitute for self-discipline and dedication to professional standards. There are indications, both in Canada and the United States, that a growing body of opinion favours some form of regulatory control over all news media, and therefore the need for newsmen to discipline themselves...
before they are compelled to do so by government intervention, becomes a matter of some urgency if freedom of expression is not to be jeopardized. 20

There emerged from the guidelines, and from the hearing disclosure, lessons which must have been obvious to all those involved in the exercise; the imperative for integrity, responsibility and for an awareness that, whatever action is taken by media, or by the police, in the final analysis it is society, perhaps even civilization itself, which will either reap the benefits, or conversely, share the consequences.

Summary of Findings

1. A need exists in media as a whole for modernizing and strengthening outmoded codes of ethics. A new code would preclude, for example, negotiations with public agencies such as those which took place between the C.A.B. and C.A.C.P. It would also make reference to improving the skills of journalists, especially in electronic media and in the field of crime news.

2. Accepting the fact that broadcasting, unlike print, is subject to government regulations, a reduction in inter-media friction could be achieved by complementary media "linkage." Broadcasters should issue their own explanatory and informative bulletins, concerned with programme and editorial content, to the general public, on a regular basis. Whether press councils should become "news councils," and include all news media, would require intensive discussion and research.

3. A system of liaison with news media should be instituted by law enforcement agencies, setting up national standards for dealing with news involving danger to life or to national security. This, too, is a subject for research.

4. The present gate-keeping function of wire services
should be verified, where practicable, by increasing the number of staff correspondents reporting directly from out-of-town bureaux.

5) Media should become actively involved in public discussions concerning the implementation of a Canadian Freedom of Information Act, and a "shield law" protecting journalists' news sources.

6) Research, similar to that undertaken by the press, is needed in the private broadcasting industry, for similar reasons.

2 See Chapter IV, p. 74, Summary of the C.R.T.C. hearing.


12 Desmond Smith, "Is pleasing the public the ultimate goal of daily journalism?" Toronto Globe and Mail, January 13th 1979, p. 6.


17 Peter Cowan, "Where should police interest in politics begin . . . and end?" Windsor Star, November 1st, 1977, p. 41.


and

E.A. Tollefson, "Freedom of the Press," Journalism Communication and the Law, ed. by G. Stuart Adam. p. 188.
APPENDIX A

CHRONOLOGY OF EVENTS
RELATING TO THE THESIS

1970

October 5th. First kidnapping occurs in the Quebec "October Crisis" by F.L.Q. terrorists.

October 9th. Second F.L.Q. kidnapping, following a series of communiques issued by the terrorists.

October 16th. After the Quebec government refused to meet the F.L.Q. demands, the War Measures Act is invoked, suspending civil liberties throughout Canada.

October 17th. F.L.Q. carries out its threat and assassinates one of two hostages.

December 28th. Crisis ends with arrest of terrorists and release of second hostage.

1971

Peter Reilly produces and directs film The Media and the Community for the Canadian Association of Broadcasters. Film is shown at annual meeting of the Association. At the meeting is retired R.C.M.P. Deputy Commissioner W.H. Kelly. Theme of the conference is "Authority and the Media." At the suggestion of Mr. Kelly, film is viewed later in the year by the Canadian Association of Chiefs of Police.

During the next few months, numerous meetings take place between executives of the police and broadcasters associations. These meetings were later described as being "widely reported in the news media."

1972

Copy of the Reilly film is requested by the Canadian Radio-Television Commission.

September 1st. A list of police media "guidelines" is presented publicly "in the presence of the press and CBC." The CBC, and other media, decline to support the concept of police-media cooperation as suggested in the guidelines.
1972 Police Chiefs' Association consider guideline draft at their annual convention.

Broadcasters' Association's later statement that the guidelines were distributed to their membership is contradicted by some members appearing at a C.R.T.C. hearing in April, 1973.

1973 January. Special broadcasters' general meeting precedes press campaign against police stance on capital punishment and police involvement in "news control."

February 15th. Guidelines are tabled before Quebec Legislature's hearing on press freedom. The same week, the guidelines "come to the attention of the C.R.T.C." as newspaper editorials condemn the guidelines.

March 2nd. The C.R.T.C. announces it has granted a C.A.B. request for an open forum "in the public interest."

April 10th. C.R.T.C. hearing takes place in Ottawa. Present are representatives of the C.A.B., C.A.C.P., R.T.N.D.A., and other groups and individuals involved or interested in media. Other than a short statement that the guidelines would not be implemented, which appeared in the 1973-74 C.R.T.C. annual report, there were no findings. However, the hearing had raised serious questions concerning police-media, and inter-media relationships, professional ethics, censorship, and journalistic standards.

Note:
F.L.Q. is an abbreviation of Front du Liberation de Quebec, a radical Quebec organization which engaged in bombings and other terrorist activities for some years prior to the kidnappings, after which they became ineffective.
APPENDIX B

DOCUMENTS AND DIARY

Item No.


4 Telegrams sent by C.A.B. members to T.J. Allard.


7 Statement of Objectives, Principles and Operating Guidelines for Effective Working Relationships Between the Peace Agencies of Canada and the Media. Copy of the guidelines draft sent to, and distributed by, the C.R.T.C.

8 Telex sent to the C.A.B. by the Commission, February 16th, 1973.


10 An earlier guideline draft, from which the later versions evolved.

11 Diary of correspondence: requests and replies.


13 Guidelines issued to newsmen by the Toronto Police Department for dealing with media.
OTTAWA, February 18, 1973 -- The following statement was issued today by Donald M. Hamilton, President of The Canadian Association of Broadcasters:

The Canadian Association of Broadcasters views with concern and disappointment comments made by certain newspapers and others in regard to a document recently issued by this Association and the Canadian Association of Chiefs of Police.

At best, many of these comments appear to represent an unfortunate misinterpretation by people who either have not read the document or, have seriously misunderstood its content and meaning. At worst, some comments constitute an outright attack upon the integrity of this Association and its members by those whose goal can only be to undermine public confidence in broadcasting media and law enforcement agencies.

In the hope of correcting as much misunderstanding as is capable of correction, I would like to set out in some detail how and why this document -- "A Statement of Objectives, Principles and Operating Guidelines for Effective Working Relationships between the Peace Agencies of Canada and the Media" -- was produced and its current status within the broadcasting media.

Questions involving the relationship between news media and peace officers, long a matter of interest among thoughtful members of both groups, were given a new focus by a number of events of recent years, including the so-called October Crisis of 1970. These events served not only to reopen longstanding debate over the rights and responsibilities of both parties, but also to highlight a new development in which the broadcasting media, as well as being observers and reporters of events, could become directly involved in them, often through no desire of their own.

At the same time, there was increasing and often uninformed criticism, of both media and public authority, especially the police. Although much of this criticism reflected lack of information, we thought it wise to recognize its existence, study it, and determine what measures might be taken in areas where it was valid.
In response to increasing interest among our membership in such questions, this Association included on the agenda of its 1971 Annual Meeting, held in Montreal, a major discussion of this subject. It featured the use of a specially-produced film designed to highlight some of the issues and a wide-ranging debate of them among assembled broadcasters and invited representatives from law enforcement and other government agencies. So successful was this discussion that it was unanimously agreed that the same film-plus-discussion format should be repeated at the 1972 meeting of the Canadian Association of Chiefs of Police, held in Calgary. This was done, again with great interest and success, following which both sides agreed it would be useful to constitute a joint working committee to pursue some of the questions involved at greater length and depth.

