

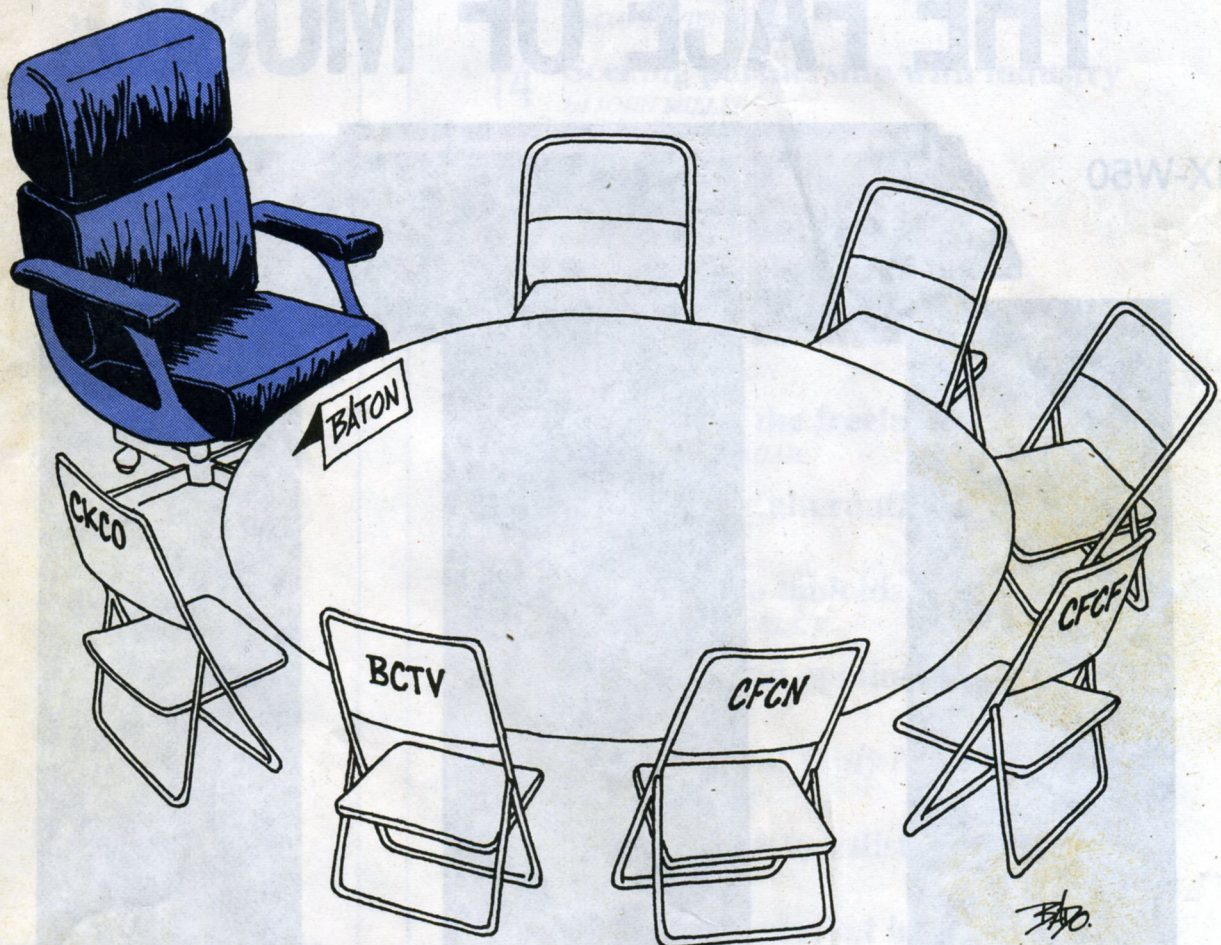
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for Canadian journalists

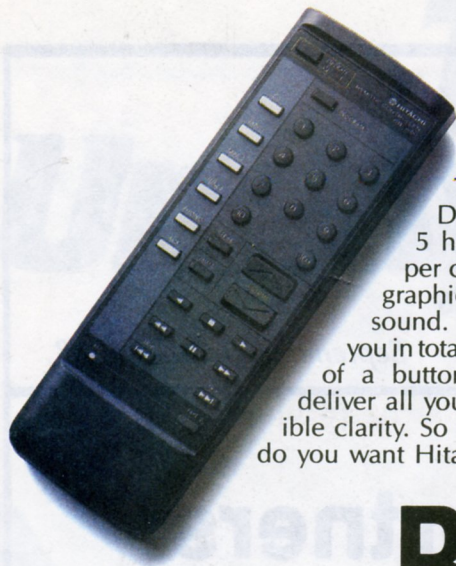
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This issue features an inside-out look at Canada's broadcast world. TV columnist Tony Atherton examines the infighting among CTV's uneasy partners. CBC senior producer Ron Haggart is troubled by the failings of most TV critics.

Tabloid journalism, focus of so much attention these days, gets a double measure of attention—in Montreal and elsewhere on the upbeat tabloid chart.

Escalating pressure on South African journalists is assessed by Professor Jim McKenzie of the University of Regina's School of Journalism—just back from a South African research mission.

Professor Rob Martin of the University of Western Ontario Faculty of Law cites misguided notions about libel law and how the media may be misled. Professor Wilfred Kesterton of Carleton University defines public libel as applied in the United States.

David Vienneau of the Toronto Star's Ottawa Bureau tests the status of the federal Access to Information Act and finds it subject to erosion.



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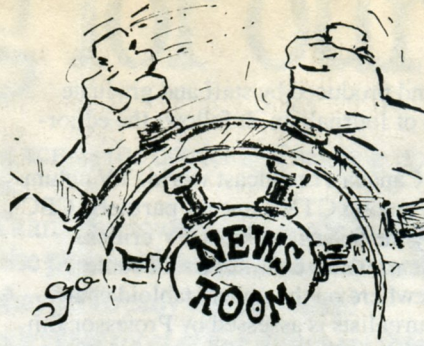
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Battle for newsroom

Reporters and management are constantly struggling for control of the newsroom. Traditionally, however, the clubby aura that surrounds the profession of journalism has kept the fall-out from such disputes confined to the press club.

Not any more. In three recent court cases, reporters have publicly challenged management decisions about hiring, firing, and editorial guidance. The outcome of these cases could end up influencing the way management tries to assert its authority in the newsroom.

In the most protracted case, Newfoundland radio reporter Rosann Cashin has been fighting a seven-year battle to get her job back with CBC radio. Citing the importance of "perceived objectivity" by the public, management fired Cashin from her job as a resources reporter when her husband Richard Cashin, a prominent labor leader, was appointed to the board of directors of Petro-Canada in 1981.



Cashin had been a well-respected journalist for 13 years before she was dumped. "It was ridiculous. Suddenly they said I couldn't work because of my husband's profile," Cashin says. "Mine is a human rights case, but it's also very important in journalistic law. If CBC wins, there is no journalist in the country who's going to be safe."

Cashin took her case to the Canadian Human Rights Commission, claiming discrimination on the grounds of marital status. This spring, after seven years of procedural wrangling and two visits to the Federal Court of Canada, she won, and was ordered re-instated with

back pay. CBC plans to appeal that decision.

Another Newfoundland court case is also showing the potential to embarrass management. Former *Globe and Mail* writer Barbara Yaffe, who had been working in Newfoundland for the St. John's *Sunday Express*, is suing the *Globe and Mail* for \$1.2 million for breach of contract after the newspaper cancelled at a late date a written offer of a job as Vancouver bureau chief.

Yaffe was to start working for the *Globe* in Vancouver in September. She is going to B.C. anyway — to work for the Vancouver *Sun*. "I'm going to do for Southam what I was planning to do for Thomson," she says. But Yaffe says she is not going to give up her Newfoundland Supreme Court case, even though she has been offered \$60,000 to settle out of court.

"Newspapers should stand up for principle and integrity, but they're not doing it when they treat their employees with contempt or disdain. The light has to be shone on them," says Yaffe. "My one goal is to make sure that (publisher) Roy Megarry and the *Globe and Mail* never do this to another journalist again."

In Ontario, a bitter newsroom dispute has spilled into the courts. In what's probably a first, former Windsor *Star* sports columnist Alan Halberstadt is suing the *Star* for libel because of the way it demoted him on the front page of the newspaper last January.

In the fall of 1987, Halberstadt wrote a column about a local amateur boxing club. He was an executive member of the club, but did not mention his connection to it in the column. Acting on a complaint, management took Halberstadt off the column suspended him for a week without pay and moved him to a copy editing job. The front-page story explaining the move ran with the headline, "Sports columnist demoted."

Halberstadt, who has since left the *Star*, is challenging the demotion through a grievance filed with the Windsor Newspaper Guild. But through Kitchener lawyer Fred Sagel, Halberstadt has also launched a \$500,000 libel suit which claims the *Star* was negligent and malicious in the way it handled the demotion.

"We say that the Windsor *Star* smeared him through innuendo. They ought to have known that this was confidential, and that the general public would draw innuendoes out of this," Sagel says. "When have you ever seen an employer criticize an employee in his own pages?"

Disputes like these between

Gazette salaries tops

Montreal *Gazette* reporters and photographers are at the top of The Newspaper Guild's wage scale in Canada — and come in second only to the New York *Times* in North America.

The latest salary figures compiled by the Newspaper Guild show the top minimum at the *Gazette* at \$940 a week, after five years of work. At the New York *Times*, the top minimum is a ground-breaking \$1,001.37, after two years of work.

Third on the list is the contract covering the Vancouver *Sun* and *Province*, with a top rate of \$876.47. The Toronto

Globe and Mail is next, at \$870.79. The Chicago *Sun-Times*, with a top minimum of \$866.03, rounds out the top five contracts.

The salary figures — part of the Guild's collective bargaining materials — list Canadian salaries in Canadian dollars and American salaries in U.S. dollars. The list, which covers 136 North American newspapers covered by 120 contracts, is updated every two months.

Here's how Canadian newspaper wages stack up on the latest list, as of Aug. 1, 1988:

Contract	Top minimum	After	Starting wage
Montreal <i>Gazette</i>	\$940.00	5 yrs	\$594.00
Vancouver <i>Sun/Province</i>	\$876.47	5 yrs	\$549.43
Toronto <i>Globe and Mail</i>	\$870.79	5 yrs	\$502.37
Toronto <i>Star</i>	\$847.27	6 yrs	\$549.27
Victoria <i>Times-Colonist</i>	\$825.43	5 yrs	\$547.08
Ottawa <i>Citizen</i>	\$810.49	5 yrs	\$558.03
Windsor <i>Star</i>	\$770.02	5 yrs	\$475.49
Hamilton <i>Spectator</i>	\$748.00	4 yrs	\$518.00
Brantford <i>Expositor</i>	\$653.86	4 yrs	\$368.52
Oshawa <i>Times</i>	\$548.80	4.5 yrs	\$322.54
Sudbury <i>Star</i>	\$545.88	6 yrs	\$301.52

reporters and management are not new. What is new, however, is the apparent willingness of journalists to take their beefs to court. In part, this is probably a reflection of an increasingly litigious society and a restricted job market for journalists.

"There's always been, from time to time, disagreements between reporters and editors, and management and editors, that have led to people walking out the door," says Toronto lawyer Brian Rogers, a former journalist who now deals with media clients and issues.

"In the old days, however, there was much more of a revolving door. People would walk across the street (to the rival newspaper) and say, 'Do you want me?' Now, when you get fired, you go to a lawyer."

Rosann Cashin explains it another way. "Journalists," she says, "are no longer willing to be trampled on." ☐

- Jeff Outhit

Jeff Outhit is an information officer for the Queen's University Alma Mater Society.

Libel case unusual one

The *Ottawa Citizen* is fighting a libel suit that may turn out to be one for the record books.

The suit was filed by the Regional Council of Ottawa-Carleton over an editorial *The Citizen* published in March about a \$145-million increase in the estimated cost of expanding a regional sewage treatment plant.

The line which regional council objected to suggested that council had underestimated the cost of the project in order to get it approved.

Suits over an editorial are rare, but what is even more unusual about this case is that the plaintiff is a government, not an individual. And in a further twist, the damages sought in the suit are \$1 plus court costs.

The Citizen has filed a counterclaim to the suit asserting that governments should not be allowed to sue for libel. It says that allowing governments to bring such actions discourages debate on issues of public concern, which in turn violates the constitutional guarantee of freedom of expression. *The Citizen* says statements published about the actions of a government should be

accorded an absolute privilege from libel actions.

If the court won't endorse that, the newspaper argues, then at least a qualified privilege should be accorded to statements printed about government actions. Under a qualified privilege, the plaintiff would have to prove the words were false, that they were printed with a reckless disregard for the truth, and that there was damage suffered as a result.

