

My initial complaint to the Ontario Press Council

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Regarding: Letter to the Editor, *The Cobourg Daily Star*
“Turn off the immigration tap before it’s too late”
by Gordon Gilchrist / Baltimore

Complaint: Unnecessarily hurtful comments made about identifiable groups

Complaint Contents: Summary of complaint against *The Cobourg Daily Star*
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Summary of complaint

Mr. Gordon Gilchrist's letter to the editor of *The Cobourg Daily Star*, of Wednesday, February 13th, 2008 under the bolded header "**Turn off the immigration tap before it's too late**" contained unnecessarily hurtful language used to describe identifiable groups- principally; "immigrants," but also specifically; "Muslims," "Indian[s]," "Jamaicans," "Lebanese," and "Sri Lankan Tamils." The language employed in this lengthy letter (over nine-hundred and fifty words) includes the following derogatory descriptions; "enemies," "aberrations," "quasi-Canadians," "gun-toting," "uninformed," "misfitting," "sometimes violent," "Trojan Horse," "anathema," "extremists," and "ghetto-like enclaves." It claims that immigrants "increase environmental pollution" and "reduce each citizen's share of this country's wealth," amongst other unreasonable and insulting claims. This letter to the editor is excessive and derogatory, and oversteps the bounds of rational debate. For the reasons outlined in this complaint to the *Ontario Press Council*, I believe that Don MacLeod, the editor of this community newspaper, should not have published Mr. Gilchrist's letter.

Definitions

"Identifiable Group"

"... an identifiable group constitutes people who were born to a group or are part of a group although not necessarily by choice. For example, it would include members of visible minorities, nationalities, ethnic groups, religions and people who are mentally or physically challenged or have a particular sexual orientation." ~Ontario Press Council

"Unnecessarily Hurtful Comments"

"... when an opinion article crosses the line from hard-hitting, reasoned criticism to insult and sarcasm. This would apply to members of a particular religious, racial or ethnic group." ~Ontario Press Council

Precedents

The *Ontario Press Council* does not have a formal code of conduct but instead relies "on the precedents of past adjudication decisions" and therefore the following Canadian precedent decisions are offered as supporting arguments:

Complaint #06-02, Manitoba Press Council

In its decision to uphold *Complaint #06-02*, the *Manitoba Press Council* upheld that a letter to the editor under the heading "Islam – a demonic religion" contained statements that were "derogatory and inaccurate" and that "the letter should not have been published as is because of the overwhelming number of inaccurate statements that were unfair to many Muslims." Under normal circumstance, the *Manitoba Press Council* would "not consider complaints about matters of opinion, which it believes is an extension of the individual rights to freedom of speech," however, "freedom of expression is not absolute and it is not an unfettered license to publish what are obvious factual errors in a letter to the editor."

Hajara Kutty and Mohamed Elmasry vs Toronto Star

In *Hajara Kutty and Mohamed Elmasry vs Toronto Star*, the *Ontario Press Council* considered a complaint about a statement of a *Toronto Star* columnist (Rosie Dimanno) who described the Arab world as a society where "wickedness is bred in the bone." The complaint about the inappropriate nature of this comment was upheld; "The Press Council recognizes that the opinions are strongly held by the writer. But it considers such words as "bred in the bone" to be

denigration of a whole society and that some of the language crosses the line between acceptable and unacceptable comment and is unnecessarily hurtful.

Principles

The following principles or ethical guidelines can be derived from the precedents cited above:

- Copy editors have broad responsibility for the entire content of their publications- including letters to the editor and not just opinion columns.
- Freedom of expression is not absolute and is circumscribed by two general principles of journalistic ethics:
 - The inadmissibility of factual error
 - Unnecessarily hurtful language
- The publication of inappropriate material in the first place is not wholly mitigated by the publication of alternate points of view, or countervailing opinions.