Beyond the discussions between our two national associations, the CAB has actively promoted and sponsored showings of our film and discussions of these issues among regional and local broadcasters and law enforcement agencies and, beyond that again, with interested public audiences. Our view in supporting all such activities has been first, that legitimate problems do exist in police-media relations which deserve to be examined as fully and frankly as possible, and, secondly, that all concerned, including the public itself, could benefit from such a discussion and the greater understanding which could flow from it.

The aim of both national associations has been throughout - as it remains today - not to seek any form of agreement; much less one binding on either membership and, most certainly not to seek any commitments which would in any way restrict the freedom of either police officers or media to pursue their legitimate activities. It was our hope, rather, that by encouraging a full and open exchange on these real and complex issues, we might contribute to an increase in mutual understanding of each other's needs and interests and thus to a more efficient and effective discharge of our respective roles and responsibilities. Despite the unfortunate developments of recent days, we remain committed to that goal.

It was with that mandate - and nothing more - in mind that the working committee of the two associations held several meetings during the course of 1972, resulting eventually in the drafting of the document now under discussion. This document was referred to and endorsed by the Board of Directors of both associations. For our part, we in the CAB have distributed it among our membership with the suggestion that it be analyzed and discussed by individual broadcasters and that, where need and interest exists, contact be made with local law enforcement agencies to pursue the exchange at the community level. Such discussions have, in fact, occurred in a number of regions across the country.
This document, then, is not certainly not an "agreement" or "pact" seeking to impose any restriction or commitment upon police officers or broadcasters. Above all, it does not give the police or anyone else any power or encouragement to seek to determine what material may be broadcast by CBA member stations in what form, or at what time. Our members require no reminder from any source of their responsibilities under the Broadcasting Act and even more directly to the public they serve for all their programming, including reporting of police and crime news. They will continue to accept and to exercise fully that responsibility.

There is no suggestion to the contrary in the document. The statement, for example, that "because of investigative and legal requirements, the police must have the right to make the decision on release of news for publication" is nothing more than recognition of an existing fact. Police do have and do exercise the right to temporarily withhold information in certain circumstances, a right also exercised, by the way, by numerous other news sources. For broadcasters to acknowledge the existence of that fact takes nothing from their right to press for the fullest and earliest disclosures of information. Nor, for that matter, does it imply any sacrifice of our additional right to later question and criticize the judgment of police officers in withholding information in a given circumstance.

In this context, as in others, the document is intended as nothing more than a guide to assist news media and police officers in understanding each other's functions and problems and to aid in the efficient discharge of these functions.

Crime is a matter for the police. It is often news and, therefore, a matter for the media as well. Both groups, each with their own responsibilities to the public, thus become involved.

It has happened that, on occasion, police officers clearly have not understood the function and problems of the media with the result that access to what the media considered legitimate news was impeded or unduly delayed. Conversely, there have been occasions where reporters apparently did not understand the function and problems of the police and where media activity was conducted in a way that hampered legitimate police investigation or the assembly of evidence. In both situations, not only the two parties, but the public at large, suffer. To deny the existence of such problems or to raise utterly false cries of "conspiracy" any time such questions are put forth for honest discussion strikes us as short sighted and irresponsible on the part of any element within the news media.

Our view was -- and still is -- that a frank and open discussion of these problems, together with an honest effort on the part of both sides to seek some common ground on how to deal with them, is far preferable to simply allowing misunderstandings and frustrations to continually accumulate on both sides. The police have their job to do; the media have theirs. We see no reason why each cannot do its job without impeding the activities of the other. The sole and entire intent of these guidelines is to facilitate that process.
There is one other particular reference in the document which has attracted some attention and upon which some elaboration or clarification seems warranted. It is the declaration that "the police and media, in their professional capacities and as responsible citizens, are partners in the fight against lawlessness, in the enforcement of the law, the maintenance of public order, the prevention of crime and the preservation of domestic peace upon which all proper functioning of the community depends."

In the eyes of some, this statement is seen as suggesting some concession on the part of broadcasters of their right and responsibility to inform the people of Canada as fully and accurately as possible on the activities of law enforcement agencies. No such concession is suggested or implied. Rather, the declaration represents no more than recognition by broadcasters that, while they have particular duties as news media, they also are full members of their community and, as such, accept the same rights and responsibilities as apply to all citizens. Surely, those rights and responsibilities embrace the obligation to support and co-operate with police in their legitimate duties pursuant to the law of the land. To suggest otherwise -- to imply that members of the news media are above and beyond the community in recognizing no obligation other than their mandate as reporters -- is to create a special category of citizenship, if not an invitation to license, to which we as broadcasters have no aspiration.

There is one final point on which some clarification seems required. There have been references in some comments about this document to roles purportedly played in its evolution by representatives of federal and provincial governments and agencies. I wish to stress that preparation of this document was the sole responsibility of the two Associations. There was no participation in it -- or approval given to it -- by any other group or agency.

In order that the record be as complete as possible, I might note here that government representatives from both the federal and provincial level, have participated in separate but concurrent discussions which have been held on the protection of broadcasting transmitters and studios in the event of an emergency. These discussions are continuing.

We in the CAB very much regret that an initiative taken in good faith and with the hope of making a positive contribution to the working of our membership and police forces across Canada -- and ultimately to the public which we both serve -- has now become the subject of some controversy. Despite the current misunderstandings and the apparent attempt by some to discredit any positive action by private broadcasters, it is our intention to pursue the discussion of these matters at our 1973 Annual Meeting and beyond in the confidence that these complex and difficult issues do exist within the relationship between media and police and that both groups, as well as the public, are best served by a free and open discussion of such problems and a willingness on the part of all
concerned to seek a genuine understanding of the needs and responsibilities of all the parties involved.

THE CANADIAN ASSOCIATION
OF BROADCASTERS
L'ASSOCIATION CANADIENNE
DES RADIODIFFUSEURS
General Newsletter

73/FL-13

Ottawa, February 28, 1973


1. There has been considerable misinterpretation of the above document in the daily press. Your Association issued on February 19th, a full explanation of the background and intent. It is hoped that this document will be carefully read and considered by you and your staff and that it will be publicized.

2. Several officers of your Association have appeared on "phone-ins" shows, interview shows and the like, on both radio and television, both private broadcasting and CRTC, to provide public explanation and accuracy.

3. Also, President, Don Hamilton accompanied by ACRTF President, Paul Audette, and the undersigned met the afternoon of Friday, February 23 with Mr. Pierre Juneau, Mr. Harry Boyle and Mr. Ralph Hart. Here again accurate interpretation was provided.

4. Because of widespread misinterpretation it was hoped that there would be merit in having this entire matter dealt with in a forum that is and can be seen to be objective and impartial.

5. As a result, the attached letter was later sent to the CRTC. It will shortly be announced that the request has been granted and the matter will be discussed at a CRTC April hearing.

6. Attached are the documents received from various regions prior to the February 23 meeting.

The Canadian Association of Broadcasters

L'Association canadienne des radiodiffuseurs.
APPENDIX B ITEM 3


Mr. P. Juneau,
Chairman,
Canadian Radio-Television Commission,
100 Metcalfe Street,
Ottawa, Canada.

Dear Mr. Juneau:

Considerable misunderstanding and misinterpretation has arisen in the daily press concerning a document prepared by this Association in conjunction with the Canadian Association of Chiefs of Police.

This document is entitled "A Statement of Objectives, Principles and Operating Guidelines for Effective Working Relationships between the Peace Agencies of Canada and the Media".

It is not, as has been suggested, an agreement between the two bodies concerned. It does not restrict the freedom of either peace officers or media in the pursuit of their respective functions. It does not impose any restraints on broadcasters relative to the independent dissemination of news. It certainly does not give anyone control over broadcast news. It does not interfere with the acknowledged responsibility of licensees in this respect.