Under present laws, once a court decides a statement is defamatory, it presumes the words are false. The burden shifts to the defendant — in this case, *The Citizen* — to prove a defence. Proof can be a major problem since defendants may have to prove facts based on evidence that is available only to the plaintiff.

Constitutional law expert Joseph Magnet of the University of Ottawa says *The Citizen's* constitutional challenge has merit.

"The constitutional protection of freedom of expression is there for a reason," he says. "It is there to stimulate debate about public issues."

"People need to be able to discuss governments' actions and policies in a robust and free way. And people sometimes say irresponsible as well as responsible things in deciding whether they have the government they want.

"*The Citizen's* lawsuits in this and other cases are well-placed in trying to lengthen the leash which has been imposed on Canadian newspapers."

The plaintiff in the case is hoping the suit will prove a point. In addition to the \$1 in damages and the court costs, regional council wants an injunction to prevent *The Citizen* from reprinting the words the region alleges are libellous.

"We aren't looking to make a fortune here," says regional solicitor Douglas Cameron. "It's a question of principle. We asked for a retraction, and we got nowhere."

For its part, *The Citizen* is standing firm. It told regional councillors that if they objected to the editorial, they could write letters to the editor. As for a retraction, publisher Russell Mills says the paper has nothing to retract.

Mills also says the suit against the newspaper is not a proper use of public funds. ☐

- Heather Williams

Heather Williams is an Ottawa journalist and law student.



Look for the union label

For the first time in the history of the *Timmins Daily Press*, managers are sitting down this fall to negotiate a labor contract.

On the other side of the table are negotiators representing seven editorial employees. But while the number of employees in the bargaining unit is small, they are backed by one of the most powerful unions in Northern Ontario — the United Steelworkers of America.

No one involved in the negotiations — neither *Daily Press* publisher Jon Butler nor members of the union — will talk about the negotiations. But the contract talks in Timmins are a first on several grounds.

The fledgling Steelworkers unit is the first union at the *Daily Press*, the founding newspaper in the massive Thomson Newspapers Lt. chain. And the bargaining unit, which has not yet been assigned to a local, is the first group of newsroom employees in Canada to be represented by the Steelworkers.

Steelworkers union organizer Wesley Dowsett says the workers at the *Daily Press* approached him in late May "from out of the blue."

"My initial response to them was the Steelworkers don't traditionally represent newspapers," he says. "It's not our field. They weren't pleased to hear what I had to say."

But Dowsett says he offered to help, and contacted four other unions that represent workers in the communications business. Their response?

"The other unions weren't that interested, because of the size of the bargaining unit, and the distance between them and the people they would be servicing. It would be costly.

"It just wasn't in their best interests from a financial standpoint or a servicing standpoint. They said they'd rather not organize them, but if the Steelworkers wanted to, go ahead."

That's just what the Steelworkers did. The unit was certified June 19, and represents exactly one-half of all staff in the editorial department.

Those involved in the situation now

don't want to talk about why editorial employees decided to seek out the union, but a former Timmins *Daily Press* reporter, Len Gillis, says he's not surprised that newsroom employees would want to join a union.

Gillis, who worked at the paper in 1974-75 and left to work in local television in Timmins, says the work environment at the *Daily Press* is one of long hours, low wages and "paying your dues." Reporters have taken some comfort in the fact that the newspaper has been the training ground for some media stars: Pierre Berton, Peter Gzowski and Max Braithwaite are all Timmins *Daily Press* alumni.

Gillis says staff turnover in his day was high, and there was always a fresh, young, new, enthusiastic reporter around. In recent years, however, staff turnover has slowed, and the complaints about long hours and low pay have been a constant refrain.

"I suppose it's a little bit of a slap in the face to Thomson that his founding paper has finally been unionized, and not by a traditional newspaper union, but by one of the toughest unions in the business," says Gillis, who now works with CBC in Sudbury. "If you're going to unionize in Timmins, you may as well have a good strong union on your side."

Thomson Newspapers Ltd. spokesman Paul Tissington rejects the suggestion that the certification is a slap in the face to the Thomson organization. "(The *Daily Press*) is one of the better community newspapers in our chain, but I don't think there's anything special about this unionization."

He also points out that only half of the newsroom staff belongs to the union, adding, "that should suggest something to you, I'm sure." ☐

Bob McIntyre and Richard Mason work for CKGB/CFTI radio in Timmins.

The issue is sources

A case which will have far-reaching implications for Canadian journalists will be heard by the Supreme Court of Canada in the New Year. But despite its importance, this legal struggle has attracted surprisingly little attention from the national media.

The case began in 1986 after Edmon-



ton *Journal* reporter Marilyn Moysa refused to testify before the Alberta Labour Relations Board about her source for a story related to a labor dispute the board was considering. Since then, lawyers have taken the case through the lower courts and on to Ottawa.

At issue is whether journalists have a common-law privilege to say "no" to a court that asks them to reveal a source. That privilege has never existed in Canadian law. But more importantly, the justices of the Supreme Court of Canada will be asked to consider for the first time what rights of confidentiality, if any, will be granted to the media under the Charter of Rights and Freedoms.

The dispute is officially between the Labour Relations Board and Moysa, but both the attorney general of Alberta and the Centre for Investigative Journalism (CIJ) have crowded onto the docket as intervenors in the case. For the CIJ, the case represents a turning point.

Richard Dearden, the lawyer representing the journalists' organization, says the case will give an important indication of how the Supreme Court of Canada will interpret section 2(b) of the Charter. "It is important because of what it will mean to other media issues of importance, such as libel," he adds.

On the other side of the courtroom are the Labour Relations Board and Alberta's attorney general, who argue that journalists in Canada have never had any privilege, and have no special status under the Charter.

Even if the scope of the case seems self-evident, a reading of the decision of the Alberta Court of Appeal reveals that only one paragraph was devoted to consideration of what the Charter means to journalism. On the crucial question of whether journalists may keep sources secret, the Court said the Charter means nothing beyond the right to freedom of expression that is guaranteed for all Canadians.

In that brief sentiment, the court

reinforced the situation that now exists: unless a journalist can prove that confidential information is not relevant or that it can be obtained elsewhere, the journalist will either have to reveal the sources when ordered to do so or face a penalty for contempt of court. Neither alternative is attractive.

When the Moysa case is argued, the court will probably hear about the struggle to balance two competing values which are both codified in the Charter; the administration of justice versus the role of the media in ensuring the free flow of information to the public. But it is the supreme arbiters and administrators of justice in this country who will be deciding this matter; no journalists sit on the Supreme Court of Canada. It is therefore crucial for the arguments of the journalistic community to be forceful and persuasive so the court can understand why source protection is so important in making certain the public learns about what it needs to know so that it can make informed decisions.

No doubt the men and women sitting on the case will look to American jurisprudence for guidance in their decision-making. In the U.S., courts have interpreted the Constitution's first amendment as providing the statutory basis for finding a qualified privilege that allows journalists to keep sources secret in some circumstances.

Many state legislatures have gone even farther to safeguard journalists' rights. They have enacted "shield" laws that outline exactly what the courts can and cannot demand from journalists. Nothing similar exists in Canada.

What the court ultimately decides in the Moysa case will have a great impact on the reporters who use confidential sources on a regular basis. If the court delivers Charter protection, more vigorous reporting may follow. But some reporters fear that such blanket protection from having to "fess up" could bring abuses on the part of journalists.

If the court decides that the Charter guarantees mean nothing in this regard, journalists argue there could be a chilling effect on sources. Sources will not want to talk if they know they can be found out through the court.

Whatever the outcome, says the CIJ's Dearden, "the scope of the decision will be important to journalists." ☐

- Laura Lynch

Laura Lynch is a journalist who has finished law school and is articling in British Columbia.

Reversing a chilling myth

Coates case has resulted in misinformation and sanctimony about libel law

by Rob Martin

To listen to the *Ottawa Citizen* tell it you would think its recent litigation with former defence minister Robert Coates had forever changed Canadian libel law. But this, like most of what the *Citizen* has had to say about the whole sorry business, is off the mark.

Despite all the *Citizen's* statements, the Coates case is not the most significant libel action decided by a Canadian court this year.

The background to the Coates/*Citizen* affair is well known, so a brief recitation of the facts will do.

Coates was Minister of National Defence in the original Mulroney cabinet. (A prize is offered to the first person who can name all the casualties from that distinguished bunch). In November of 1984, the minister and his entourage stopped in the Federal Republic of Germany to visit some of our NATO forces there.

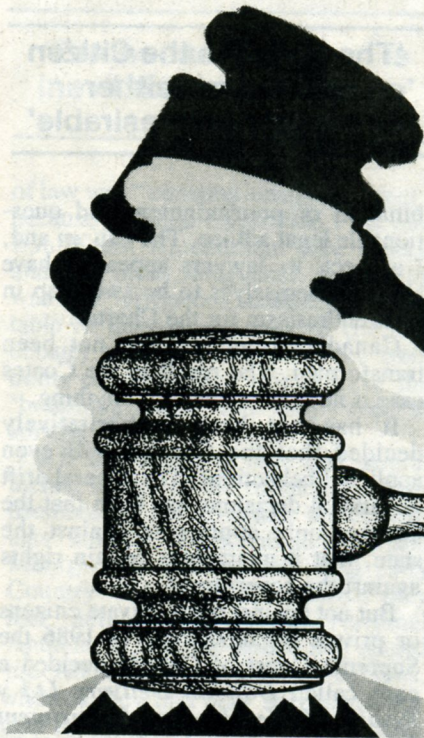
After a hard evening eating and drinking with Canadian officers, Coates and two of his aides went to Tiffany, a nightclub in the town of Lahr.

I have never been to Tiffany. I've never even been to Lahr. Let me simply repeat the horrified description of the place given by Murdoch Davis, assistant managing editor of the *Citizen*.

"...hard-core pornographic films play on a big screen virtually non-stop. There are strippers on stage. There are small backrooms, with subdued lighting. Sex acts are performed or simulated there for customers who buy enough vastly overpriced drinks."

The Coates party stayed in Tiffany for just under two hours. According to the *Citizen*, neither Coates nor his aides did anything untoward or improper in the bar. He eventually returned to Canada.

By the beginning of 1985, rumors



were circulating in Ottawa about Coates' visit to Tiffany. An investigation of possible security problems was conducted at Prime Minister Brian Mulroney's behest. None, apparently, were discovered.

On Feb. 12, the *Citizen* published its fateful story. The crucial words said Coates' little outing in Lahr "may have posed a security risk."

Coates resigned his portfolio. He then sued the *Citizen* for libel.

Up to this point there is nothing remarkable about the case. Under existing libel law, the *Citizen* had a number of useful and, in my opinion,

totally adequate, weapons available to deal with Coates. The fact that Coates sued in Nova Scotia, rather than Ontario, was inconvenient, but nothing more.

In the first place, I'm not convinced Coates was libelled at all. The *Citizen's* statement does not inevitably imply anything defamatory about Coates. It could have been argued that what the *Citizen* published was of the same order as saying the aircraft carrying Coates to Europe could have crashed. To take it another step, one could suggest the only person defamed by the *Citizen* was the proprietor of Tiffany.

If a court did accept the statement was defamatory (and it is fundamental to remember Coates would have had to prove this), the *Citizen* still had two possible defences.

It could have attempted to prove its statement was true. According to Murdoch Davis, reviewing the history of the case in the paper on June 11, this would not have been difficult. I agree with Davis. The fact the Prime Minister had ordered a security investigation surely establishes the accuracy of the *Citizen's* simple assertion that Coates' visit "may have posed a security risk."

A defendant can prove that ostensibly libellous statements of fact are true. Alternatively, where the statement complained of is an expression of opinion, it can be defended as fair comment. The essence of fair comment is an honest expression of the defendant's real opinion on a matter of public interest. The defence of fair comment was tailor-made for this case. How could a court possibly deny that this was a matter of public interest and that the *Citizen* was honestly and in good faith expressing its true opinion?

As the law stood at the time he sued, Coates didn't have a prayer. The *Citi-*

zen would have hammered him in court. But the *Citizen* chose not to rely on the existing law. It decided rather to spend \$1 million raising a constitutional challenge to Canadian libel law.

And with what result? Coates, as he would have done, abandoned his claim. The *Citizen* spent a vast amount of money. Our law remains as it was.

The only results from the case have been sanctimonious and misinformed statements about libel law. I will only deal with two. The first is important since it is the basis for a misguided notion about libel entering the popular imagination.

The argument was put about that libel suits involve a "reverse onus". This has been stated by Murdoch Davis, by a *Globe and Mail* editorial on March 3, and by Don McGillivray in the C.I.J. *Bulletin* for Summer 1988. With all respect to these authorities, they are wrong. No amount of repetition will make their assertion correct.