Summary of unnecessarily hurtful language used against identifiable groups

unnecessarily hurtful language directed against identifiable groups	
Specific group identified	attributes
immigrants	"do not bring even a modest understanding of Canadian history or values"
	"many bring their old country feuds and hatreds"
	cannot be expected to "offer a staunch Canadian loyalty to the future of this Western Country"
	are like an army or "Trojan Horse" awaiting "reinforcements" – essentially a fifth column
	are "quasi-Canadians"
	"cause Canada additional economic and environmental distress"
	"cause increased use of scarce agricultural land"
	"increase environmental pollution"
	adversely effect Canada-US relations
	"reduce each Canadian citizen's share of this country's wealth"
	"harbour their own ethnic complaints while they make demands against the Canadian establishment."
	"congregate in ghetto-like enclaves"
	are our "enemies"
	"undermine our society"
	"some" are "anathema" to Canada's well-being
	"uninformed, misfitting and sometimes violent"
	"aberrations"
800,000 Muslims [in Canada]	some are "extremists"
	"their imams... uphold... [the killing of Canadian soldiers]"
	have a "low regard for women"
	imams uphold "Eastern Sharia law beliefs that allows a father to kill his daughter for not wearing a hijab."
[East] Indian immigrants	blow up aircraft
	"demand Mounties wear turbans"
	demand "students wear daggers to school"
Jamaicans	"gun-toting"
	"settle scores by bullets on the streets rather than by Canadian law in the courts"
Sri Lankan Tamils	"use Canada as a source of funds for homeland rebellion"
Lebanese	"demand to be saved by Canada when their homeland goes up in flames."

Notes

- In the *Random House Webster's College Dictionary* essay examining "How to Avoid Offensive Language," the Editor notes that, "insensitive speech is not limited to a specific group of words. One can be hurtful and insulting by using any type of vocabulary, if that is one's intent. While in most cases it is easy to avoid blatantly offensive slurs and comments, more subtle bias that is an inherent part of our language or that is the habit of a lifetime is much harder to change."
- While criminality referenced in Mr. Gilchrist's letter (in general) may happen to correlate to specific crimes as a matter of public record, the intrinsic, causal connection between these crimes

- and immigrant communities is entirely unsubstantiated. *The Ontario Press Council* observes that, “there is a need for sensitivity in references to race and national origin in stories about criminal charges that might unfairly associate an entire group with anti-social activity.”
- It is important to note that fear and contempt is fomented against certain ethnic groups who, in the current political environment, are least likely to be able to defend themselves against purportedly “establishment” views.
 - As a thought experiment, consider a letter to the editor which called for an end to Caucasian immigration based on “evidence” of anti-social behaviour amongst young white males (take for instance the Taber, Alberta and Columbine High School shootings). Such commentary would be considered both erroneous and offensive.
 - A second thought experiment: if Mr. Gilchrist’s statements had been made about essential criminality in the Jewish Canadian community- or the Italian Canadian or Japanese Canadian communities- would they not have been automatically and quite rightly rejected for publication by the editorial staff of the *Cobourg Daily Star*?
 - Contrary to the claims of the newspaper editorial staff, Mr. Gilchrist DID call for retributive actions against immigrants by encouraging readers to call their MP “and tell him to turn off the immigration tap before it’s too late.”
 - The sheer volume of derogatory (and in some cases clearly inaccurate) comments are an unnecessary aggravation of what might have been a reasonable, clear-headed debate about immigration policy.

Actions that might have been taken by the editor

The Cobourg Daily Star could have taken one or more of the following steps (to ensure a healthy public debate on immigration policy while tempering the erroneous and unnecessarily hurtful comments in Mr. Gilchrist’s original letter):

- Invite Mr. Gilchrist to resubmit a second draft, less offensive in tone
- Omit particularly troubling references to “ghettos,” “aberrations,” “enemies,” “quasi-Canadians,” *etc.* by reducing the length of the letter
- Include an italicized introduction warning readers as to the potentially offensive nature of the following material

There is no evidence that any steps were taken.