This Association has taken numerous steps in an endeavour to correct mis-statements made concerning this document, its background, and its intent. These steps included a detailed written explanation released to the public. Although part of this has been carried in some of the daily newspapers, which gave wide circulation to the original mis-statements and misinterpretations, we find no instance in which the statement has been carried in full.

Nor have any of the Central Canada dailies carried a "letter to the editor" sent by us in an attempt to correct major mis-statements made by those dailies relative to the "Statement".

Consequently, this Association is of the opinion that the only avenue left open to us for correction of these mis-statements, and a full statement of the fact, would be discussion of the real purpose of the "Statement" and an explanation of its background in an open, impartial, and objective forum.
Such a forum is available to the broadcasting industry through public hearings of the Canadian Radio-Television Commission.

We ask, therefore, if appropriate time might be set aside during the course of a regularly scheduled session of the Commission in the near future for that purpose. We would appreciate your consideration of such a request.

Unless it is contrary to your wishes we see value in making this request public following receipt by you.

Sincerely,

T. J. Allard,
Executive Vice-President.

TJA/cf
APPENDIX B ITEM 4

CAB OTT

FEB 22

2:00 PM

JIM ALLARD

THE BCAB BOARD OF DIRECTORS ARE UNANIMOUS IN THEIR SUPPORT OF DON HAMILTON'S STATEMENT OF CLARIFICATION ON THE POLICE MEDIA CONTROVERSY. IT WAS MOVED AND SECEDED THAT THE BCAB BOARD OF DIRECTORS RECOMMEND THAT THE CAB CONSULTATIVE COMMITTEE DISCUSS THE POLICE MEDIA CONTROVERSY WITH THE CRTC AT THE FIRST OPPORTUNITY WITH A VIEW TO REQUESTING THAT THE CRTC CHAIRMAN ON SUCH FUTURE OCCASIONS OF THIS NATURE TO COMMUNICATE WITH THE CAB PRIOR TO GIVING STATEMENTS TO THE NEWSPAPERS WHICH THEY MAY SEIZE AS AN OPPORTUNITY TO DISPARAGE BROADCASTING.

J. DALT ELTON PRESIDENT BCAB

CIWX VCR

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CNDPTEL OTT

JIM ALLARD CANADIAN ASSOCIATION OF BROADCASTERS
85 SPARKS ST OTTAWA

WE CONCUR WITH DON HAMILTON LATEST RELEASE CONCERNING THE POLICE MEDIA CONTROVERSY. WE WOULD FURTHER CONCUR THAT THE CAB CONSULTATIVE COMMITTEE DISCUSS THE ENTIRE MATTER WITH THE CRTC AT ANY EARLY DATE

ELMER HILDEBRAND WESTERN ASSOCIATION OF BROADCASTERS

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C J ALLARD
Canadian Association of Broadcasters
85 Sparks St., Suite 909
Ottawa, Ont.

RESOLVED THAT THE CABA BOARD OF DIRECTORS ENDorses THE STATEMENT OF CAB PRESIDENT DON HAMILTON IN CAB NEWSLETTER 73/FL-10 AND FURTHER RECOMMENDS THAT THE CAB CONSULTATIVE COMMITTEE DISCUSS WITH THE CRTC AT THE EARLIEST MOMENT, THE PROSPECT OF THE CRTC CHAIRMAN CONSULTING WITH THE CAB BEFORE ISSUING STATEMENTS TO THE MEDIA ABOUT MATTERS INVOLVING THE CAB.

BILL WILLIAMSON PRESIDENT - A.A.B.

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CABA OTTAWA

FEB. 22

T. J. ALLARD

THE POLICE MEDIA CONTROVERSY WAS DISCUSSED AT A CABA BOARD MEETING FEB. 20 AND THEY WERE UNANIMOUS IN THEIR SUPPORT OF DON HAMILTON'S STATEMENT OF CLARIFICATION AND THOUGHT IT HAD BEEN WELL HANDLED BUT WERE DISTURBED THAT THE NEWSPAPERS HAD SEEN FIT TO RUSH INTO PRINT DEROGATORY STORIES AND EDITORIALS. DULLY MOVED SECONDED AND CARRIED:

THAT THE CABA BOARD OF DIRECTORS RECOMMEND THAT THE CAB CONSULTATIVE COMMITTEE DISCUSS THIS ISSUE WITH THE CRTC AT THE FIRST OPPORTUNITY SPECIFICALLY REQUESTING THE CRTC CHAIRMAN ON FUTURE OCCASIONS OF THIS NATURE TO COMMUNICATE WITH CAB PRIOR TO GIVING STATEMENT TO THE NEWSPAPERS WHICH THEY MAY SEE AS AN OPPORTUNITY TO DISPARAGE BROADCASTERS.

GERRY ACTON CAB TORONTO

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This is supposed to be the shortest month in the year — but from my chair I can tell you that it’s probably been one of the longest months in history. As you know we have been living in the eye of a hurricane of misunderstanding for almost three weeks. We have been accused by political leaders, attacked by the daily press, and reprimanded by the CRTC. And as I view some of the events that have taken place I have to tell you honestly and without exaggeration that the reports of our motives have been twisted to the point of being absolutely beyond belief.

I have had a clipping service operational during this time of crisis and I have before me the result of the press coverage from coast-to-coast. It clearly shows an antagonism on the part of some that constitutes an outright attack upon the integrity of this Association and its members who have undertaken what we believed to be a reasonable and responsible stance to be sure that in our everyday operations as well as in times of crisis our listeners and viewers are entitled to the fullest and frankest reflection of news events. In trying to champion a voluntary code of ethics we have been maligned, misunderstood and attacked by someone who knew none of the details, none of the background, but still found it necessary to comment publicly on incorrect press reports in a way that continued to compound the circumstances to a level of disbelief.

Your Board and your staff have literally spent almost every available waking hour in trying to deal with the problems that the daily press created and subdue the criticism to which we were exposed. On part of the staff this involved late nights, full weekends, and early mornings. Having been in the eye of the hurricane myself I can tell you that there has been a fantastic amount of work done in a very short space of time by a group of very dedicated people.

You are in receipt of the press response I distributed on your behalf on Sunday, February 18. In addition to it, obvious distribution to membership it also went to all press agencies in Canada, some outside the country, every member of Parliament, every Senator, senior government officials, senior provincial officials, and a broadly-based group of widely interested people concerned with press freedom in broadcasting.

I think it detailed as clearly as possible both our motives and our position. I’m encouraged that many of you took the time to respond to me personally by phone and by telex in support of the views I expressed on your behalf.
There are two additional events of which you should be aware. On Friday, February 23 I went to Ottawa and met with both the Chairman and the Vice-Chairman of the CRTC to discuss the whole matter. The discussions were frank and lengthy. As a result of those discussions your association has now officially requested the public forum provided by a regularly scheduled Hearing of the Commission in order that we may correct the statements made, expose a full statement of the real facts, the real purpose and the entire background of the document in question in an open, impartial and objective atmosphere.

I have every reason to believe that the Commission will be receptive to this request and that this forum will be provided with some immediacy.

Additionally this month provided some other interesting events, that may not have captured your immediate attention. Among these are the suggestions of ACTRA that Canadian Content on television be increased to 35% and that Canadian Content on radio be increased to 50%.* Early in the month Tom Bliksly, the President of the Association of Canadian Advertisers drew some very graphic figures to those who have been attacking advertising suggested that if the continued attacks on advertising were to succeed the possibility of $500 million a year in advertising revenue could vanish. This represents roughly half of Canada's total advertising expenditures. He pointed out that some groups want advertising bans on tobacco, hygiene products, alcohol products, prepared food products, advertising to children and financial institutions which advertise loans. The effects of those demands certainly need to be defended and it is a credit to me that they have chosen to react in a manner that I know will be complimentary to everyone involved in the advertising industry.