Reverse onus is a notion that belongs to criminal law. As every school child knows, it is a basic principle of our criminal law that the state normally has the burden of proving the accused person guilty. An accused is not obliged to prove his or her innocence.

But sometimes this has been changed and under certain special circumstances the accused may have to exculpate himself or herself. Our Charter of Rights and Freedoms quite properly prohibits reverse onus provisions in criminal prosecutions and the courts have been removing these aberrations from our criminal law.

None of this has anything to do with a libel action which is a *civil* proceeding. More important, in *all* civil proceeding, including libel, it is the plaintiff, the person who started the suit, who has the burden of proving a case.

In all civil proceeding the plaintiff has to make out a *prima facie* case, that is, to establish the basic elements of his or her claim against the defendant. If the plaintiff succeeds in doing this, then, and only then, is the defendant required to raise a defence.

In libel actions, the plaintiff has to prove three things: that the statement complained of is defamatory, that it refers to the plaintiff, and that it was published. If the plaintiff cannot establish all three, the plaintiff will lose. If the plaintiff is able to satisfy these three requirements, then the defendant must raise a defence.

This is not a reverse onus. This is simply the way civil proceedings work.

The other myth arising out of the suit against the *Citizen*, a myth vigorously

propagated by Murdoch Davis, is that our libel law is a major restriction on the freedom of the press guaranteed by the Charter.

If the *Citizen* had been saying this before it decided to fritter away \$1 million on silly constitutional litigation, I might take its claim more seriously. But professional reporters and editors who do their jobs thoroughly and carefully have nothing to fear from libel actions. When newspapers or broadcasters lose libel suits, it is usually because there has been a breakdown of the reporting or editing function. And, to repeat, I have not the slightest doubt the *Citizen* would have won its case under the existing law.

The reason the *Citizen* spent \$1 million defending itself was not as Murdoch Davis has argues, our libel law. The reason, in my opinion, was a com-

'The changes the Citizen wants are neither necessary nor desirable'

bination of poor judgment and questionable legal advice. The *Citizen* and, I suspect, its lawyers appear to have allowed themselves to be swept up in their enthusiasm for the Charter.

Canadian libel law has not been transformed. The result in the Coates case is not a precedent for anything.

It has not been authoritatively decided that the Charter will even apply in libel actions. The general drift of judicial decisions has been that the Charter only applies as against the state, that it guarantees certain rights against the government.

But not against other private citizens or private organizations. In 1986 the Supreme Court of Canada decided a case called *Dolphin Delivery Ltd v Retail, Wholesale, and Department Store Union*. The judges went to some pains to stress that the Charter had no application to purely private litigation between private parties. That says to me the Charter has little or nothing to do with libel actions. At the least it makes the wholesale constitutionalization of libel law, as advocated by the *Citizen*, very doubtful.

That seems fine to me. The changes the *Citizen* wants are neither necessary nor desirable.

They're not necessary because, as I have argued, current libel law provides sufficient protection for good editors and good reporters.

They're undesirable because what

the *Citizen* is really calling for is the Americanization of yet another area of our law. Despite the *Citizen*, we have Canadian ideas and Canadian ways of doing things. More particularly, the social role of the press in Canada and the importance we accord to the reputations of individuals are not the same as in the United States. In libel law, as in so many other things, we should not automatically assume American ways are superior or preferable to ours.

And what was the most significant libel decision in Canada this year? It was handed down by the Supreme Court of Canada last spring in a case called *Snyder v Montreal Gazette*.

A unique feature of Canadian libel law, and one which makes it fundamentally different from U.S. libel law, is that the amounts of money awarded as damages to successful plaintiffs have traditionally been modest. But a court had given Snyder \$135,000 in damages when the original trial was held in 1978. The Supreme Court of Canada was being asked to rule this was excessive.

More precisely, the Supreme Court was being asked to rule that a ceiling established in 1978 on damages for non-monetary injury — pain and suffering, loss of the enjoyment of life, and so on — in personal injury cases be applied in libel actions. In three cases, since known as the trilogy, the Court said the maximum that could be recovered as damages for such losses was \$100,000. This ceiling, of course, has been adjusted because of inflation.

Damages in libel are notoriously vague. They are given as a solace to wounded feelings and to compensate for injury to reputation. And how do you translate those two items into dollars?

It ain't easy. Awards have begun to creep up in value. The Supreme Court would have performed a real service to freedom of expression in *Snyder* by putting a cap on damage awards. It refused to.

Escalating awards of damages in libel are a more real and more serious threat to the mass media than the issues faced by the *Ottawa Citizen* in the Coates case.

And, paradoxically, if we were to follow the *Citizen's* urgings and let our law be Americanized, we might just have to accept American-style damage awards. (30)

Prof. Martin is a member of the Faculty of Law of The University of Western Ontario. He is currently on sabbatical leave in The 1988-89 term.

Unconventional U.S. defence

by Wilfred Kesterton

Had the *Coates-Citizen* libel suit not been aborted, the defendant newspaper might have been able to make an argument based on a law of *public* libel — a kind of law practised in the United States but not in Canada, at least not yet.

This different kind of law derives from the 1964 *Times-Sullivan* libel judgment.

Underlying that law is the philosophy that the press, when dealing with public matters that vitally affect the public interest, deserves a legal latitude not available in cases of libel as a strict liability tort — (a civil wrong) — when private individual sues private individual or sues a newspaper or broadcasting station.

In the United States, the law of public libel has allowed defendants to abandon the conventional defences of truth, privilege and fair comment and to rely instead on a previously unavailable privilege plea in which *absence of malice* is a central consideration.

That defence is a common law devel-

'The concept of malice must not be confused with spite'

opment rooted in the First Amendment. To qualify, the editorial matter provoking the libel claim must be about a public official/public figure on a subject of public concern. The concept of malice on which a verdict of liability might turn must not be confused with spite or ill-will. Rather, in legal terms, it consists of publishing defamatory matter knowing it to be false or with reckless disregard of whether it is true or false.

What led to the *Times-Sullivan* suit was 'Heed the Rising Voices,' a 1960 advertisement in the *New York Times*. It described an "unprecedented wave of terror" directed against southern blacks, notably Martin Luther King, during their struggle for civil rights. Although not named therein, L.B. Sullivan, Montgomery (Ala.) Public

Affairs Commissioner, sued the *Times* and four of the 64 signers of the advertisement.

At the trial level, Sullivan won his case and was awarded \$500,000 damages. Both finding and judgment were sustained by the Alabama Supreme Court. But, despite factual errors in the advertisement, the Supreme Court of the United States reversed the decision. That Court found that the Alabama rule

'Erroneous statement is inevitable in free debate'

of law was "constitutionally deficient" because it failed to provide First and Fourteenth Amendment free speech and free press safeguards. Its finding was that "erroneous statement is inevitable in free debate, and...it (i.e. free debate) must be protected if the freedoms of expression are to have the 'breathing space' that they 'need to survive.'"

It is interesting to note that several factual errors in the offending advertisement did not invalidate the defendants' defence. Thus, the ad copy said Montgomery students had sung "My Country 'Tis of Thee," whereas they had actually sung the National Anthem. It said the police had ringed the Alabama State College campus, whereas they had only been deployed near the campus. It said Martin Luther King had been arrested seven times, whereas he had been arrested only four times.

The federal Supreme Court refused to consider such discrepancies decisive against the defendants.

Times-Sullivan gave clear guidance concerning the law of public libel when the plaintiff was obviously a public official. But whether the defendant journalist could make the same successful defence was uncertain if the suit were brought by a public figure prominent for reasons other than his/her connection with government.

Rosenbloom v. Metromedia 1971

widened the press's defence in libel actions by making the "no malice-public interest" argument applicable where the plaintiff was not a public official but a public personality, a figure of high profile for other reasons. In his plurality finding, Mr. Justice Brennan held that "if a matter is a subject of public interest it cannot be less so merely because a private individual is involved..." But *Gertz v. Robert Welch, Inc.* (1974) and *Time, Inc. v. Firestone* (1976) narrowed the public official/public figure definition, although not so much as to return it to its 1964 *Time-Sullivan* limits.

Another legal consideration addressed by public libel trials depended on the nature of the publication. The question was whether the "no malice" arguments made by defendant journalists who publish defamatory falsehoods is more acceptable when the journalist writes to meet an urgent deadline than when he/she produces leisurely "time copy" more easily checked and verified.

'New litigation is contributing to the common law'

Indeed, ever since *Time-Sullivan*, libel judgments have been fine-tuning American public libel law. That law is too multifaceted to be explored in a short essay. *Hutchinson v. Proxmire* (1979), which cast doubt on "summary judgment" as a defence device, and *Herbert v. Lando* (1979), which allowed the court to examine the state of the reporter's mind to determine malice, inadequately suggest the complex subordinate concerns raised by the law of public libel.

As each year passes, new litigation is contributing to the common law in this field.

Just as the United States' Bill of Rights made the American law of public libel possible, the Canadian Charter of Rights may make a *Canadian law of public libel possible*. Although some

Canadian Supreme Court Charter-based judgments seem to point in a different direction, a future case *might* become an enabling precedent just because those other judgments are not found to be "on all fours" — (to use a quasi-legal phrase favored by lawyers) — with the newer case.

If a law of public libel based on the American model does develop in Canada, there will likely be a shift in focus from questions of truth to questions of honest belief when public officials are plaintiffs and journalists are defendants.

Curiously enough, this change in approach might prove favorable to the plaintiff. If the libel claim had originated in editorial allegations that the plaintiff was guilty of a crime or had committed an act of dubious morality, a proved-truth defence under present Canadian libel law would be tantamount to a *guilty verdict rendered by the court of public opinion* against the losing plaintiff.

But if the newspaper wins a *public libel case* — in which the only onus on the plaintiff is to prove malice, and not the falsity of the editorial matter — the lay person must, if the judgment is to be interpreted correctly, conclude only

that the newspaper is not legally liable and that it sincerely believed what it published. But inferences must not go beyond that. It must be clear that *the journalist's defamatory accusation has not been sustained by the court's decision*.

Of course, the foregoing discussion does not suggest how a law of public libel may come to be adopted in Canada. Gerald Flaherty, outstandingly

'Quebec provides defendant a defence in public interest . . .'

knowledgeable about Canadian defamation law, sees a law of public libel as a natural outcome of Quebec defamation law.

In Canada's nine common law provinces, proved truth is a complete defence against a libel claim. In Quebec, to succeed, a truth plea must be accompanied by pleas of public interest and lack of malice. Its Civil Code approach is based on the concept of fault set out in Article 1053 of the Code:

"Every person capable of discerning right from wrong is responsible for the damage caused by his fault to another, whether by positive act, imprudence, neglect, or want of skill."

The effect of applying this criterion has been to shift the emphasis from truth to public interest, and (partly through insistence on standards of integrity in the preparation of editorial matter) lack of malice.

As Flaherty says, "The law of Quebec provides to a defendant in a defamation suit a defence based on public interest alone,"

and

"Canada's new Charter of Rights and Freedoms may provide a basis for the development of this 'public interest' defence in Quebec and for its adoption in other parts of Canada." (30)

Wilfred Kesterton is Professor Emeritus in the School of Journalism at Carleton University. He is a specialist in the law of the press and a journalism historian.

Bargain-basement subpoenas

Summoning journalists to give testimony is becoming one of journalism's most serious problems, Brian Rogers, media law specialist, told delegates to the Canadian Managing Editors Conference in Niagara-on-the-Lake.

Rogers, member of a leading Toronto law firm, suggested reporters are a "very attractive and very cheap method of getting evidence before the proceedings that one side may find favorable..."

He said the practice is increasing, but news organizations which challenge subpoenas are often successful in having the courts quash them because most judges are guided by a fairly strict set of criteria before ordering reporters to testify.

He noted the impending Supreme Court of Canada ruling in the Edmonton *Journal's* challenge of an Alberta ruling forcing reporter Evelyne Moysa to reveal her sources at a labor tribunal will do much to clear the air on the issue.

For now, however, Rogers felt news-

rooms everywhere should have policy on what to do when a journalist is subpoenaed to give testimony.

"The process often starts in a small way — friendly fishing by a lawyer, or even police, in search of something your reporter knows, but that first, very friendly gesture begins that slippery slope," he said.

He advised reporters to immediately inform a senior editor of a subpoena in order to bring a newspaper's lawyer onto the scene.

The lawyer, he said, will usually want to determine what is really wanted of the reporter and whether a compromise solution can be worked out.

