

October 11, 2004

Standing Committee on Canadian Heritage
Room 640, 180 Wellington Street
House of Commons
Ottawa, Ontario K1A 0A6

Dear Members of Parliament:

Re: *Sirius Canada - possible broadcast of Howard Stern show and the Eminem channel*

The CRTC will shortly be holding hearings into applications by companies wishing to provide subscription digital radio services in Canada. I am writing to bring to your attention some of the abusive programming that one of these applicants, Sirius Canada, could broadcast if they're granted a license. Of particular concern, is the fact that CBC Radio-Canada is a partner in Sirius Canada, along with Standard Radio, Inc.

Howard Stern

As some of you may know, Howard Stern announced last week that he signed a deal with Sirius Satellite Radio Inc. In commenting on this situation, Kevin Shea, CEO of Sirius Canada, said the company "has full intentions of bringing Mr. Stern to Canada"¹.

Howard Stern has a documented and lengthy on-air history of making abusive comments based on race, national and ethnic origin, colour, religion, sex, sexual orientation and mental disabilities. The *Radio Regulations*, *Specialty Services Regulations*, *Television Broadcasting Regulations* and *Pay Television Regulations* all specifically prohibit this type of abusive programming. One can assume two things from this: (a) some broadcasters **will** engage in this behaviour unless prohibited by law, and (b) since a prohibition against abusive content has been written into regulations covering the gamut of broadcasting, politicians are serious about prohibiting this type of programming in Canada.

In spite of this, Mr. Shea, specifically tasked with spearheading Sirius Canada's application to the CRTC, has stated to the national press that the company intends to bring Mr. Stern to Canada. Either Mr. Shea is over employed, or he is confident the CRTC will close its eyes to this programming and grant Sirius Canada a license. I would hope, given the strong stand the CRTC took against abusive comment when broadcast by CHOI FM, that they would refuse to grant Sirius Canada a license. On the other hand, the CRTC did nothing for the several years that Q107 broadcast Howard Stern into southern Ontario, so there is cause for serious concern.

For those unfamiliar with Mr. Stern, below is an excerpt from a brief I submitted to the previous Standing Committee on Canadian Heritage during their review of the *Broadcasting Act*. (I have updated it slightly to include events subsequent to the Committee hearings.)

¹ Stern to go to satellite broadcasts, Globe and Mail, October 7, 2004

Howard Stern Show

Howard Stern's misogynist attacks on women (routine use of words such as "pieces of ass, horny cow, dumb broads, slut"), constant references to explicit sexual activities, the featuring of pornographic performers as regular guests, and his habit of making degrading comments about minorities, were a matter of public record before the program was purchased by CHUM Ltd. for broadcast in Montreal on CHOM FM, and by Western International Communications (WIC) for broadcast in Toronto on Q107 (CILQ-FM) commencing September 2, 1997.

The response from the public was predictable, as described in the first CBSC decision on Stern:

As a result of that initial episode, complaints began flowing in to the Canadian Broadcast Standards Council ("CBSC") and the Canadian Radio-television and Telecommunications Commission ("CRTC") by e-mail, fax and letter from the very first day, namely, September 2. In due course, all Code-related complaints directed initially to the CRTC were forwarded to the CBSC.

Due to the great quantity of complaints, the chain of events which began with responses from the CRTC and the CBSC to complainants and continued with the remittance of those letters to the broadcaster and the broadcasters' responses, occurred over an extended period of time. Moreover, complaints about the Howard Stern Show as a whole, as well as numerous other individual episodes, during and following the first two weeks, have continued to arrive, all of which has resulted in the return to the CBSC of Ruling Requests on a staggered basis. As of the date of the meetings of the Quebec and Ontario Regional Councils, and continuously thereafter, Ruling Requests were still reaching the CBSC's offices and it is the CBSC's expectation that they will continue to arrive after this decision.

Stern's remarks relating to French-Canadians were, in fact, only an example of his casual attitude toward abusive commentary directed at identifiable groups by virtue of their race, gender or sexual orientation. There is a regular flow of racial, homophobic or gender-related offensive comments, some of which are brief digs, and others of which extend to longer discussions. In the period reviewed by the Regional Councils, he has targeted Japanese, gays, Poles, Sikhs, blacks and Arabs among others. For example, on September 3, he referred to Sikhs by saying "smack the guy on the back of his turban" and, on the following day, he mocked the Arabs. (emphasis added)

One of the most continually recurring categories of Stern comments reflects his on-air commentaries regarding women. It is clear to the members of the Regional Councils that Stern portrays adolescent, puerile, crude attitudes toward many sex and gender-related issues.