During this month we have also seen significant announcements from the United States outlining a broadcast code of advertising acceptance and your association during the next few months will study this event closely to see what effect such a voluntary code might have in Canada.

During the month I spoke to the Broadcast Executive Society in Toronto and that speech has now been distributed to you. On two occasions - prior to the speech in Ottawa, and following the speech in Vancouver, I have had an opportunity to discuss some of the points I raised relative to the mandate of CBC with the President of the CBC, Mr. Laurent Picard. I have found him to be very receptive to some of current concerns that I have expressed and I have found in many ways we share common goals. Hopefully this dialogue will continue and possibly expand.

One of the most significant events of recent years took place in Ottawa on February 7 when, in association with the Canadian Cable Television Association, the CRTC hosted a widely-attended dinner that provided a forum for the Minister of Communications, the Hon. Gerard Pelletier to address broadcasters and cablecasters who assembled from coast-to-coast. Almost 170 people attended.
The expectations in advance of the Minister's address were extremely high that the Minister would announce the details of the concept visualized in the speech from the throne that suggested changes in Canada's telecommunications policy. However the Minister touched only superficially on that subject but dealt with a variety of other matters including a posture that the government intended to take with the provinces that would be solicitous and considerate of their points of view in relation to radio, television and cable. Many people had travelled many miles to be in attendance at the event and there was a sense of some disappointment — perhaps because the expectations were too high — that the Minister did not deal with hard policy or disciplined vision. Certainly the evening itself was delightful and allowed broadcasters and cable casters a social opportunity in a warm atmosphere to get to know each other better.

Two days following the dinner the government announced that Pierre Juneau had been reappointed CRTC Chairman for a further five years. An event that may have not been entirely removed from the purpose of the dinner.

Two weeks after the event the Minister took a much harder line with the Province of Quebec than was indicated during his speech, and in point of fact wrote the Quebec Communications Minister in the strongest terms warning him that his government is guilty of an invasion of Federal Broadcasting Jurisdiction which "runs the risk of the most serious consequences." This letter and the effects of it continue to be in public debate.

Your Executive Committee met in Toronto following the BES speech and received a delegation of the Motion Picture Producers' Association from both Canada and the United States where we had an opportunity to discuss problems common to both their group and ours.

The pressures of the events of this month have been such that it has been a physical impossibility to find the time available for the people who would be involved to discuss in any detail the various options your Association has open to it in its search for a permanent President. Indeed I think it not unlikely that the priority of concern we have over a variety of situations is such that we may have to delay the start of the search for another 30 or 40 days until we can deal with all of the crisis situations presently before it. Certainly it was not my intention to delay the search, but clearly we have national and visible image problems and working relationships before us that must be solved before we can turn our attention to anything else.

We continue to be advised that the release of the proposed FM Regulations is imminent, and there is now reason to believe with some cautious optimism that we will see those proposals before the middle of March.

I have one final item to report to you and I think you would agree that it represents both good and bad news.
On one hand I am extremely saddened to tell you that I have had to accept the resignation of your Vice-President - Radio, Mr. Pierre Stein effective March 1 because of the fact that he has made a career decision to leave the private broadcasting industry.

On the other hand I must tell you I am extremely happy - for both Pierre and your Association - to announce that his new position will be that of Senior Planning and Development Officer - French Language - of the Canadian Radio/Television Commission. He will report to Ralph Short, and he will be responsible for the expansion of radio and television in the French language. This is a tremendous opportunity for Pierre, as well as a significant honor. I am extremely proud that a distinguished broadcaster of Pierre's background and experience is going to be available to the Commission in such a senior executive capacity since he will be able to clearly explain and articulate from first-hand knowledge the views and concerns of the private broadcasters in Canada. And from his position as Vice-President of your Association he has had a view of the national scene and has an excellent grasp of the point of view of our membership. He will join the Commission on April 1 and I know you will join with me in extending to him every good wish in his new assignment.

That's it for this month.

Best regards,

Don M. E. Hamilton,
President.

MEM/eba
February 28, 1973
APPENDIX B ITEM 6

Ottawa, March 2, 1973

PUBLIC ANNOUNCEMENT

The Canadian Association of Broadcasters, in December 1972, distributed to its members a document prepared by the Association in conjunction with the Canadian Association of Chiefs of Police entitled "A Statement of Objectives, Principles and Operating Guidelines for Effective Working Relationships between the Peace Agencies of Canada and the Media".

The document came to the attention of the public and the Commission through media reports in the middle of the week of February 12, 1973.

On February 16th, the C.A.B. delivered a copy of this document to the Commission.

On the same day, the Commission addressed a message to the C.A.B. taking note of media reports of a purported agreement between private radio and television broadcasters and the country's police chiefs and asking to be advised of all details of any such agreement. The Commission's message stated that "The Commission will expect that individual broadcasters will not implement any agreement such as that referred to in the media reports until consultations with the Commission have taken place".

Subsequently, the C.A.B. requested the Commission to provide during the course of a regularly scheduled public hearing in the near future, an opportunity for discussion of the Statement.

The Commission considers that it is in the public interest to provide an opportunity for a discussion of this matter as soon as possible and will allocate time for this purpose during its Public Hearing to be held at the Skyline Hotel, Ottawa, Ont. commencing on Tuesday, April 10, 1973, at 9:30 a.m.

The subject matter of this discussion is of fundamental importance to all Canadians. The Commission will therefore welcome written submissions on issues raised by the C.A.B. Statement from all interested parties. Such submissions should be submitted by April 2, 1973 to the Secretary, CRTC, 100 Metcalfe Street, Ottawa, Ontario K1A 0N2.

The Commission, in the interests of having a full airing of views, may invite individuals or groups to appear at the Public Hearing.

The Commission expects that, having regard to their responsibility under the provisions of the Broadcasting Act, licensees will not take steps to implement the Statement distributed by the C.A.B. until the matter has been discussed at the public hearing and considered further.

Attached to this announcement is a copy of the "Statement of Objectives, Principles and Operating Guidelines for Effective Working Relationships between the Peace Agencies of Canada and the Media" delivered by the C.A.B. to the Commission and the telegram addressed by the Commission to the C.A.B. on February 16th 1973.

Monique Coupal
Secretary

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APPENDIX B ITEM 7

ANNEX "A"

A STATEMENT OF OBJECTIVES, PRINCIPLES, AND OPERATING GUIDELINES FOR EFFECTIVE WORKING RELATIONSHIPS BETWEEN THE POLICE AGENCIES OF CANADA AND THE MEDIA

A. WORKING MECHANICS

1. The senior peace officers of Canada through their Association and the private broadcasters of Canada through theirs have agreed that there is value in a continuing joint national committee. This will be supplemented by committees of formal or informal nature at provincial, zone, regional and local levels. The Canadian Broadcasting Corporation and the Canadian Daily Newspapers Publishers' Association have been invited to participate and the invitation remains open. Others may be invited to participate as the Committee desires.

2. It is recognized by all concerned that both the peace officers and the media perform essential functions in civilized and democratic communities. Both elements must be free to discharge with efficiency and responsibility the functions required of them.

3. It is also recognized that there is value in a better understanding by each of the responsibilities, functions and problems of the other — and that continuing efficient and responsible management of those functions can be assisted by such understanding and by continuing consultation at every level.