If a reporter is suddenly summoned to the witness stand, Rogers said, the courts will often permit a reporter to seek legal advice by simply saying, for example: "Sorry, I'd like to testify but I haven't had legal counsel. This is a very important Charter matter for us and I just cannot answer your questions at this time."

The courts are hesitant to make it

open season on journalists, he said, in cases where journalists might have to be witnesses and violate certain trusts such as off-the-record comments and confidential sources.

"The basic test that has been developed by the courts is that a reporter doesn't have any privilege — not like a lawyer-client — even in respect of confidential sources and information," Rogers said.

"But there is a discretion in the court and essentially it puts an onus on the person proposing to call a reporter to show that the evidence is relevant, necessary, with no alternative means to obtain it and that this evidence is so important to the fact that it's more important for the reporter to be called than the infringement on the right of the reporter to be called.

"That test is applied most stringently when you have confidential sources," Rogers said. ... (30)

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Injecting views in news

by Doni Eve

"The public's interest in what the courts do with convicted criminals is manifested in the discussions of sentencing policy (which) seems to be based on reports which omit some facts or emphasize others unduly." J.F. Stephen, 1883.

The celebrated jurist Stephen made this observation over 100 years ago. Since then, criminal justice reporting in the news media has continued to be the basis of public opinion on justice issues.

A national poll in 1986 showed 95 per cent of the respondents cited the news media as their primary source of information on sentencing. An *Ottawa Citizen* poll in 1987 found 78 per cent favored harsher sentences, indicating dissatisfaction with the criminal justice system.

In light of these findings, the Canadian Sentencing Commission launched three studies on media practices in legal news reporting. The recently-released reports indicate journalists sometimes omit or unduly emphasize facts deliberately, in order to illustrate their own feelings in a particular case.

The reports include surveys of editorial attitudes and practices of central Ontario and Quebec media, and a content analysis of English-language daily newspapers across the country. They concentrate on sentencing-related stories, but the findings and quotes could easily be applied to criminal justice news in general.

In *Process, Policy and Prejudice: A survey of Editorial Policies on Sentencing-Related News*, by Erika Rosenfeld, journalists reveal they often include, omit or rearrange facts in order to illustrate their own opinion in the case.

Broadcasting journalists may alter their tone of voice to indicate their annoyance at the outcome of a case. Less direct methods include seeking comments from outside groups such as police, the victim's family or a rape crisis centre, that reflect the reporter's own views.

Rosenfeld conducted her study in London, Toronto and Kingston, Ontario, interviewing reporters and editors from the print and electronic media. Of 18 court reporters, 15 said they make conscious value judgments about whether a sentence seems fair.

Eight of these said they sometimes allow their biases to be reflected in their stories. Of the three who said they did not make value judgments, two nevertheless gave examples of instances where they had slipped their own views into stories.

On the question of how journalists themselves feel about sentencing, six out of seven newspaper reporters felt sentences in general were too lenient. Out of 14 broadcast reporters and editors, six felt sentences were too light, while four had no opinion. Not one felt sentences were too harsh.

The views of the Ontario journalists differed sharply from their Quebec counterparts. In Gaetan Tremblay's *Research on Media Strategies and Practices in the Field of Legal News*, reporters from both French- and English-language media in Quebec were surveyed. When asked how they felt about sentencing, most of the Quebec reporters tended to favor more leniency in the system. Examples they gave of cases where sentences should be lighter are first degree murder; crimes without direct victims, such as prostitution; and possession of mild drugs. They felt the penalty should be harsher for white collar crime; sexual assault and brutality involving children.

The reports also noted incidences where stories may be further distorted inadvertently through editing and because of the nature of news itself. For example, a description of the accused's deprived background could be cut for space or lack of attention-getting quality.

Headlines twist the tone of the story further by focussing on the most interesting, sometimes most controversial aspect of the case. Journalists, however, emphasize their job is not to provide a record of court proceedings.

"We emphasize the negative, the out of line, the outrageous; that's what news is all about."

In the third study, writer Julian Roberts found occurrences and treatment of actual crimes were grossly misrepresented in the press. In *Sentencing in the Media: A Content Analysis of English-Language Newspapers in Canada*, Roberts sampled nine daily newspapers from major cities across Canada. He found, for example, that

stories involving offences against the person (eg: homicide, robbery or assault), which account for five per cent of all reported crimes, made up 57 per cent of the crime stories reported in the papers. He also found that in 70 per cent of the total sentencing stories, no reasons for the sentence were given.

"The perception held by the public that sentences are overly lenient can be directly traced to news media treatment of sentencing," he concludes. "It is, in short, not surprising that the vast majority of Canadian public know little about and hold negative views of, sentencing practice and process."

The reports lay no blame for this outcome. They focus instead on the vicious cycle of how negative public opinion of the criminal justice system fuels coverage of crimes and sentences that outrage the public. These stories subsequently influence public opinion further.

The writers make recommendations aimed at those involved in the criminal justice system so they can help journalists do a better job of crime and sentencing coverage.

Judges, for example, are encouraged to explain their sentences in more detail, to use more simpler language and avoid legal jargon. The issue of cameras and tape recorders in the courts should be given more study, and contempt of court legislation should be reviewed.

Some of the reporters involved in the studies indicated they would re-examine their reporting practices in light of the questions posed at them.

"If we did a little better job capturing a bit of the person the judge sees, it would help explain why the judges give sentences they do," one reporter explained. "We tend to lose sight of the fact that it's a person who has run afoul of the law."

All three reports are available free of charge from the Department of Justice's Communication and Public Affairs office in Ottawa. 30

Doni Eve is an Ottawa reporter and editor of Publnet, an electronic information service tracking Parliament, the federal government and the economy. She also writes a column on the federal government for Ottawa Business News.

Mulroney muzzling

by David Vienneau

"The present government believes you have only limited rights to know. Conservatives believe you have every right to know." Brian Mulroney, Aug. 12, 1984, while campaigning in Kingston.

Right. Chalk up another broken promise by the Prime Minister, whose dismal record on open government justifies his nickname of "Fibber Muldoon."

The Mulroney government has gone out of its way to renege on that commitment, including rejecting every substantive recommendation made last October by an all-party committee of MPs, whose task had been to review the workings of the four-year-old Access to Information Act.

The committee, which included such political opposites as New Democrat Svend Robinson and Tory Alex Kindy, unanimously made a series of proposals that were designed to broadly expand the rights of Canadians to gain access to more of the government's secrets.

"Most of the information and records take on a mystical attraction simply because they are secret," Tory MP Brian Thacker, the committee chairman, said after releasing a report called, *Open and Shut: Enhancing the Right to Know and the Right to Privacy*.

"Our advice to the cabinet is, to the extent that they can give out more and more information which shows the great diversity of input that cabinet ministers receive, it would be in their own best interests to do so."

But quicker than you can write out the \$5 cheque that must accompany each access request, the government deep-sixed the report, offering as a lame excuse its belief that the existing act is working quite well.

Sure it is. But only if you're interested in receiving press releases, documents that have already been made public or heavily edited reports that are almost completely lacking in substance because that is how the government responds to most serious requests.

Otherwise, government departments routinely say it will take months — responses are supposed to take 30 days, although extensions are possible — before they can reply.

They seem to be daring the user to appeal to Information Commissioner Inger Hansen to intervene, knowing full well that if after another couple of months of investigating she finds the department has violated the time provisions of the Act, it will more than likely produce a reward rather than a rebuke from the relevant minister.

When the government does reluctantly cough up the goods, they are usually as white as the prairies in winter. I.E., they are either completely blank or so heavily edited they resemble a music scroll on an old player piano. It can also be very expensive and after a few failures some media organizations may not be able to afford further attempts.

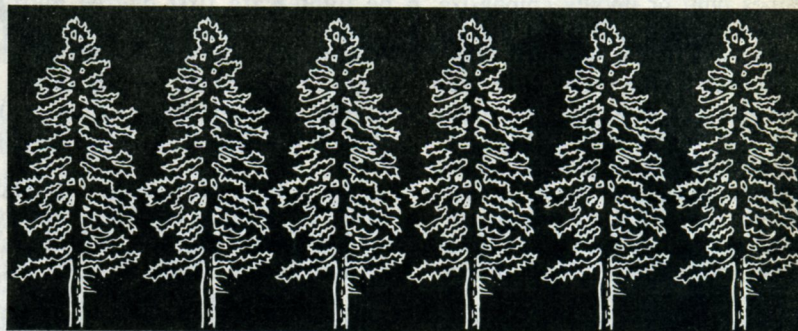
It is the routine release of "whited out" materials that is alarming many access users. Lately, any request that produces information is definitely the exception rather than the norm. I have had access requests take seven months of letter writing and haggling only to

find that when the brown envelope arrives the information in it, from a news standpoint, is virtually useless.

Small wonder that after releasing her annual report in June, Hansen used uncharacteristically strong language in her report to say the act is not working and it is because of Mulroney. She said his fervent desire to screen all potentially embarrassing information before it is released has intimidated public servants into working against release.

"The government's response to the parliamentary committee's report [...] has, by inadvertence or design, undermined both the letter and spirit of the Access to Information Act," the report says. "The parliamentary committee laid out the route to an even better act. The government blocked the road."

In an interview, Commissioner Hansen was even more blunt: "The act isn't working and I felt I had to speak out. I mean to tell the Canadian public you can lose these things if you don't watch



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out.”

Mulroney is gambling that most Canadians — including the vast majority of the media — do not care about openness in government. After all, who cares about a couple of reporters and academics who use the act simply to harass the government.

Thus his decision to avoid improving the act in ways that have long been advocated by former Tory MPs Jed Baldwin and Walter Baker, two of the grandfathers of freedom of information in this country.

When the act was proclaimed on July 1, 1983, it was hailed as a statute that would at long last lift the veil of secrecy that had protected millions of government files and documents. That may have been the case early on, but no longer.

This is because government departments are now routinely invoking any number of the sweeping exemptions and bureaucratic barriers contained in the act to block release of information. They are also ignoring time deadlines and occasionally do not even respond to requests unless prodded to do so.

Cabinet documents, personal information and the records of Crown corporations are completely exempt from release. There are also a large number of discretionary exemptions that allow the government to deny access to information that involves national security, relations with other governments, criminal records or third party information.

Information denied because of one of the discretionary exemptions can be appealed to the Federal Court of Canada. There is, however, no judicial review of information contained in cabinet documents. The committee proposed this amendment to the act but Mulroney rejected it, knowing it had been a longstanding commitment by Baker and Baldwin to correct this flaw.

The committee also recommended narrowing the current all-encompassing definition of cabinet documents so that discussion papers, background explanations and policy papers could be made public. It said only cabinet minutes, draft legislation and records of consultations between ministers would be kept secret.

Furthermore, the Tory-dominated committee said eliminating the \$5 application fee, extending the act's provisions to cover Crown corporations and compelling government departments to show why releasing information under the act would be “significantly injurious” to the government's interests would improve the act.

“The committee is very concerned about a situation in which harmless records are being withheld under statutes designed to promote disclosure,” the report said.

The government rejected every recommendation. When asked by the NDP's Robinson about Mulroney's election promise, Justice Minister Ray Hnatyshyn, who is responsible for administering the act, sheepishly said the government was planning an education program to inform more Canadians about the act. He also denied that Hansen had criticized the government's response to the committee's report.

In Mulroney's defence, his government has been stung by information released under the act. It has been used to expose his presidential style of travelling on foreign trips, to expose the justification for locating a controversial prison in his riding and to delve into the free trade agreement.

Mulroney admitted in September of last year that his government was not prepared for the embarrassments caused by prying reporters getting information under the act. If he has nothing to hide, why be concerned about what the act might be used to uncover.

During that 1984, Kingston speech, the Prime Minister also said, “Secrecy and stonewalling have become a habit with the government of Canada and we will never break the habit until we change the government.”

The government changed but it seems old habits die hard. (90)

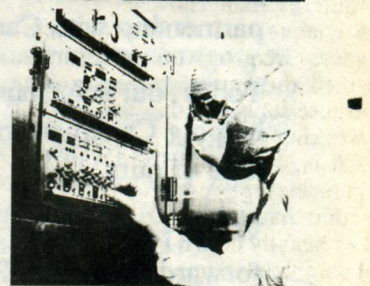
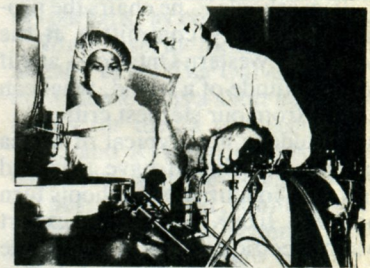
David Vienneau is justice and legal affairs reporter for the Toronto Star in Ottawa. He has filed more than 300 requests under the Access to Information Act. He has been a member of the Ottawa Bureau for seven years and has worked for the Star for 13 years.