The publication of subsequent letters to the editor (which were critical of Mr. Gilchrist) does not in itself constitute redress, as “a long-held position of the Council is that publication of a letter to the editor does not, in itself, redress a complaint.”

Additional ethical considerations

Public writings affect broader society

The *United Nations Human Rights Committee* upheld the *Canadian Supreme Court* ruling in the case of Malcom Ross (New Brunswick, 2000) which clearly shows the effect of “outside writings” (offensive and racial in nature) on the school system at large, for its employees and students. The fact that Mr. Gilchrist is a public school board trustee means that his opinions carry even more weight, given his longstanding public service and profile within the community. His unnecessarily hurtful comments, negative racial stereotypes and attributions of anti-social violence and hatreds to certain identifiable groups can be interpreted as “poisoning the environment” of the *Kawartha Pine Ridge District School Board* for employees (let alone students) of Jamaican, Lebanese, Indian and Sri Lankan descent, or who belong to the Muslim faith, or indeed all immigrant Canadians. The possibility of poisoning the environment of the

public school system should have been weighed in this community newspaper's editorial decision on whether or not to publish Mr. Gilchrist's letter.

Following publication of his letter, the Kawartha Pine Ridge Board of Education voted to censure Trustee Gordon Gilchrist and recommended his removal from two Board committees.

Pattern of behaviour

Gordon Gilchrist's letter to the editor is not the first known instance of published statements in the *Cobourg Daily Star's* letters to the editor section that attribute negative traits to identifiable groups. In a letter to the editor dated August 3rd, 2007, Richard Bridges states that, "in the Near East... children grow up in isolation from other groups and spend their time doing what they can to harm others." This statement is both factually untrue and an unnecessarily hurtful statement made against an entire socio-geographical region including hundreds of millions of people of diverse ethnic, cultural and social backgrounds.

Conclusion

In her March 2008 editorial, "**A right to speak; a right to react,**" *Cobourg Daily Star* columnist Eileen Argyris defends the right of freedom of speech and argues that newspapers are places for "free debate on issues concerning the community." She states, "We [*The Cobourg Daily Star*] absolutely believe Mr. Gilchrist has the right to his views, whether we agree with them or not." However, an ethical journalist would first acknowledge that freedom of speech is not an absolute, and that in this case, the publication of unnecessarily hurtful comments, compounded by the preponderance of erroneous statements outweighs any protections that might be afforded to those who would publicly espouse offensive views or opinions. The use of particularly offensive terms such as "ghettos," "aberrations," and "quasi-Canadians," is simply unacceptable in public discourse and should not have been published. The principle is clearly established in *Hajara Kutty and Mohamed Elmasry vs Toronto Star*.

In a letter dated February 19th, 2008, I was advised by the *Ontario Human Rights Commission* that the *Ontario Press Council* was the appropriate body to review my complaint. I believe that the laws of the land circumscribe all of our actions and must ultimately prevail over individual opinion published in community newspapers, and that the *Ontario Press Council* should adjudicate on matters of journalistic ethics.

In defense of *The Cobourg Daily Star*

On 12 February 2008 I submitted a letter to the editor in response to Mr. Gilchrist's letter, this response was not published. I also submitted a letter to the publisher of the *Cobourg Daily Star* (*Osprey Media Publishing Inc.*) dated 15 February 2008 in which I informed the paper that I intended to submit a complaint to the *Ontario Press Council*. I requested a response from *Osprey Media* Publisher Don MacLeod that I could incorporate into my official complaint, asking that I receive this response by 20 February 2008 if at all possible. To date (three weeks later) I have not received any response. I have therefore taken the liberty of formulating a defense of the *Cobourg Daily Star's* actions on behalf of *Osprey Media* for the consideration of the *Ontario Press Council* and in the interests of fairness.