4. It is recognized that the media are the people's agents in securing and disseminating information and that the police are the people's agents for the preservation of domestic peace.

B. STRUCTURE

1. There shall be a national committee made up of various representatives of senior peace officers and of the media to establish principles and guidelines for relations between police forces and news media in the handling of police and particularly crime news.

2. The national committee will assist provincial, zone, regional, or local committees of like structure in working out police/media problems as they arise. Whenever (a) these cannot be worked out at levels other than national or (b) which have been brought forward initially by the various non-national committees for assistance or advice.

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3. The national committee shall also coordinate the efforts of all police/media committees in working out policies designed to assist peace officers and news media employees in the effective and responsible discharge of their respective duties.

C. BASIC PRINCIPLES

1. The peace officers of Canada accept the principle that the public have a right to be kept informed on police and crime news and the operations of police forces.

2. The news media accept the principle that the police, because of investigational and legal requirements of fundamental importance, cannot always make available specific aspects of current policy activity at any time it may be requested and indeed at times must not do so.

D. GUIDELINES AND ETHICS

1. It is agreed that these essential principles can best be achieved by observance of these continuing guidelines and ethics.

2. That the police and media, in their professional capacities and as responsible citizens, are partners in the fight against lawlessness, in the enforcement of the law, the maintenance of public order, the prevention of crime, and the preservation of domestic peace upon which all proper functioning of the community depends.

3. The people of Canada have a fundamental right to be kept advised concerning the activities of any organization paid for by public funds insofar as the exercise of that right does not interfere with the proper, efficient, and responsible functioning of any such organization.

4. Apart entirely from reporting, the media have a duty to publicize any matter which in their opinion affects the efficiency of a police force. It is recognized that the media may wish to give public recognition and commendation to efficient and effective police work.

5. The police should assist the media to obtain police news and appreciate its mechanical problems such as deadlines. However, because of investigational and legal requirements, the police must have the right to make the decision on release of news for publication.

6. It is recognized that because of its nature, crime news requires special consideration and treatment. There is need for media to have special and experienced reporters to handle police news. It is recognized that both sides of a story should be reported and that so called “accepting” of rivals may seriously hamper essential function of police forces.
7. The success of media/police relations depends substantially upon the degree of confidence and understanding which can be built up between them in the discharge of their functions. Any abuse of such confidence should be a matter for serious concern on both sides, including when necessary disciplinary action against those employees who knowingly or consistently fail to operate within the principles and ethics agreed to by the national joint committee.

8. It is agreed that there is need for further training in police/media relations, especially in the case of new or inexperienced police officers or reporters. Senior police officers and senior media representatives will make every effort to ensure that new personnel are acquainted with these principles, guidelines and ethics and the reasons for them. This is recognition of the fact that the objectives of these guidelines will best be obtained by continuing individual contacts, interchange of information, and consultation.

9. Police chiefs, especially those in larger and medium size centers have a duty to provide means by which reporters can obtain police and crime news from one authoritative police source. Both police and media have the duty to remember that persons accused of crime remain innocent in the eyes of the law until a contrary determination is made by a court of competent jurisdiction; and that reporting of news should not prejudice in any way the right to a fair trial possessed by both the Crown and the individual.

10. It is recognized that both police and media should appreciate the need for the closest co-operation during times of emergency and that the basis for such co-operation should be laid down from time to time in day-to-day advance planning.

11. Police officers should facilitate the activities of news photographers in obtaining pictures at scenes of crime and accident. Photographers as well as reporters and editors recognize that crime news must not be handled in such a manner that it destroys evidence before the responsible police officers have had opportunity to protect it.

E. GENERAL

This broad statement of fundamental principles, guidelines and ethics is not intended to be comprehensive. It is intended as a basic structure to aid continuing discussions and the establishment of further guidelines and ethics from time to time within the framework of the general principles herein enunciated.

The Canadian Association of Broadcasters
l'Association canadienne des radiodiffuseurs

85 Sparks St., Suite 909
Ottawa, Canada
APPENDIX B ITEM 8

ANNEX B

This is the text of a telex sent to Mr. Donald Hamilton, President of the Canadian Association of Broadcasters and to Mr. Paul Audez, President of the Association canadienne de la radio et de la télévision de langue française Inc. by Mr. Pierre Juneau on February 16, 1973.

"CRTC has noted media reports of an agreement between private radio and television broadcasters and the country's police chiefs purportedly giving police greater control over news during crisis. CRTC has no knowledge of any such agreement. As you represent these broadcasters, we would appreciate being advised by you immediately of all details of any agreement.

CRTC points out that the broadcasting act imposes on each broadcaster the responsibility for his programming. CRTC considers the independent dissemination of news a primary requirement of this responsibility. Consequently any restraint on broadcasters in this area would be a matter of the most serious concern to the Commission.

The Commission will expect that individual broadcasters will not implement any agreement such as that referred to in the media reports until consultations with the Commission have taken place.

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APPENDIX B ITEM 9

A (REVISED) PRELIMINARY DRAFT OF A STATEMENT OF OBJECTIVES, PRINCIPLES, AND OPERATING GUIDELINES FOR EFFECTIVE WORKING RELATIONSHIPS BETWEEN THE PEACE AGENCIES OF CANADA AND THE MEDIA.

a) Working Mechanics

1. The senior peace officers of Canada through their Association and the private broadcasters of Canada through theirs, have agreed that there is value in a continuing joint national committee. This will be supplemented by committees of formal or informal nature at provincial, zone, regional and local levels. The Canadian Broadcasting Corporation and the Canadian Daily Newspaper Publishers' Association have been invited to participate and the invitation remains open. Others may be invited to participate as the Committee desires.
2. It is recognized by all concerned that both the peace officers and the media perform essential functions. Both elements must be free to discharge with efficiency and responsibility the functions required of them.

3. It is also recognized that there is value in a better understanding by each of the responsibilities, functions and problems of the other and that continuing efficient and responsible management of those functions can be assisted by such understanding and by continuing liaison at every level.

4. It is recognized that the media are the people's agents in securing and disseminating information and that the police are the people's agents for the preservation of peace. These are separate and distinct functions.
b) Structure

5. There shall be a national committee made up of various representatives of senior police officers and of the media to establish principles and guidelines for relations between police forces and the media in the handling of police and particularly crime news.

6. The national committee will assist provincial, zone, regional, or local committees of like structure in working out police/media problems as they arise. Whenever (a) these cannot be worked out at levels other than national or (b) which have been brought forward initially by the various non-national committees for assistance or advice.

7. Local police/media committees should work out policies designed to assist police officers and news media personnel achieve their separate and distinct functions.
c) Basic Principles

8. The peace officers of Canada accept the principle that the public have a right to be kept informed on police and crime news and the operations of police forces.

9. The news media accept the principle that the police, because of investigational and legal requirements may not always be able to make available specific aspects of a current police investigation at the time it may be requested.

d) Guidelines

10. It is agreed that these essential principles can be achieved by observance of some continuing guidelines.

11. The people of Canada have a fundamental right to be kept advised concerning the activities of any organization paid for by public funds.
12. The police should assist the media to obtain police news and appreciate its operational problems such as deadlines. The media recognize that, because of investigative and legal requirements, the police have the right to make the decision on release of information for publication.

13. The success of media/police relations depends substantially upon the degree of confidence and understanding which can be built up between them in the discharge of their functions. Any abuse of such confidence should be a matter for serious concern.

14. It is agreed that there is need for continuing training in police/media relations, especially in the case of new or inexperienced peace officers or reporters. Senior peace officers and senior media representatives should make attempts to ensure that new personnel are acquainted with these principles.