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Gulf between beat and classroom

by John Miller

Not long ago, the president of Canadian Press bluntly refused a request from journalism schools for a reduced rate for the CP newswire — a vital service to educate student reporters and editors but not used, as it is by CP's usual clients, for commercial purposes.

"Journalism schools," he wrote back, "should not be expected to live in a false economy, struggling day to day for handouts. Like any activity, they should be expected to pay reasonable prices for goods they consume. And as with all undertakings, if they are not financially viable, it is fair to ask whether they should struggle on artificially."

Now Keith Kincaid is a *friend* of journalism schools — he chairs the professional advisory committee at the University of Western Ontario — and if this is the attitude of a friend, what can we expect from our sternest critics?

His attitude is not atypical of media managers who should have a vested interest in who journalism schools turn out and who, like Kincaid, often exhort us to add specific courses in things like media management. Since I left a

newspaper management career in 1986 to head Ryerson's School of Journalism, I have often wondered where is this partnership that should exist between professionals and professional schools.

What does it say about the business we're in when its top managers don't know or care how their future employees are trained? What does it say about journalism schools if they haven't reached out to the industry they serve with mid-career training opportunities, and support for the hard battles that must be fought for resources in the thinning groves of academe?

No less a professional than Robert Fulford touched on this theme in his Atkinson Lecture last spring at Ryerson. After suggesting that "the next generation will have to find a way to reinvent the journalism school," he said if he were running one he would try to recruit the leading figures in contemporary journalism to teach there. Why is that not happening? Fulford answered in two ways: (a) They haven't been asked; and (b) They shouldn't have to be.

There are many top journalists who

share this high ideal of professionalism. Peter Mansbridge has found time to teach a year-long broadcast reporting class at Ryerson for two years, despite the pressures of anchoring CBC's *National News* every night. Jock Ferguson the *Globe and Mail's* award-winning investigative reporter, has taught final-year Ryerson print students for nine years. The list of adjunct professors at Carleton and Western includes such names as Don McGilivray, John Sawatsky, Shirley Sharzer, Jim Romahn and Cameron Graham.

They aren't doing it for the money. They fit it in to busy schedules because they care about the future of their craft. Some, to be sure, may do it without the blessing of their employers. I'm still waiting for a managing editor to offer one of his or her star reporters on sabbatical to teach full-time for a year. Or for a publisher to phone me up and say "What can I do to help?" Yet who has a greater vested interest in well-trained journalism students than the managers or owners who will one day employ them?

Two recent experiences brought home to me the great gulf that separates

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journalism from journalism education. One was the annual convention of the Association for Education in Journalism and Mass Communications. A year of scholarly research in 300 American journalism schools produced such papers as "The Psychophysiological Chronometry of Television Viewing," and "The Positive Effect of Neutral Information in Evaluative Journalism."

No media manager in his or her right mind would bother reading one of them, or be surprised by what it said.

The second experience was reading a brief to the Ontario government on journalism education by the Ontario Newspaper Association. In it, small-town publishers took Fulford's idea a bizarre extra mile: Not only were journalism educators not competent to teach real-world skills, they should be fired and replaced by visiting editors selected by lot from the community press. Advertising sales training was high on its list of curriculum reform. And the OCNA did all this without once visiting many of the schools it criticized.

These are extreme examples, but we are sadly out of touch with one another. H.L. Mencken's criticism of journalism schools 60 years ago as being "seldom manned by men of any genuine professional standing" and "refuges for students too stupid to tackle the other professions" is dead wrong today, but it is echoed by many editors.

So why should things change? And what could partnership achieve?

Two statistics make my case. The first is 27 per cent. The second is 22 per cent. The first is the average increase in after-tax profit generated by Canada's three leading newspaper publishers in

1987. The second is the drop in Ontario universities' share of total government spending from 1977 to 1988.

At many universities — Carleton and Ryerson are perhaps exceptions — schools of journalism do not have the clout or academic prestige to fight for their fair share of this meagre pie. Yet they are expensive programs to teach — particularly in the broadcast labs — and so must make do without the technology students need to function in a modern newsroom.

The news industry, which should care about this too, has offered little help. A model of aid was this year's donation by Maclean Hunter of \$1 million to two Canadian journalism schools — Ryerson and King's College in Halifax — to set up academic chairs of study. But requests for help almost always fall on deaf ears. I still have a letter written by a top executive at Thomson Newspapers Ltd., saying that a \$500 annual scholarship fulfilled that organization's obligation to journalism education at Ryerson.

When journalism schools seek funds from other sources, the reaction of industry is often that somehow this taints the profession. Witness the furor that greeted a \$500,000 donation from the federal Secretary of State to set up the Centre for Mass Media Studies at Western.

This lack of understanding and dialogue, this distancing, is leading us in dangerous directions. Today, media managers are making expensive decisions about the technological future of their businesses, and what readers and viewers want to see in their mass media of the 1990s. But what are they doing to tell journalism schools what kinds of

employees they need, with what skills, to function in this brave new world?

I submit it is time for us to get together and talk. A national forum on professional training in journalism might bring together groups such as the Canadian Daily Newspaper Publishers Association, the Radio and Television News Directors Association, the Canadian Association of Broadcasters, the Canadian Community Newspaper Association, the Canadian Periodical Publishers Association, the Centre for Investigative Journalism and the Association of Directors of Journalism Programs at Canadian Universities.

Besides sharing a view of the future and perhaps some ideas for curriculum reform, such a gathering might explore other areas of co-operation — such as professional development programs for mid-career professionals, joint judging panels for professional awards, faculty-journalist exchanges, and even use of journalism faculty as short-term writing and editing coaches or, perhaps, as outside ombudsmen.

Some useful models to build on already exist. The University of Western Ontario runs a short course in legal issues for media professionals every year, and Ryerson collaborated with Canadian daily newspaper publishers in designing and running the first National Training Seminar for Copy Editors last February. (30)

John Miller is chairman of the School of Journalism at Ryerson Polytechnical Institute. Before assuming this post in 1986, Miller served as deputy managing editor of the Toronto Star and previously as Star Weekend editor and other senior newsroom posts.

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Pagination on the rise

by Catherine McKercher

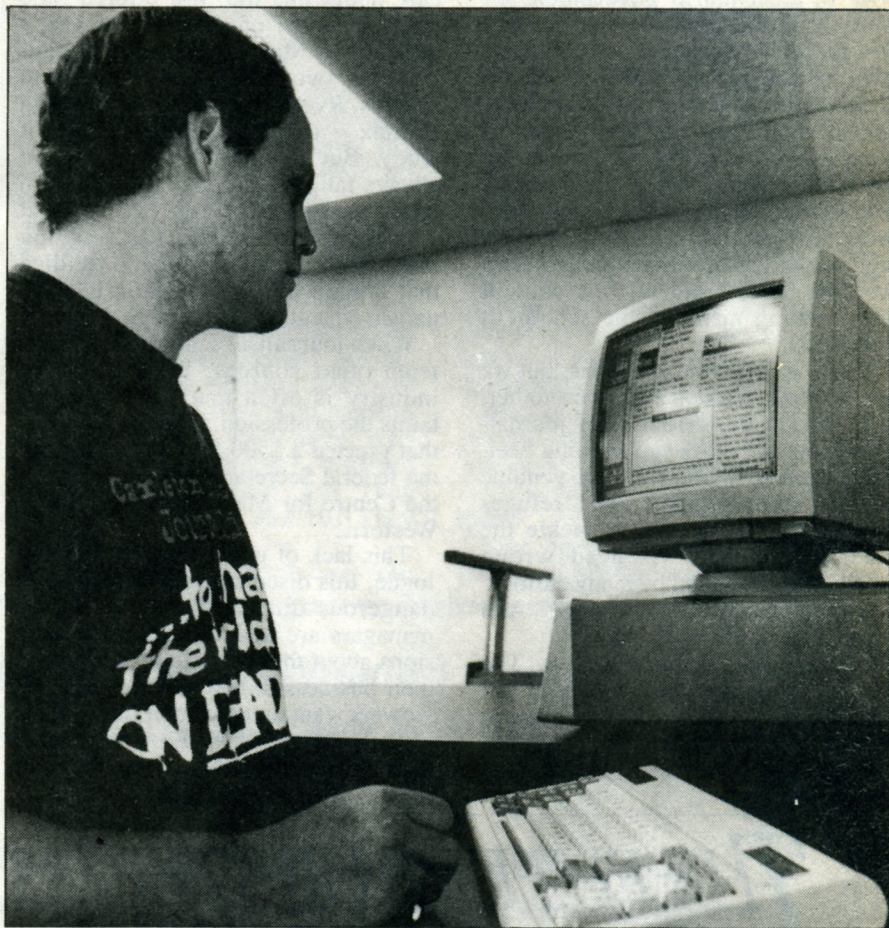
Ever since the introduction of computers in the newspaper industry, Canadian editors and publishers have been talking about pagination. As Toronto *Star* deputy managing editor James Rennie says, "I've been hearing that pagination is five years away for the last 15 years."

This year, however, the talk is being translated into action at the Toronto *Globe and Mail*, the Edmonton *Journal* and a number of other newsrooms across the country. And over the next two years, up to a dozen more dailies will make major production changes that include pagination technology.

In a full-fledged pagination system, an editor sitting at a computer terminal can select the copy for a page, edit it, write the headlines, select and size the photographs and graphics, lay out the page and set the whole thing in type as a unit. None of the dailies in Canada, however, are at this stage. For one thing, some elements of the technology are very new — and very expensive. For another, compositors at a number of newspapers have negotiated job guarantees, a factor that has slowed the push for technological change.

As a result, even at Canada's most fully paginated dailies — such as the pioneering Windsor *Star*, which got its pagination system in 1985, and the Hamilton *Spectator*, which became paginated in 1986 — compositors still put pictures on the pages and do some pasteup work.

But a recent survey funded by a Carleton University research grant found that in more and more Canadian daily newspapers, the job of laying out pages is being done by an editor working with a computer. Some newspapers are buying large new central computers with pagination terminals, at costs of several hundred thousand dollars and up. Others are looking at less expensive systems of linked "personal computers" (PCs) and laserprinters, to produce pages desk-top style. But of the 60 dailies who responded to survey



Editor laying out page

questionnaires, more than 45 see some kind of pagination in their future.

A lot has been happening in 1988 alone:

— At the Toronto *Globe and Mail*, the changeover to the newspaper's new Harris Corp. computer system has been occurring a bit at a time since the start of the year. Over the summer the entertainment section was paginated, and the next big switch is in the news department and the *Report on Business*. "We hope to be 60 to 70 per cent paginated by the end of the year," says Barbara Hyland, the *Globe's* director

of electronic publishing. The *Globe's* aim, she adds, is "100 per cent pagination."

— At the Edmonton *Journal*, conversion to a new Harris pagination system began in mid-summer. So far, says managing editor George Oake, editors are struggling with the finer kinds of typesetting, indentations and bastard measurements. Controlling typographical errors is also a problem.

— At the Winnipeg *Sun*, conversion to a pagination system using Apple Macintosh computers and Quark software began about a year ago. Manag-

ing editor Bryan Dunlop expects the entire newsroom to be converted to the new system by the winter.

— At Ottawa's *Le Droit*, the introduction of pagination is topping off a turbulent year marked by a strike and a change from broadsheet format to tabloid. *Le Droit* is using a system manufactured by Atex Inc., which recently sold a massive pagination package to the *New York Times*.

'Reason for change; aging of computers'

— In Montreal, the new *Daily News* tabloid opened its doors with a sophisticated Harris system in place. *Daily News* editors transmit pages of type electronically to a typesetter seven miles away, at another plant owned by *Daily News* owner Pierre Peladeau.

— At *The Nugget* in North Bay, Ont., a Macintosh/Quark desktop system is going into the newsroom this fall. Business manager Geof Rowell says the paper is also looking at a new laserprinter that can print out half a broadsheet page at a time. (Most laserprinters now in use print out quarter-pages, which are put together in the composing room.)

— And in Kenora, Ont., the *Daily Miner and News* converted this year to a complete desk-top publishing system. Publisher John Buchanan says his Macintosh/Quark setup is easy to operate. With some of the bigger pagination systems, he says, "you have to be a piano player."

Over the next two years, the push to paginate will accelerate. Among newspapers planning to begin or complete changeovers are the *Calgary Herald*, *Kingston Whig-Standard*, *Ottawa Citizen*, Quebec's *Le Soleil*, Moncton's *Le Matin*, the *Montreal Gazette*, *Niagara Falls Review*, the *Guelph Daily Mercury*, and the *Alaska Highway News*.