Those comments which exceed bad taste and violate Sex-Role Portrayal Code provisions fall into the area of words and expressions used, degrading remarks regarding individual callers, and comments reflecting on the intellectual and emotional equality of women generally.

In addition to terms such as "pieces of ass", "horny cow", "dumb broads", "dikes" (referring to women with even moderately feminist views), and "sluts", which sprinkle the dialogue on the Stern Show, he frequently deals with female guests on the basis of their physical attributes and sexual practices rather than, or occasionally in addition to, the skills or talents which are the reason for their common recognition. In the case of callers, he regularly avoids the subject with respect to which they have called in order to seek details of their bust size and

*weight as well as their sexual practices, despite the fact that this information is utterly irrelevant to the subject of interest.*²

CHUM Ltd. cancelled the show in August 1998, but radio station Q107 in Toronto continued to broadcast it, with the addition of editing equipment, until November 2001. (Q107 was subsequently purchased from WIC by Corus Entertainment Inc., and Corus kept the *Stern* show on the air.) The president of WIC Radio told the CRTC in August 1999, "Portions of the Program are edited virtually every day with edits ranging from a few seconds of material to entire segments of the Program".³

Politicians in Canada may be interested to learn that following the massacre of students at Columbine high school in April 1999, Colorado legislators passed a resolution asking the local broadcaster to drop the *Stern* show after *Stern* asked on the air if the two gunmen had tried to have sex with any female students during the attack.⁴

In August 2000, MediaWatch wrote to the CBSC once again relating degrading statements made by *Stern* on Q107. For instance, he referred to one woman as a "money sucking whore, she's a slut". Regarding a proposed appearance on the show of a *Playboy* model, one of the cast members asked, "Could we put a carrot in Howard's lap and she would have to eat it while she's naked. And, would she be willing to get naked and eat food out of a dog dish."

Another complaint was filed by an individual when *Stern* made these comments about a Puerto Rican woman: "She is a filthy, lowlife, low brain power woman. The reason she doesn't understand it is she ate lead paint chips when she was young from the housing project she grew up in. I love all people, but I gotta tell you that woman was a pig. A pig. She's filthy."⁵

In a June 2001 decision on these episodes, the CBSC stated the obvious:

*... the comments have, in the view of the Panel, gone too far. The cumulative effect of the suggestions that the Playmate smell underwear, be rolled up naked in a rug and forced to ride in an elevator, eat a carrot in Stern's lap while she is naked and eat food out of a dog dish while naked is demeaning and degrading in the extreme. Even Robin Quivers, Stern's co-host, asked "What is it about humiliating women that excites you so much?" Stern went on to say, "This is the coolest job in America where you can actually make calls like this and, you know, maybe get away with it." It is the view of this Panel that the comments in question are in breach of Clause 4 of the Sex-Role Portrayal Code and cannot be "gotten away with" on Canadian airwaves.*⁶

The CBSC described his comments about the Puerto Rican woman as:

*... both racist and sexist. These comments are not borderline. They are extreme. They have no place on the airwaves in this country.*⁷

Eminem Channel

In July 2004, the *Globe and Mail* reported that the violent, misogynist rapper, Eminem, will have his own channel on Sirius Satellite Radio starting this fall. Eminem, along with his label, Shady Records and Interscope Records, plan to create "a cutting-edge hip-hop music and lifestyle channel".⁸

²Canadian Broadcast Standards Council Decision 97/98-0001+ and 97/98-0015+, October 17/18, 1997

³Canadian Broadcast Standards Council Decision 99/00-0717-0739, June 28, 2001

⁴*Jock shocks*, *Toronto Star*, April 29, 1999

⁵Canadian Broadcast Standards Council Decision 99/00-0717-0739, June 28, 2001

⁶*Ibid*

⁷*Ibid*

⁸*The Eminem show – now on satellite*, *Globe and Mail*, July 13, 2004

Eminem's brand of hip-hop is violent and hateful, his lyrics replete with abusive comments, primarily directed at girls and women. As the *Globe and Mail* stated in an editorial, "His lyrics are misogynist... sick-making; they express an odious hatred of women."⁹

In October 2000, I filed a complaint with the Toronto Police hate crimes unit because of Eminem's impending appearance at Skydome. In response, Ontario Attorney General Jim Flaherty took the unprecedented step of trying to have Eminem prevented from entering Canada because of the violence against women promoted in his lyrics.¹⁰ Unfortunately, Mr. Flaherty was unable to do so because women are excluded from the hate propaganda law.