15. Responsible police officials have a duty to provide means by which reporters can obtain police and crime
news from authoritative police sources. Both police and media have the duty to remember that persons accused of crime remain innocent in the eyes of the law until a contrary determination is made by a court of competent jurisdiction; and that reporting of news should not prejudice in any way the right of an individual to a fair trial.

16. It is recognized that both police and media should appreciate the need for the closest co-operation during times of emergency and effective joint advance planning is recommended.

17. Police officers should facilitate the activities of news media in obtaining pictures at scenes of crime and accident. News personnel recognize that crime coverage must be handled in such a manner that it does not destroy evidence before the responsible peace officers have had opportunity to protect it.
e) General

18. This broad statement of fundamental principles, guidelines and ethics is not intended to be comprehensive. It is intended a basic structure to aid continuing discussions and the establishment of further guidelines and ethics from time to time within the framework of the general principles herein enunciated.

19. It is recommended that the appropriate authorities be contacted with a view of setting up similar committees at the provincial, zone or regional levels.

February 20th, 1973
### APPENDIX B ITEM 11

**DIARY OF CORRESPONDENCE: REQUESTS AND REPLIES**

<table>
<thead>
<tr>
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<td>Secretary, C.R.T.C.</td>
<td>Transcript of Hearing</td>
<td>Dec. 2, 1977</td>
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<td>C.A.B.</td>
<td>News Releases, Annual Reports</td>
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<td>Apr. 19, 1978</td>
<td>Civil Liberties Assn.</td>
<td>General Information</td>
<td>No Reply</td>
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<td>Apr. 20, 1978</td>
<td>Windsor Chief of Police</td>
<td>Request for Interview</td>
<td>No Reply</td>
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<td>Winnipeg Free Press</td>
<td>Press Clippings May 1, 1978</td>
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<td>Apr. 21, 1978</td>
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<td>Guideline survey sent to 27 major Canadian cities' Chiefs of Police. See Appendix C-1 for results.</td>
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<td>Date of Reply:</td>
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To: Members of the General Council
    Associates of the Editorial Division
    Members of the Canadian Managing Editors Conference

Re: Police-Press Relations

You will recall that we recently distributed a questionnaire dealing with the police and
the judiciary. Tabulation of the results of that study of police and court reporters has
been completed and a report is in preparation.

The report is expected to be mailed by late April. Apart from its general-purpose
value, it will be used as a discussion paper at this year’s meeting of the Canadian Managing
Editors Conference in Banff May 23-27.

In this vein, the Toronto Police Department recently issued guidelines for dealing with
the press. A copy is enclosed for general information, as well as by way of background to
the CMEC discussions on police-press relations.

Ed Monteith, managing editor of the Toronto Sun, advises: “Each member of the press working
on the street has been provided with a pass, and they wear this pass when on crime or fire assignments.
The pass must be returned if the person should leave the paper’s employ, and if it is lost it has
to be reported to the chief of police. Since the passes have been issued, staff report it has
made a tremendous difference. There is cooperation now, where prior to the passes there had
been obstruction.”

Dick MacDonald
Manager of Editorial Services

CONFIDENTIAL / CONFIDENTIEL
AREA CODE 416-923-3567

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To: Members of the General Council
   Associates of the Editorial Division
   Members of the Canadian Managing Editors Conference
   Directors of Journalism Schools

Re: Secrecy and the free press

Whether it's a charge laid under the Official Secrets Act, the non-release of a government document, police seizure of newspaper photographs, or bans on school textbooks, freedom of expression in Canada sometimes appears to be anything but absolute.

Increasingly, there are concerns about secrecy, censorship, civil liberties, and access to and restraints on information.

We in journalism may not always be in the eye of the storm, but we're very definitely affected by the climate.

I thought it useful to send you selected items from our rapidly-growing files on this broad and important topic. The enclosed, then, may be helpful background material.

Dick MacDonald
Manager of Editorial Services
PROCEDURE - NEWS RELEASE

Obviously a good police/news media relationship is necessary in today's complex society. Police personnel should not adopt a closed-door policy concerning news releases. Association with the media should include the following objectives:

A. To create, encourage and maintain a good police/news media relationship.

B. To keep the public accurately informed of current crime and events.

C. To encourage media involvement in preventive campaigns.

D. To inform the public of services performed by the police on their behalf and for their protection.

No instructions can possibly cover all eventualities. When in doubt, officers must use common sense, keeping in mind that discretion involves protecting the right of suspects to an impartial trial and preserving the right of citizens to know all the facts not prejudicial to a fair trial.

GENERAL INFORMATION

Authorized Personnel includes:

A Unit Commander,
An Inspector or person of higher rank,
A person acting as Unit Commander or Inspector,
A person in charge of a unit in the absence of the Unit Commander,
A person authorized to issue news releases.

Information Officers:

Is the Unit Commander - Information Services.

1. When conferring with the media, officers:

   (a) Must not speculate or express an opinion that may influence or prejudice a future trial;

   (b) Must explain the reason if certain portions of an incident, crime or arrest cannot be divulged.

/...2
2. Police Officers having a complaint concerning the conduct of a member of the media, will forward a report containing the particulars to the Information Officer.

3. Members of the media requesting information or assistance for feature news stories or interviews other than a general news release, will be directed to the Information Officer.

4. Police Officers, other than Authorized Personnel will not supply members of the media with information concerning incidents, or crime, unless otherwise directed by Authorized Personnel.

MEDIA PHOTOGRAPHERS AND T.V. CAMERAMEN

5. (a) Police Officers should permit freedom of media reporters, new photographers and T.V. cameramen, except when:

   (i) They are obstructing emergency service personnel,

   (ii) Their presence would disturb evidence.

   (b) Suspects must not be posed for photographs.

AUTHORIZED PERSONNEL

6. Must respond as soon as practical to legitimate enquiries from members of the media.

7. Treat all enquiries from properly identified members of the media, as a legitimate function of their profession.

8. Must ensure that disseminating news to the media is not:

   (a) Delayed unreasonably;

   (b) Withheld unnecessarily.

9. When requested by members of the media, express an opinion only when absolutely necessary.

10. When withholding information from the media, obtain confirmation to withhold, or authority to release, as soon as possible from the Duty Officer, Information Officer or person of higher rank.
11. As soon as practical, notify Duty Section personnel of:

(a) All major arrests, major offences and other newsworthy items;
(b) Information recently supplied to the media;
(c) Developments possibly leading to a major incident;
(d) Emergency or dangerous conditions for the public;
(e) Developments possibly leading to emergency or dangerous conditions for the public.


GENERAL NEWS RELEASE

INITIAL RELEASE

13. The nature or type of incident (crime).

14. The location.

15. Time of occurrence.

16. Particulars of victim(s). (No. 28 lists exceptions)

17. At the officer's discretion:

(a) Weapons used, if applicable;
(b) Items taken or involved;
(c) Description of suspects, if any;
(d) Description of vehicle, if any;
(e) Further police action.

18. Investigating Unit.

19. Time and location where further information may be obtained, if possible.

AFTER ARREST IS MADE

20. Particulars of accused.


22. Particulars of crime, including time and location.

23. Particulars of victim(s) or complainant. (No. 28 lists exceptions.)
24. Time and location of arrest


26. Investigating Unit.

27. Court location.

28. Officers must not release the following:
   (a) Identity of juveniles;
   (b) The victim's identity:
       (i) in sex offences, 
       (ii) when infirm or mentally ill, 
       (iii) when next of kin have not been notified, 
       (iv) at investigating officer's request, when justified;
   (c) Identity of witness;
   (d) Information concerning the accused:
       (i) an admission, confession or statement, 
       (ii) reputation or character, 
       (iii) previous record, 
       (iv) possible guilt or innocence, 
       (v) at test, offered to, taken by or refused, 
       (vi) evidence the Investigator feels may prejudice the trial.