The *Winnipeg Free Press*, which has worked out its own pagination system for zoned weeklies distributed in its Sunday package, plans to switch to a large pagination system when it moves to its new building in 1990.

The *Toronto Star* is making a major investment in 1988 in linked or networked PCs. Rennie says that any equipment bought now "will take us en route to pagination." He expects that the *Star Week* TV guide will be paginated by 1990, and other sections in 1991 and 1992.

Other newspapers with longer-term plans for pagination are the *London Free Press*, *Montreal La Presse*, *Regina Leader Post*, *Port Hope Guide* and *Cobourg Star*, the *Kamloops Daily News* and the *Red Deer Advocate*.

Why is the change happening now at so many newspapers? Editors and publishers say key factors in the decision to make the switch are the age of the existing computer system and the age of the composing room.

At many newspapers, computers bought for newsrooms in the late '70s are nearing the end of their usefulness. In addition, the gradual decline in the size of composing rooms over the last decade is reaching the critical point at some newspapers.

At the *Calgary Herald*, for example, "the composing room realized they were going to have more early retirements than they anticipated," says managing editor Gillian Steward. This past spring, at the production department's urging, the *Herald* purchased three PC units to produce some weekly elements of the paper, such as the *Neighbors* section.

Most newspapers expect to manage the transition to pagination without layoffs, relying instead on long-standing attrition policies combined with buy-

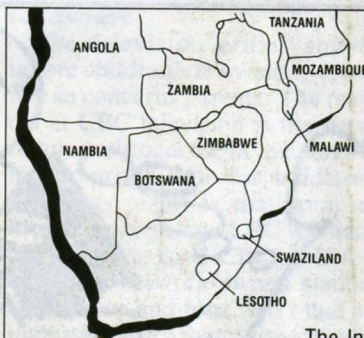
outs and early retirement packages. At the *Windsor Star*, for example, managing editor Jim Bruce says the number of composing room employees has been reduced from more than 100 in the early 1970s to 28 — all through an attrition policy that goes back 16 or 17 years.

At the *Globe and Mail*, on the other hand, management has an agreement with the composing room that a lot

'Desktop publishing inevitable as moving type'

fewer people will be required. "We have the provision to do layoffs and we may in fact be doing that," Hyland says. But, she adds, "a lot of will depend on some other things," such as the number of people who take early retirement.

Meanwhile, as desktop publishing soars in popularity, many of Canada's smaller dailies are beginning to think of new computers. As one Western Canadian publisher says, pagination "is probably as inevitable as movable type." (30)



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Leading scientists from Canada and southern Africa will be in Montreal to present the latest developments in Canadian-funded projects at this 1½ day seminar.

For example, researchers in Lesotho are looking at the effect of the 'brain drain' from other African countries to the Bantustans (newly created national states). In Botswana scientists are helping reduce the imports of flour and milk supplies from South Africa.

Profiles of refugees in the frontline states, and national laws protecting them, will help these countries plan and improve refugee assistance programs. Other subjects include erosion, marketing, forestry and health.

TV stays preferred news source

Television remains the preferred source in most cases for people seeking news and information, the latest Environics Media Study has shown.

Michael Adams, president of Environics Research Group Ltd., reviewed results of the study at the annual conference of the Canadian Managing Editors.

Before citing specific questions, Adams dealt with the characteristics which distinguish television, newspapers, radio and magazines. Each of the four media has limitations and opportunities available to one medium over the other.

"Newspapers are seen as the most serious. Television is seen as the most entertaining and exciting; radio as the most soothing"...Television has the edge over newspapers in the following areas, but the margin between the two is relatively narrow. Both are seen as

open and frank, informative, believable and honest in reporting events... and there is no difference between television and newspapers in terms of the percentage of Canadians which identify each as most useful or helpful.

"Radio has a somewhat lower profile than the soothing/relaxing characteristic which radio shares to some extent with television, only 10 per cent or less of Canadians accord any of the listed personality attributes to this medium.

"Magazines are even more amorphous and less clearly defined than radio. The highest level of support for magazines over the other three media is as the most educational..."

In terms of the media source relied on for international and national news, television led by a wide margin. In local news, television led again but the gap between TV and newspapers was much smaller — 39 to 32 per cent.

Newspapers are marginally more popular for business news over television — 37 to 30 per cent.

Television led the way as well for weather information, sports scores and marginally, for word about an emergency or crisis.

Looking at media issues and the media as part of daily life, the study showed newspapers leading the way followed by radio and television. In the case of newspapers, 78 per cent agreed that they were an important part of daily life; radio followed with 74 and television 60; magazines were ranked at 52 per cent.

In terms of responsibility for taking a leading role in building a stronger Canadian identity, CBC rated at the top with 87 per cent; daily newspaper publishers at 84 per cent; book and magazine publishers at 83 per cent; private broadcasters 82 per cent; private radio stations at 81 per cent. (30)



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Problems of printing broadcasting

by Ron Haggart

When Peter Trueman left the CBC in 1972 as director of news and information programming, he believed he knew precisely what to do with his life. He had established a considerable reputation on the *Montreal Star*, reporting from Washington and New York. He'd been chief of CBC news operations during the October crisis and the War Measures Act, and, as it happened, he was acquainted with one of the top editors at the *Toronto Sun*.

"Obviously, I know print," Trueman told the editor in his comfortable, panelled office in the old King Street building. "And now I know television from the inside. What I'd like to do next is write about television for *The Star*."

The editor dropped back in genuine alarm. "But Peter," he cried, "you wouldn't want to do *that*!"

It is the incredulous use of the exclamatory "*that*" which best defines the attitude the newspapers of Toronto and of Canada have long brought to the coverage of television. If television is a vast wasteland, television critics are its tumbleweed, blown this way by today's handout, blown that way by yesterday's fad, pirouetting in the vacuum of their own critical standards, poofing out of sight in what turns out, after all, to have been a storm not worth remembering.

There is a first test that can be applied to television criticism. In dealing with a specific program, critics often urge, perhaps inadvertently, a new public policy. Would any decent newspaper ever advocate that policy to readers of its editorial page? When, for example, John Haslett Cuff urges upon the CBC series *Street Legal* "just an occasional dollop of violence," do you suppose the editorial page on *Globe and Mail* would ever take up the cry and demand: "What we need on television these days is more violence in family entertainment programs"?

The same Haslett Cuff was incensed when a one-hour lift from the Montreal Comedy Festival failed to include five of his favorite performers, all of them noted for their "colorful lanaguage." One will wait in vain, of course, for the *Globe and Mail* to thunder: "What we she once told an interviewer.

At *The Gazette*, also in Montreal, Joan Irwin knew a great deal about the

methodology of television. She knew need these days is more filthy nightclub acts spewing out 'fuck' and 'shit' at 8 pm on a Saturday night — when at least 10 per cent of the CBC television audience will be children under 12 years of age." The CBC's failure to broadcast 'fuck' and 'shit' was, Haslett Cuff wrote, "this reflexive obeisance to some obscure self-righteous notion of good taste." But not all that obscure, it seems, since the newspaper for which Haslett Cuff writes did not permit him to put into print those words for which he was demanding more generous air time.

While railing on about every pecksniffian dispute inside the CBC, the critics of Canada are mainly ignorant of the real issues which afflict television. *The Journal* as "time bandit" concerns the *Toronto Star*; violence on television doesn't. No one has ever analyzed how Canadian audiences perceive violence. How did CTV get to be the most violent television network in the world? There must be a story there somewhere.

The television critics snobbishly ignore children's television, yet no subject so concerns parents. The real scandal at CBC television is the network's failure to broadcast in the early morning — prime time for toddlers. The ludicrous result is that some of the more conscientious CBC affiliates are broadcasting good CBC stuff for kids while the network-owned stations are still in bars-and-tone. Isn't that a more important story than "time bandits" at *The Journal* (quite apart from the fact that the story was false)?

Ten years ago, Robert Fulford wrote that he was still waiting to find a television critic who actually liked television: "They treat TV reviewing as if it were a penitentiary sentence rather than a lucky break. In most cases, they would rather be doing something else..."

In some cases, they were doing something else. Blaik Kirby always complained that the *Globe and Mail* didn't pay him enough, so he made extra money reviewing nightclub acts. Such performances are by their very nature held in that period of the day television refers to as prime time. Even when Kirby was able to tear himself away from the Airport Hilton, he still preserved a decent set of priorities. In

an interview on CITY-TV, Morton Shulman once asked him: "Well, I guess in your job you watch a lot of television?"

"No," Kirby replied, "I probably watch less television than the average Canadian and" (pregnant pause) "*never for pleasure*."

Having missed on Peter Trueman, the *Toronto Star* went with Patrick Scott who, as a television columnist, knew a great deal about jazz. Later, they found Ron Base.

In 1975 Base wrote a profile of Murray Chercover for *Maclean's* magazine in which he had CTV "with a tight budget of \$35 million" actively competing with the CBC "with a budget of \$350 million."

In this almost bizarre misunderstanding of the structure of Canadian broadcasting, Base plainly did not know that the vast majority of the CBC's money is spent on things CTV simply does not do, like owning and operating 31 television stations, owning and operating 65 radio stations, operating in French, and so forth. Base then wept over the "problem" that "CTV still operates in the red" — obviously no understanding that CTV is *designed* to be profitless. The whole idea is to direct revenues back to the affiliate-owners.

There are no grounds whatsoever for concluding that Base's fundamental misunderstanding of how television is organized in Canada, in both the public and private sectors, is the reason he was hired shortly thereafter as television critic for *The Star*. But it happened.

It is possible nonetheless to recall with sad nostalgia some of the fine work that once was done in reviewing television for Canadian readers. After a decade of writing elsewhere about music and drama, Pat Pearce applied her lively intelligence to television at the *Montreal Star*. She had one amazing characteristic — she actually *liked* television. "I respect it as an art form," most of the people worth knowing in the industry, and she "worked her beat," just like real reporters do at city hall or Parliament Hill. Her analysis of CFTO's bid to buy CFCF-Montreal remains a classic of back-room resea-

continued on page 22

War brewing over CTV

As shareholders exert pressure for change, Bassett enters the battle with an ace up his sleeve

by Tony Atherton

The lull in the pitched battle for control of CTV is about to end.

With programming costs skyrocketing in the wake of the toughest licence conditions ever placed on the network, and returns to shareholders rumored to be down by \$20 million from last year, network executives expect the pot to be boiling again by early in the new year. It's been an uneasy, but unavoidable truce since bad blood in the boardroom spilled out in a messy public battle last winter.

Doug Bassett, the man who would be network king, has had his hands full with the summer-long lockout of broadcast employees at *CFTO-TV*, Toronto flagship of the Baton Broadcasting chain he presides over.

And the other nine network shareholders, including Vancouver's *BCTV* run by Bassett's arch-rival, Ray Peters, have been too busy preparing for fall hearings on the renewal of their own stations' licences to worry about the network's prickly ownership structure.

But the pressure for some kind of change is more intense than ever. More than half the shareholders, mostly smaller players, want out. They'd rather sell their interest and sign on as mere network affiliates, avoiding concerns about profit and loss in an increasingly risky market.

In addition, the unwieldy CTV structure is dragging the network down, a fact which the Canadian Radio-Television and Telecommunications Commission (CRTC) forced the shareholders to recognize during a 1986 network licence hearing.

The problem is, the shareholders who still want a piece of CTV can't decide how to divvy up the spoils. Peters wants control shared equally; Bassett wants it tied to assets — one



station, one vote. That would give Baton unmistakable control.

Almost from its birth nearly three decades ago, CTV has been a lopsided, uneasy confederation of private stations. Intensely aware of the clout a major player like *CFTO* could wield if given its head, the station owners agreed that no shareholder, no matter the extent of his holdings, would have more than one vote on the CTV board.

As a result, the network has been plagued by deadlocked votes, tedious discussion, flaring tempers and often little sense of direction. As recently as two years ago there were 16 shareholders squabbling over the network, each with distinct regional concerns and

vastly different aims for the CTV.

In the recent wave of industry consolidation, culminating in Baton's purchase of the Ottawa CTV station *CJOH* from Standard Broadcasting this year, the number of shareholders has dropped to 10, but the infighting is just as fierce.

Even so, the arrangement hasn't stopped *CFTO*, the core of what became Baton Broadcasting, from shifting considerable weight within the network.

When Doug's father, John Bassett, built his mammoth, state-of-the-art production facilities in Toronto in 1960, he burdened his new station with incredible debt. It was a risk more

sober businessmen thought suicidal.

Since then, Baton's Glen-Warren Productions has dominated private TV production in Canada, including almost all CTV programming. Baton has been able to sell programming to the network, and share in network profits.