Dissenting Press Council opinions

1067-Tony Noble Against the Bay of Plenty Times

The ruling of the New Zealand Press Council in *1067-Tony Noble Against the Bay of Plenty Times* examined published letters to the editor with offensive and allegedly racist language directed against the Maori people as an identifiable group. Yet “on balance,” writes the Council, “and weighing the issue of “fairness” against the right to express one’s opinion, the Press Council accepts the editor’s right to publish the letter.” This decision errs on the side of democratic debate notwithstanding instances of offensive or hurtful language. The Council suggests that the editor not “ban the expression of such views” but rather enjoins the public to “respond with less prejudice and more reason.” Substantively, this parallels the position outlined in *The Cobourg Daily Star* editorial of 5 March 2008 entitled “**A right to speak; a right to react.**”

Deriving principles

The following principles or ethical guidelines can be derived from the precedent cited above:

- Editors should not ban the expression of controversial views even if deemed to be unfairly prejudicial but should air these views in the interests of eliciting reasonable and fair responses from the public in the form of a healthy and democratic debate.

Additional considerations

Countervailing opinions establish a healthy debate

In subsequent editions, the *Cobourg Daily Star* published a series of letters to the editor both in support and in condemnation of Mr. Gilchrist’s statements. Three subsequent opinion editorials were published as columns on the editorial page- one was written by Mr. Gilchrist himself under the header “Trustee’s comments not intended to be racist” another was written by the Chairperson of the Kawartha Pine Ridge District School Board, which reinforces that Mr. Gilchrist, as a trustee, did not reflect the mission and values of the institution to which he was elected, and the final column was written by a staff writer, Eileen Argyris which defended the importance of public debate on this issue. In this regard, the *Cobourg Daily Star* published reasonable replies in the interest of fairness. The alternative would be a lack of community debate on this important issue.

The decisions of *The Cobourg Daily Star* are consistent with the values of the *Ontario Press Council* which, “believes it is appropriate for newspapers to exercise wide latitude in expressing their opinions in editorials, no matter how controversial or unpopular the opinions may be, and to give columnists and others the same latitude in expressing personal opinions. In exercising this freedom, newspapers have a responsibility to provide a forum for expression of counter opinions.”

Letter does not clearly cross the line from controversial to derogatory

The use of ambiguous, rhetorical and qualified language

Mr. Gilchrist uses highly rhetorical language, asking “do they not congregate in ghetto-like enclaves?” for instance. He does not technically state that immigrants congregate in ghetto-like enclaves. The expression “gun-toting Jamaicans” can be interpreted as representing only those instances of gun violence in the Jamaican Canadian community which are a matter of public record. Mr. Gilchrist’s comments are subjective in nature. Without any clear, unambiguously racist statements *The Cobourg Daily Star* has no reason to reject this letter for publication. As Eileen Argyris wrote in her editorial, “Our newspaper would not have published his original letter

if it had looked like a platform to incite hatred or retribution against any identifiable group, and it did not.”

Mr. Gilchrist uses qualifications such as “many, ” “most, ” “some of whom, ” and “sometimes” which indicates that he does not ascribe essential qualities to any given race, but merely points out problems within those communities. Instances of opinions about identifiable groups are qualified making it difficult if not impossible to prove that Mr. Gilchrist believes that certain races have intrinsic negative traits, or that he is encouraging violence or retribution against those races. If this were the case his letter to the editor would not have been printed.

Conclusion

The Cobourg Daily Star is dedicated to maintaining a free and open discussion of views and issues affecting its readers. Mr. Gilchrist's letter should never have been censored. It may indeed be controversial and even offensive, but the public reaction and continuing interest in this matter is an issue of importance to the community which should not be suppressed. If anything, the fact that Mr. Gilchrist's views were put out in the open by *The Cobourg Daily Star* meant that they could be addressed by concerned citizens and organizations within the community in a healthy, open and public debate.

As the Council has declared in numerous adjudications, “it is appropriate for writers of commentary to exercise wide latitude in expressing their opinions ‘no matter how controversial or unpopular the opinions may be.’”