DUTY OFFICER


30. When dealing with members of the media:
   (a) Acquaint himself with the individual member;
   (b) Attempts to create a credibility bond with them;
   (c) Show no favouritism between their members;
   (d) Promptly disseminate to members current information of all incidents;
   (e) Refer members to the appropriate officer when further information required;
   (f) When necessary, act as liaison between members of the media and members of the force.

31. Assemble essential information of major incidents as it becomes available.

32. Ensures proper operation of the "Media Broadcast System" by:
   (a) Broadcasting "bulletin type" information as soon as practical upon notification of;
32. continued.
   (a) A major incident (crime),
   (b) developments possibly leading to a major incident,
   (c) emergency or dangerous conditions for the public,
   (d) developments possibly leading to emergency or dangerous
       conditions for the public,
   (e) a human interest story.

(b) Seeking public assistance or participation in locating missing
    or wanted persons or vehicles.

INFORMATION OFFICER

33. Encourages a good relationship between the Force and members of the media.

34. Encourages media participation in:

   (a) Preventative campaigns;
   (b) Informing the public of services performed by the police on
       their behalf and for their protection.

35. Acts as liaison between the Force and news media:

   (a) On all matters members of the media may require assistance
       or information;
   (b) Upon receiving a complaint from a member of the media or the
       Force concerning actions of the other.

36. Acquaints himself with members of the media and creates a personal credibility
    bond with them.

37. Refer members of the media to the appropriate officer when assistance or further
    information is required.

38. Assists members of the Force when requesting information concerning:

   (a) Public information;
   (b) Members of the media seeking information.
APPENDIX C-1

ANALYSIS
OF
CANADIAN POLICE CHIEF/POLICE DEPUTY OPINION SURVEY

On May 14th, 1978, two questionnaire forms were sent out to police in 27 major Canadian cities. Of these, 14 (52%) responded, with a total of 20 questionnaires returned. Comments on the questionnaire ranged from "Good, brief and to the point," to outright refusal to participate, the latter also enclosing a '(Revised) Preliminary Draft of the Guidelines.'

RESULTS

Part 1 of the Questionnaire.

<table>
<thead>
<tr>
<th>Option</th>
<th>Count</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>(a) Guidelines important</td>
<td>1</td>
<td>5%</td>
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<tr>
<td>(b) Of some value</td>
<td>14</td>
<td>70%</td>
</tr>
<tr>
<td>(c) No value</td>
<td>1</td>
<td>5%</td>
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<tr>
<td>(d) No opinion</td>
<td>4</td>
<td>20%</td>
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<tr>
<td>Total</td>
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<td>100%</td>
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Part 2 of the Questionnaire.

In favour of increased police responsibility for the release of crime news.

<table>
<thead>
<tr>
<th>Count</th>
<th>Percentage</th>
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<tbody>
<tr>
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</tr>
<tr>
<td>4</td>
<td>20%</td>
</tr>
<tr>
<td>Total</td>
<td>100%</td>
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Conclusions.

Clearly, Canadian police chiefs are very much in favour of at least some control of crime news. Those who
responded reflect the same viewpoint held by the C.A.C.P. five years earlier.

In September, 1978 the Toronto Globe and Mail reported that the police chiefs of Canada believed they would be "hampered" by a freedom of information act - See Chapter 6.
CANADIAN POLICE CHIEF/POLICE DEPUTY OPINION SURVEY

Media and Crime Reporting

The following questions relate specifically to the media-policy statement of objectives and guidelines proposed in 1973 by the Canadian Association of Chiefs of Police. Essentially, the guidelines proposed that police departments assume more responsibility for the release of crime information.

1. If similar guidelines were proposed and implemented today:

   Mark One

   (a) They would play an important part in helping to reduce crime.
   (b) They would be of some value in helping to reduce crime.
   (c) They would have no value in reducing crime.
   (d) I have no opinion on the guidelines.

2. Are you personally in favour of increased police responsibility for the release of crime news.

   YES  NO  NO OPINION

Comments on this questionnaire ________________________________

___________________________________________________________

Please return this questionnaire to: LEONARD CHANDLER
Dept of Communication Studies
University of Windsor
Windsor, Ontario
N9B 3P4
APPENDIX D-1

BIOGRAPHICAL DATA:
CANADIAN RADIO-TELEVISION COMMISSION,
(April, 1973)

Chairman Pierre Juneau
Born in Montreal in 1922, Juneau obtained a B.A. degree from the University of Montreal in 1945, and a "license" in philosophy in Paris in 1949. He joined the National Film Board, and, in 1971, became Director of International Distribution. From 1964 to 1966, he was Senior Assistant to the Commissioner and Director of French Language production.

Juneau was appointed Vice-Chairman of the Board of Broadcast Governors in 1966. He has been active in a number of educational, religious, social and cultural organizations. He was appointed Chairman of the Canadian Radio-Television Commission of April 1st, 1968.

Vice-Chairman Harry J. Boyle
A nationally known writer, Boyle was born in St. Augustine, Ontario, in 1915. He attended high school in Wingham, Ontario, and St. Jerome's College, Kitchener. Broadcasting has been the main focus of his activities, (other than a year as a newspaperman in 1941-2), since he began a career with CKNX in Wingham, in 1931. In 1942, Boyle began an association with the Canadian Broadcasting Corporation lasting 25 years, beginning as a farm commentator, then successively, as national supervisor of the CBC's farm and fisheries radio services, director of the Corporation's Trans-Canada Radio Network, and as radio and television programme director for the CBC's Ontario region. He became firmly established as
a national broadcasting figure, a stature sustained by his writing for which he received the Leacock Medal for humour in 1963 and 1976. He was appointed C.R.T.C. Vice-Chairman in 1968.

Commissioner Real Therrien
Also appointed to the Commission in 1968; for a 7-year term, Therrien was born in St. Cyrille of Wendover, in the Quebec Eastern Townships. He is a graduate of the University of Ottawa, and Laval University, in arts and engineering, and is a former student of the University of Ottawa School of Music. He received an award for French Literature from France while still a student. Therrien was in turn, Director of Telecommunications for Laurentian Forest Protective Association, Professor of Telecommunications for the Canadian Air Force, and research engineer for RCA Victor in Montreal and, later, for the Quebec Telephone Company. He established his own consulting engineering firm in 1961, and, in 1965, became Director of the Canadian Overseas Telecommunications Corporation.

Mrs. Pat Pearce
Mrs. Pearce was born in Belfast, Northern Ireland, and educated in Belfast; Brussels, Belgium; and London, England. Prior to immigrating to Canada, in 1940, Mrs. Pearce was a journalist with the Sunday Dispatch, and the Daily Mirror, London. Following service with the Montreal Star, Mrs. Pearce was Entertainments Editor with the Montreal Herald. In 1957, she rejoined the Montreal Star as TV-Radio critic with an insight which made her Canada's foremost critic in this area. She was appointed Commissioner in 1968, for a 7-year term.

Commissioner Harold Alexander Dornan
Dornan was born in Alameda, Saskatchewan, in 1919. He received his post-secondary education at the University
of Saskatchewan. He served with the Royal Canadian Army Medical Corps during the Second World War, and since then has worked as a reporter and editorial writer for papers in Vancouver. He owned his own public relations agency until 1963 when he became a special assistant to the Prime Minister and, in 1966, Press Secretary. He was appointed Commissioner in 1968, for a 7-year term.