Even without Glen-Warren, the force of John Bassett's brash, bull-headed personality was often enough to give Baton a greater influence on the board than its single vote. In recent years, the president's mantle passed from father to son and Baton suddenly became very acquisitive. In 1986, the company picked up six television stations in Saskatchewan, including four CTV affiliates. That same year, it set its sights on Ottawa.

A licence for an Ottawa independent TV station has been called one of the last great prizes of Canadian broadcasting. Ottawa is one of the few large English-language markets yet to be served by an independent station.

In 1986, Pembroke's *CHRO-TV* applied to move its transmitter closer to Ottawa. The CBC affiliate, part of the Mid-Canada chain, wanted to be close enough to have a protected spot on cable systems in Ottawa, the city that provides most of its commercial revenue. The CRTC wouldn't approve the transmitter change, but said it would entertain a licence application for a new station. When *CHRO* applied, the competition was automatically opened to others.

From the start, Baton was the most controversial applicant. Standard Broadcasting, then the owner of *CJOH-TV*, argued that if Baton won the licence it would have an unfair competitive advantage; it would be intimately involved in CTV network strategy while competing against a network shareholder. But Baton also had the most impressive application, offering 60 hours of local programming a week, twice the norm for independent stations. It promised more employees than other applications, and a bigger broadcast centre.

But when the CRTC gave the nod to Baton in 1987, all hell broke loose. Not only did many observers wince at the thought of Canada's biggest TV chain swelling again, but the decision coincided with a round of layoffs at CTV, and general moaning about falling network revenues.

Suddenly, Baton's ownership of an Ottawa independent was seen as a threat to CTV. Pundits suggested that once Baton was bolstered by its Ottawa station, it might consider striking out

on its own, a move that could kill the network. In the wave of paranoia that followed, the federal cabinet asked the CRTC to reconsider its decision. Before it could do that, however, Baton announced that it was giving up its new licence. It had just reached an agreement to purchase *CJOH*.

Standard Broadcasting president Allan Slaight had no confidence the CRTC would change its mind on Baton. He had hoped the cabinet itself would reverse the CRTC decision. When it didn't Slaight said he couldn't afford to operate *CJOH* in competition with Baton. He accepted Bassett's long-standing \$85 million offer for his CTV affiliate.

The move calmed the fear of CTV's swift demise; Baton, it now seemed, was wedded to the network more than ever.

But for BCTV's Peters, it was a cause for apoplexy. In his mind, Baton already had the network by the nose. If

'Bassett limited to 25 percent network control'

it became the only shareholder with two major stations, it would be impossible to resist.

In fact, Baton was already making its move. The year before, during hearings on the renewal of CTV's licence, the CRTC told the network it had to change an affiliate agreement that put the financial needs of the shareholders before those of the network as a whole. In the past, CTV had reduced programming commitments because the network's payment to affiliates took precedence. No more, said the CRTC.

Bassett knew that under these conditions many of the shareholders would want out. By September, 1987, only two months after the *CJOH* purchase, Bassett, newly installed as Baton's representative on the board, made a pitch to take over the network. The move was scuttled, primarily by Peters with the support of board chairman Bill MacGregor, president of Kitchener affiliate *CKCO*.

The alternative proposed was an equal partnership of four or five of the biggest players; *BCTV*, *CKCO*, *CFCF* in Montreal, MacLean-Hunter's *CFCN* in Calgary all expressed interest in serving along with Baton.

Bassett said he wouldn't mind the Gang-of-Four approach, provided vot-

ing was weighted to recognize each shareholder's stake in network affiliates. Baton has six CTV stations, far more than any other shareholder.

Stalemate.

By the time Baton's purchase of *CJOH* came up before the CRTC in January, Peters had worked up a full head of steam. Baton, he told the commissioners, had a stranglehold on the CTV and was bullying the network's management into broadcasting its own second-rate shows. If the *CJOH* purchase was approved, it should carry a condition that Baton could never have more than 25 per cent control of the network, Peters blustered.

Other CTV shareholders were appalled, regardless of their stand on the ownership issue. If there's one thing a private broadcaster just doesn't do, it's to request interference by the federal regulator.

As it turned out, the CRTC ruled it had no jurisdiction to intervene in the corporate deliberations.

The issue remains in limbo. But after the fall hearings, the battle will begin again, with more ferocity than ever.

Doug Bassett admits that the issue will likely come down to a contest of wills between he and Peters. If so, Bassett's stock with the other shareholders is probably a little higher just now.

Not only is Peters still under a pall for washing the board's dirty laundry in public, but Bassett's strong and largely successful stand against the *CFTO* local of National Association of Broadcast Employees and Technicians is bound to be much admired.

However, one Baton executive says Bassett has an ace up his sleeve. If, come the new year, Peters and the rest are adamant that a new ownership structure should encompass a few major players, each with one vote, Baton will withdraw from network ownership altogether. It will threaten to become a network affiliate, without a direct stake in the financial vagaries of CTV.

The prospect of losing Baton, the only large-scale shareholder for which broadcasting isn't just a sideline, should be enough to break the deadlock. If not, it will certainly be sufficient to inspire a little gentle nudging from the CRTC. (30)

Tony Atherton has been television columnist for the Ottawa Citizen for the past year and a half. Previously he was a reporter for the Citizen. He came to Ottawa from British Columbia where he edited the Prince Rupert Daily News.

continued from page 19

rich and public interest outrage.

The informed wit of Pearce and the dogged reporting of Irwin have largely been replaced by The-Smart-Alec-Top-of-the-Head School of Journalism. Ray Conlogue of *The Globe and Mail* had people like CBC president Al Johnson riding around in the First Class cabins of airplanes, and it seems almost pathetic to have to point out that Johnson, of course, never did. In Vancouver, Lorne Parton of *The Province* is permitted to recycle an old civil service joke and put it seriously into Johnson's mouth. "How many people work at the CBC?" "Oh," Johnson replied, "about half."

Johnson, of course, neither said nor believed it, and he knows better civil service jokes himself: "How does a civil servant wink?" Answer: "He opens one eye."

Unlike Parton, Johnson thought that was a joke, not journalism. It is a sad tribute to the work of Pearce and Irwin to record their most distinguishing characteristic: they never made things up.

This gives rise to what may be regarded as the second rule in judging television criticism: would they be writing this way, would they be making things up, if the story were about Imperial Oil?

Morris Wolfe covered television industriously and intelligently in the pages of *Saturday Night*, but in the deadline world of the daily press the three stars were all surprises: Bill Musselwhite of the *Calgary Herald*, Dave Billington of the *Edmonton Sun* and Bob Pennington of the *Toronto Sun*.

Billington's energy and indepen-

dence leapt from the page. Both he and Musselwhite realized that quality is an achievable target everywhere in television, not only from *Masterpiece Theatre*. Musselwhite, perhaps not the most inspiring of writers, was a determined reporter, and both he and Billington refused to play the easy Alberta game of "freeze in the dark" politics.

It is difficult now to remember just how good Bob Pennington was. He was a direct, straightforward, chatty reporter. When the *Ombudsman* program died, he walked down the halls of 790 Bay (a reporter working his beat) and found researchers sitting among bouquets and plants and thank-you notes, tokens from grateful viewers whose causes *Ombudsman* had not broadcast. In a single image he caught the incredible closeness that *Ombudsman* enjoyed with its audience; he caught the quality of television that dared to be different. The other reporters were back at the office writing the usual political thumbsuckers. No less than a medal should be struck for the editor at the *Toronto Sun* who had the insight to realize that Pennington, then writing a "people" column for *The Star*, would be a natural for television.

The strengths of Pennington can best be judged by comparing him with Jim Bawden, who writes for the paper that didn't have the wit to switch Pennington to television.

Bawden's 1981 review of the CBC drama *A Far Cry From Home* begins with an attack on the docudrama form. "The truth sometimes gets in the way (in docudrama)," Bawden wrote, "and is conveniently

bent for dramatic license."


Fully one-half of Bawden's review of *A Far Cry* is devoted to an attack on docudrama. Interesting stuff, but the trouble is, *A Far Cry* wasn't docudrama and didn't purport to be. Bawden seems to realize this, because elsewhere he refers to it as "reality-based," which, it will come as no surprise, is not the same thing as docudrama.

In reviewing *A Far Cry* as docudrama, Bawden made this truly astonishing pronouncement: "TV also presents straight news, and to an unsuspecting public the distinctions between news and entertainment could well become blurred." In other words, those boos out there can't tell the difference between Mike Duffy and Richard Monette. If he is to be taken seriously, Bawden means that television should broadcast only fantasy drama (he loves *Dynasty*). But, reviewing *A Far Cry From Home*, Bawden believes it would be a terrible thing if the public got to understand that the subject of the play actually exists. The subject was wife-beating.

Bawden's cynicism over *A Far Cry* continued right to the very end: "...the wife finally has the good sense to escape to a shelter, where she should have gone to an hour before (but then there would have been no drama.)"

Pennington, too, worried about why the wife stayed on, but good reporter that he is, he asked. "I asked myself precisely the same question at first," he quoted producer Anne Frank as replying. Pennington was then able to provide some useful insights as to why women remain in abusive situations.

Pennington's successor, Jim Slotek, writes a light, gossipy column that usu-

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ally manages to hide his good taste.

For his part, Bawden appears to have felt a taste of the muzzle lately. Nothing, certainly, can match his campaign of a few years ago to excoriate *The National* and the newly-launched *Journal*. He made his purpose clear enough (on June 28, 1982): "I come not to praise *The Journal*, but to bury it."

(It seems not to have occurred to the editors of *The Star* that a writer with the motives of Brutus and Khrushchev might not be the most reliable amanuensis to record the day-to-day facts about that program in the weeks to come. And, indeed, that turned out to be the case.)

On December 16 1982, Bawden declared victory — "The battle for the hearts and minds of Canadian news viewers has been won by CTV."

Well, not quite. The only audience figures Bawden quoted in his foot-long article were from Toronto, and no editor at *The Star* was smart enough to catch his sly trick. The *CTV National News* had, as always, won the hearts and minds of Toronto. But Toronto is not Canada and there, as always, the figures told the opposite story.

Bawden's triumphs as a television columnist are legion, but it is mainly a foreign legion. He knows a great deal about Hollywood movies, and he is adept at getting to obscure conventions in Phoenix to describe the triumphs of local independent stations in major American markets. In that case, he seemed never to have heard of *CHCH*, nor of *CITY-TV*, which did it far in advance of *KTLA*.

Despite the dismal performance, by and large, of the Canadian critics, they could probably do a much better job if the newspapers offered them a working environment more conducive to accuracy and reflection. They are expected to do too much — they must cover more television than anyone else in the world. They are expected to be both critic and reporter. In other countries, these roles are often split, although no one is rigid about it. The Canadian critics are given no support staff, no one to handle their phones or do a little reading and help with the research.

Sid Adilman, when he was more active as a writer at *The Star*, was clearly the best informed and the best motivated of the television writers, but he was expected to know everything about the theatre and publishing, as well as television. His accuracy level suffered. He once confused rating points with share (which is like a Parliamentary reporter not knowing what closure is) and no, Keith Morrison was

not making \$200,000 a year on *The Journal*. The entertainment pages of *The Star* have become much more mature since Adilman became their editor.

It is not generally understood that the selection, editing and display of stories on the inside pages of newspapers is a task frequently given to very junior employees, working late at night, after the bosses and those who know anything have long since gone home. How else do you explain *The Globe* devoting a three-column, two-line head, two pictures and 20 column inches of space to the breathtaking news that the stars of *60 Minutes* would be doing walk-on parts on the *CBS Evening News*. If this piece of puffery had any place in a Canadian newspaper at all, it was as a minor column mention. The national edition of *The New York Times* ignored it. In the *Washington Post*, it was a minor column mention.

Why bother to be a conscientious writer about television when someone writing under the imprimatur of "editor" at *Starweek* magazine actually believes (in print) that Canadian cable companies steal American programs, that the cable companies sell advertising, that cable companies keep the money, and the CRTC licenses them to do so. Four facts there, and all of them wrong; four facts that happen to be at the heart of Canadian broadcasting policy.

While Canada may have a broadcasting policy, its newspapers appear to have no policy on how to cover it. Both *The Telegram* of Toronto and *The Gazette* of Montreal once hired as television columnists (not just as reporters) young men taking their first job right out of school. Would they have done that with a political column? An eastern newspaper once assigned to the CBC's fall launch a nurse the publisher had met at a party the week before.

When Peter Trueman was rebuffed at *The Toronto Star*, he turned around and went back into television. And then, along came Frank Jones.