Following are excerpts from *Kim* and *Kill You*, Eminem lyrics cited in my complaint to Toronto police:

Don't you get it bitch, no one can hear you.
Now shut the fuck up and get what's coming to you.
You were supposed to love me.
Now bleed bitch bleed, bleed, bitch bleed. Bleed.
So long, bitch you did me so wrong. (*Kim*)

Slut, you think I won't choke no whore
Till her vocal cords don't work in her throat no more
Put your hands down bitch I ain't gonna shoot you
Imma pull you to this bullet and put it through you
Shut up, slut you're causing too much chaos
Just bend over and take it like a slut
I invented violence you vile, venomous, vomital bitches
Bitch, Imma kill you (*Kill You*)

Eminem's misogyny is widely acknowledged in the media, as the following quotes illustrate:

Eminem, whose unbridled venom toward women, gays, most of his colleagues in music, his wife, and his mother, sets a new standard for violent and hateful lyrics. (*Girls just want to have angst*, *National Post*, July 19, 2000)

Eminem may be the most violent, woman-hating, homophobic rapper ever. Why are critics giving him a pass? ...But should the nation's tastemakers, the ones supposedly pondering the connection between art and society, align themselves with an artist as blatantly hateful, vengeful and violent as Eminem? ...Instead, the rapper simply delivers 75 minutes of nearly nonstop hate. (*Invisible man*, *Salon.com*, June 7, 2000)

The teens I talked to weren't the least bit excited about the misogyny or homophobia or incest or rape on the record. (*Time for some irony in hip-hop*, *Globe and Mail*, June 27, 2000)

There is no evidence that Eminem's homophobia and misogyny are satirical. If he were rapping about lynching colored folk or slaughtering "towel-head" Muslims, for example, the satire claim would probably not fly – a point lost on pretty much every journalist except *Salon's* Eric Boehlert. (*Eminem: Rap or Consequences?*, *PlanetOut News & Politics*, June 20, 2000)

⁹ *Confronting Eminem*, Editorial, *Globe & Mail*, October 27, 2000

¹⁰ *Province wants rapper kept out*, *National Post*, October 26, 2000

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Ontario's Attorney-General wants Eminem, the Michigan rap star whose profane, misogynist songs have topped the pop charts, barred from entering Canada and performing tonight at the SkyDome. (*Province wants rapper kept out*, National Post, October 26, 2000)

Eminem's Grammy wins came after weeks of protest from gay organizations and women's groups who were angered Eminem – whose lyrics they say are homophobic and misogynistic – was even nominated for the industry's highest honours. (*Controversial Eminem steals awards show*, February 22, 2001)

In the week since Eminem received four Grammy nominations – including album of the year – the rapper's violent, homophobic and misogynistic lyrics have sparked a new firestorm of protest from individuals and groups who cannot believe Grammy voters would recognize anything artful in Eminem's angry raps. (*Storm grows over Eminem's Grammy nominations*, National Post, January 12, 2001)

Eminem, like Howard Stern, traffics in abusive comment and violence. Sirius Satellite Radio is bringing both of them together in an attempt to make money, without any concern for the harm this will cause to other groups of society.

Conclusion

I'm writing to the Standing Committee on Canadian Heritage for two reasons. (1) CBC Radio-Canada is a partner in Sirius Canada. Their involvement in such an inappropriate company is something the Standing Committee should investigate. Speaking as a taxpayer, I am very much opposed to funding the CBC if their attitude towards women includes the broadcast of Howard Stern and Eminem. (2) In the event that satellite radio is not covered by the current *Radio Regulations*, this situation will need to be rectified immediately, so that neither Howard Stern nor the Eminem channel can be distributed in Canada.

Sincerely,



Valerie Smith

cc The Hon. Liza Frulla, Minister of Canadian Heritage and
Minister Responsible for the Status of Women
The Hon. Raymond Chan, Minister of State for Multiculturalism
Scott Newark, Vice Chair and Special Counsel, Office for Victims of Crime
Priscilla de Villiers, Special Advisor, Office for Victims of Crime
Melanie Cishecki, Executive Director, MediaWatch
Peter Miller, VP, Planning & Regulatory Affairs, CHUM Limited