**Commissioner John Shanski**

Shanski was born in 1909 in Warren, Manitoba. He was active, first as an employee and then as an owner, in the Manitoba lumber industry for more than forty years. He is a member, and former Chairman, of the Industrial Development Board, and a Director of several companies. Shanski is active in community work and, in 1968, received the Community Service Award from the Mayor of Winnipeg. His appointment to the Commission began in 1968, for a 5-year term.

**Commissioner Jacques Hebert**

Hebert was born in Montreal in 1923. He is a graduate of College Sainte-Marie, Montreal; and, following studies at St. Dunstan's University, Charlottetown, Prince Edward Island; and Ecole des Haute Etudes Commerciales, Montreal; received a Master's degree in business. He is a former contributor to *La Patrie* and *Le Devoir*, founder of *Vrai*, and former editorial secretary and Director of *Cité Libre*. He has served as President of the Canadian Publishers Association, and as treasurer of the International Union of French-language publishers. That Hebert has travelled widely (including a visit to China with Pierre Elliott Trudeau), is reflected in a number of his published works. Since 1955, he has been host, scriptwriter, and panelist of a variety of CBC television programmes. Hebert has served as President of the Civil Liberties Union, and as a member of the governing bodies of the Canadian Civil Liberties Association and the Canadian Conference of the Arts. He was appointed to the
Commission in 1971, for a 5-year term.

**Commissioner Herman Northrop Frye**

Dr. Frye was born in 1912, in Sherbrooke, Quebec, and received his early education in Moncton, New Brunswick. Following his graduation in philosophy and English at the University of Toronto, Dr. Frye completed theological courses at Emmanuel College, and was ordained in the United Church, in 1936. Dr. Frye obtained a Master's degree in English from Merton College, Oxford; and joined Victoria College, as, successively, lecturer, Assistant Professor, Chairman of the Department of English, and Principal. He retired in 1967, but continued as Professor of English at the University of Toronto, and Victoria College. Dr. Frye is widely known as an author, editor, and contributor to numerous publications. He is a member of literary Societies and Associations. His appointment to the Commission in 1968 was for a term of four years.

**Commissioner (Part-time) Brian Land**

Land, a former executive assistant to Liberal Government Finance Minister, Walter Gordon, was appointed in April, 1973, for a 5-year term. He is a graduate of the University of Toronto, holding the degrees of B.A., M.A., and M.L.S. He was an Associate Editor of Canadian Business Magazine, Dean of the Faculty of Library Science at the University of Toronto, and since 1964, a Professor of Library Science. Land is the author of numerous articles and research papers.
APPENDIX D-2

BACKGROUND DATA:
THE INTERVENERS

Of a total of 28 written interventions submitted to the Commission, 10 were presented verbally by the major groups concerned and by interested individuals, as follows:

The Canadian Association of Broadcasters (C.A.B.)

The Association was represented by President Donald M. Hamilton, and Executive Vice-President T.J. Allard. The Commission was told that membership in the Association was available to any private broadcaster who observed the organization's constitution and paid the required dues. Membership at the time of the hearing was approximately 400 broadcasting undertakings. C.A.B. co-sponsored, and defended the guidelines.

The Canadian Association of Chiefs of Police (C.A.C.P.)

The Association was represented by Director-General Leo Poirier, assisted by Ottawa Chief of Police, Leo Seguin. The Association was described as voluntary, with its membership not restricted to police chiefs; other members included deputy police-chiefs, members of provincial forces and security people connected with the Bankers Association, and Canadian Pacific Railway, and Canadian National Railway. Any position taken by the C.A.C.P. was not, according to statements made at the hearing, necessarily binding on members. C.A.C.P. co-sponsored, and defended, the guidelines.
William H. Kelly, Former Deputy-Commissioner, R.C.M.P.

Author of "The Police, the Press and the Public," which appeared in R.C.M.P. Gazette in May, 1973, Kelly presented a strong defence of the guidelines which he evidently played a major role in conceiving and formulating.

The Newspaper Guild (Canadian Region)

The Guild was represented by its Canadian Director, R.J. Rupert. He told the Commission that, in broadcasting, the Guild represented CBC radio and television news services in all centres but Quebec City and Montreal, and also private stations' news staffs in centres such as Toronto and Vancouver. The latter station was managed by Don Hamilton of C.A.B. The Guild was opposed to the guidelines.

Peter Reilly, Member of Parliament for Ottawa West

Reilly, who told the hearing that he had produced and directed the C.A.B. film, which had initiated the police-broadcaster discussion, saw no threat in the guidelines, but had some reservations about the document's terminology.

Radio Television News Directors Association of Canada (R.T.N.D.A.)

This organization was represented by its President, Gordon Whitehead, News Director of CFPL radio station, London. He was assisted by Vice-President Francois Peladeau, of CBC Montreal, Supervisor of Special Events for Radio Canada in Montreal. Whitehead told the Commission that membership in R.T.N.D.A. included news directors and news persons of public and private stations and networks. The Association, with 246 and 31 international members, included among its members more than two-thirds of all Canadian broadcasting stations. The Association was opposed to the guidelines, but sympathetic with, the purpose behind them.
La Fédération Professionnelle Des Journalistes Du Québec
(F.P.J.Q.)

Representing the Federation were President Claude Beauchamp; Vice President, Radio and Television, Claude Savoie; and Ottawa Region Director, Guy Fillion. In expressing opposition to the guidelines, Beauchamp noted that there were contradictions between the French and English versions.

CTV Network Limited

The Network was represented by its President, Murray Chercover, and Director of News Affairs Tom Gould. Chercover told the Commission of his 25 years in broadcast journalism, and Gould spoke of his 26 years as a reporter and journalist. Chercover said that, while sympathetic to C.A.B., CTV was opposed to the guidelines. Gould expressed similar opposition.

Ralph Cowan, Journalist and Former Toronto Member of Parliament

Concerned with the importance of withholding names of those accused of a crime until a conviction is obtained, Cowan did not take a clear position regarding the guidelines.

L'Association Nationale Des Employés Et Techniciens En Radiodiffusion (N.A.B.E.T.)

Vice-Presidents Jean Benoit and Robert Bouchard, with the Association's Director General Alfred Pedneault, attended the hearing, Bouchard being the chief spokesman. Bouchard also pointed out that the French and English versions of the guidelines were contradictory. The Association was opposed to the guidelines.
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LEAF 163 OMITTED IN PAGE NUMBERING.


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VITA AUCTORIS

Leonard Robert Chandler was born in London, England, on March 17th, 1923. He received his early education at St. George's Boys' School, Chislehurst, Kent.

He was a part-time journalism student in 1939 when war broke out, and he then joined the Merchant Marine. He served in the Atlantic, North Africa, and Italian campaigns. After the war, he remained in the merchant service, travelled extensively, and attained the rank of Navigating Officer.

His sea career ended in 1956, when he married Margaret Gillian Pritchard, in Cardiff, South Wales. He and his wife emigrated to Canada, residing briefly in Toronto, and then in King Township, Ontario.

After four years as an industrial correspondent with the firm of Johnson, Matthey and Mallory, he and his wife and daughter, Lynèa, moved to Guelph, Ontario, where he was a real estate agent, and a free-lance journalist.

During 1971-73, he completed a property-mapping contract, in Essex County, with the Ontario Government. From 1971-74, he was also a part-time instructor in English, Navigation, and Agency and Contract Law, at St. Clair Community College, Windsor, Ontario, and compiled the Canadian Technical Writers' Manual.

In 1975, he enrolled at the University of Windsor, obtaining a Bachelor's degree in Communication Studies, in 1977, and a B.A. (Honours) degree in 1978.