About a decade ago, when *The Star* was launching its Sunday edition, Jones happened to be assigned to do a number of feature stories about television. He was an immediate success — his hard work showed through, he talked to everyone he could find; he is a clean natural writer and has a good ear for dialogue. What's more, he liked writing about television. He believed the medium is often a "wasted tool," but that it is the most important element in modern popular culture.

"I was very interested in writing about television," Jones says today, "but I was somehow dissuaded from it. I don't remember who it was, but it was said to me that I was too good to be doing that sort of thing." 30

Ron Haggart, an award-winning newspaper columnist and television documentary producer, is serving as senior producer of the CBC's Fifth Estate. Previously, he was a reporter and later incisive columnist for The Globe and Mail, Toronto Star and The Telegram. He was executive producer of local information programming before coming to the CBC in 1975.

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Walking the freelancing tightrope

by Barbara Florio Graham

There are many reasons why staff writers leave permanent positions to pursue freelance careers. For some, it's a logical choice when faced with possible layoff. Or a couple may realize that freelancing is ideal to supplement one income while the other parent cares for young children at home.

And some writers think of the freelance life as glamorous. The grad students slogging away at a thesis may dream of celebrity interviews, press conferences and complimentary tickets, as well as the thrill of announcing to friends that he stayed up all night to meet a deadline.

Reality, however, is not so pretty. Freelancing is like walking a tightrope over a pit of alligators. It takes a combination of talent, balance and confidence, plus more than a little luck. And the freelancer has to develop some additional skills not required in a staff position.

Most members of the Periodical Writers Association of Canada agree that the freedom of freelancing is its major attraction. Of the more than 300 professional members of PWAC, more than 80 percent have held a staff job on a periodical, in government or in corporate communications at some time.

But to say that such jobs prepare you

for a freelance career would be misleading. In fact, being a freelancer means giving up not only the regular salary and benefits of a staff position, but also other more subtle advantages. Alone in your home office, there are no colleagues with whom to brainstorm ideas, no one to suggest other sources of information, no staff to assist with research.

Freelancers who decide to give up and go back to a "regular" job often say their primary reason was the isolation of working alone. Others mention the tremendous self-discipline it takes to organize yourself and keep enthusiasm high. If you've conquered these

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obstacles, and have been able to close your eyes and ears to distractions in a well-appointed office during regular business hours, you may still not be prepared for the transition from staff to freelance.

One problem which often arises is the temptation to propose an article to an editor without carefully planning the amount of time you will need to write it. Even if you calculate your hourly rate to accurately reflect research and writing, you may still find yourself earning far less than you had anticipated.

It's essential to allow time to query editors and to abandon partly-researched items that don't pan out. In addition, freelance writers need to

allow a day a week for "overhead:" such things as paying bills, sending out invoices, querying new markets, maintaining files. Some things you used to rely on support staff to handle, such as wrestling with computer equipment that suddenly stops functioning, or such mundane chores as office cleaning, are now your responsibility.

But don't despair. Like the tightrope-walker, you, too, can learn how to balance above the pit. The first rule for succeeding as a freelancer is to operate like any other small business.

First you must develop a business plan: goals for the coming month, quarter, and year; a regular schedule; a strong client list; a method for uncovering new markets; professional help in setting up accounting procedures and keeping tax records; some capital to invest in quality equipment.

Don't forget that freelancers have no paid sick leave or holidays, so your business plan should include some compensation for these, as well as a budget which includes insurance, equipment maintenance and repair, professional dues, and other annual expenses you might not think of when estimating your monthly costs.

Consider obtaining the call-waiting feature for your home telephone so you

won't miss an important call while you're talking to someone else, and have stationery and business cards printed, to establish professional credibility.

If you're not close to a major library, you may find that owning your own basic reference books saves a great deal of time. Set up a comprehensive filing system, with folders for sub-topics within each subject area, so you will be able to find clippings quickly.

You also need a failsafe system for logging telephone calls to document each call you make and receive. Record the date, name, mailing address, telephone number, subject(s) discussed, and the number of the cassette tape, if you recorded the conversation. This is not only to protect your research, but to provide records for follow-up, tax deductions, or expense invoices.

Once you have a sensible plan, a realistic budget, and an efficient office, you can begin to inch your way.

With any luck, you'll make it. 30

Barbara Florio Graham is the author of Five Fast Steps to Better Writing and Five Fast Steps to Low-Cost Publicity, and she also coordinates the Ottawa chapter of PWAC.


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Co-op radio's licence problems

by Ron Verzuh

It was a typical morning for Allan Jensen. He nodded to some of the derelicts seated next to brown paper bags outside 337 Carrall St. on Vancouver's skid row. He pushed through the scuffed up yellow door of the rundown old building and climbed the creaky stairway. He paused at the coffee machine and fished for a quarter, then sauntered passed the communal toilet and control room to his office at Vancouver Co-op Radio.

Jensen is program co-ordinator and one of four full-time staff members at the 13-year-old community station. It's one of only two in English Canada. The other is Wired World in Kitchener-Waterloo, Ont. Another, Winnipeg's Video Pool, is about to apply for a licence and there are several progressive campus stations like CKLN at Ryerson Polytechnical Institute in Toronto. Quebec has at least 25 French community stations, including Radio Centreville and CIBL in Montreal. But Co-op Radio has become the flagship community station.

A long-haired carpenter was hammering on Jensen's front door when he arrived. A break-in during the night had netted the robber about 50 albums and a radio from amidst the jungle of papers, equipment and dilapidated furniture where Jensen spends his few quiet moments. A letter from the Canadian Radio-Television and Telecommunications Commission (CRTC) stares ominously from the jammed bulletin board. The station's licence is up for renewal in September and this year it's more complicated than ever before.

The break-in isn't routine, but it isn't totally unexpected either. At Co-op Radio, CFRO 102.7 FM on the dial, you have to be ready for almost anything.

The station was founded in 1975 by some former underground journalists calling themselves the Muckrakers and a group interested in neighborhood cultural programming. They started with only a few hours of air time a day. Since then it has increased to about 20 hours. It has also attracted a lot of problems.

Jensen seems uneasy. The letter from



Volunteer programmer for co-op radio

the CRTC is on his mind. He hasn't had time to open it, but he can guess what it's about.

Last fall the CRTC received a complaint that Co-op Radio was airing anti-semitic comments on a show called the *Voice of Palestine*. "Outrage," screamed the banner headline in the tabloid *Province*. "Vancouver Jews denounce radio show." The story made headlines across the country and caught the attention of the federal licencing body. The Canadian Jewish Congress (CJC) quickly got involved, charging that the 5,500-watt station was propagating racism. "It's not just anti-Israel and anti-Zionist, CJC executive director Erwin Nest told the *Province*. "It's anti-Jewish."

The program is "critical of the Israeli government and the actions of the Israeli military," counters Jensen, but "it doesn't attack Jewish people." He says the station has policies against sexist, racist or 'ageist' programming, but has no "specific ideological perspective." He notes that the program was saying "the same sort of thing as the *New York Times* and *The Globe and Mail* are saying now" about the

Palestinian situation.

In March, the CRTC met with complainants and station representatives at a Victoria hearing to discuss renewing the five-year licence. Five years earlier there was no hearing. This time the station had to defend its interpretation of 'balanced' programming.

"We feel that we have a balanced broadcast," says Jensen, "not in the CBC sense...(but) the nature of our programming gives a variety of points of view on any issue. We don't dictate. If one program wants to look at an issue like abortion, say, they can look at it in the way they want." Jensen adds that the station would consider an application from an Israeli group as long as it wasn't Israeli government propaganda, but so far no one has applied. The station currently provides a Jewish music program.

As Jensen ponders the weighty question of whether this very public dispute might threaten the station's licence renewal in September, a Chinese programmer pesters him about how filthy the station was over the weekend. He wants the place cleaned up. Jensen listens patiently. He remembers when

there were 1 1/2 inches of pigeon dung on the floor and nothing but the burnt-out shell of a derelict building from which a new kind of radio station had to be created.

Then he is interrupted by a young oriental woman. "May I see you?" she asks gritting her teeth angrily. "It's urgent!" As Jensen excuses himself, a young caucasian man races in to explain that the oriental woman has blown a fuse because she thinks he is cutting in on her air time. He is actually preparing for the regular Tuesday live broadcast of a city council meeting, but she is convinced he's invaded her turf.

Jensen explains that about 2,800 supporters pay an average \$40 a year to keep their favorite programs on the air. With \$2,500 from city council as its only grant funding, the station has to raise its \$215,000 budget over the airwaves.

That money keeps the station on air, but lack of capital funds is a major problem, says administrative co-ordinator Coreen Douglas. She describes the horror of aging turntables breaking down in the middle of a show because there is no money to update equipment. "We think that after 13 years of maintaining this organization, we deserve some kind of government support," says Douglas, also president of the National Campus-Community Radio Association (NCRA), a lobby group founded in 1982 to push for more federal government support.

She hopes the NCRA, with a new office and paid co-ordinator in Montreal, can cut a better deal for member stations, but for now listeners are the main support base. They pledge support for shows like *Kla How Ya*, part of a new initiative to increase native people's content, or the popular public affairs program *Redeye*, or any number of non-official-language shows such as *Morning Voice* broadcast in Cantonese.

Anyone can apply for air time, explains Jensen. "That's what we try to do is provide a source of information and entertainment for communities that don't have it." Doing so requires extra sensitivity from Jensen and volunteer co-ordinator Louie Ettling.

A 'challenge' is how Ettling understates the task of keeping the 300 volunteer programmers happy. She and Jensen are both dealing with a potentially disastrous problem involving a complaint by a native Indian programmer who has charged that the station is racist. "That's something that really shakes this kind of organization which is supposedly alternative and open," she says.

Ettling was a volunteer before being hired and still works on a show called *Women Do This Every Day*. Like other shows at Co-op Radio, this one "doesn't present programmers as people who know everything," she explains. Instead it invites "women and other groups to come and talk about what they're doing."

Jensen has sorted out the turf question, but is soon confronted by a black programmer. He mutters something about wasting time because he can't locate the script for a promotional tape he is to do for the Jamaican music show. Jensen finds it for him, but before he sits down the programmer bothers him for a 90-second tape cart in exchange for a 60-second one.

After lunch he'll wrap his mind around the CRTC problem. That is if he gets time for lunch.

* * * * *

British underground press

Nigel Fountain takes an insider's look at British underground newspapers of the 1960s and shares some of the more intimate moments of that period in a new book called *Underground* (Comedia-Routledge, London, New York).

Beatles John Lennon and Paul McCartney played a role. So did Mick

Jagger. John Mortimer of Rumpole at the Bailey fame was the lawyer for Britain's best known underground paper, *Oz*, at its celebrated trial in the early 1970s. Alexander Cockburn, now one of the top American alternative writers (a columnist for *The Nation*), also did his time at the undergrounds.

Martha Rowe started the feminist magazine *Spare Rib* after some wretched experiences with sexist underground editors. Sheila Rowbotham wrote her respected feminist study, *Women, Resistance and Revolution*, after working on one of the papers. And Germaine Greer floated ideas for her book, *The Female Eunuch*, in the British underground.

It's a pleasant change from reading about the American underground which gets ample space in the book. Sadly, Fountain fails to even mention Canadian papers. Vancouver's *Georgia Straight* and Montreal's *Logos*, in particular, played a prominent international role and would have added to an otherwise detailed and enjoyable memoir-cum-reportage of a wacky era in alternative journalism. 30

Ron Verzuh is an Ottawa writer and frequent content contributor.

"Don't keep forever on the public road, going only where others have gone. Leave the beaten track occasionally and dive into the woods. You will be certain to find something you have never seen before. Of course, it will be a little thing, but do not ignore it. Follow it up, explore all around it: one discovery will lead to another, and before you know it you will have something worth thinking about to occupy your mind. All really big discoveries are the results of thought."

Alexander Graham Bell

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Canadian tabloids mushroom

by Murray Goldblatt

Tabloid journalism is in a boom period in Canada. That observation is reconfirmed by the announcement that The Toronto *Sun* has assumed control of Ottawa's *Sunday Herald* and will transform into the Ottawa *Sun*, another daily tabloid.

Tabloids are continually denounced and even scorned as sensationalist — woefully short of real news, prey to distortion, overloaded with crime and sex stories. Yet the tabloids in Canada have grown while the number of conventional, broadsheet newspapers have stagnated.

There is no special magic behind this tabloid surge. There is instead a mixture of reasons: catchy design, breezy

presentation in word and pictures and the capture of audiences whose members have remained indifferent to conventional papers. All of this is wrapped up in a half-sized, easy-to-read, easy-to-discard format.

The trailblazers for daily tabloids in Canada are easy to identify: Pierre Peladeau's *Journal de Montreal* with a daily circulation running over 330,000; and the Toronto *Sun* with a circulation in Metropolitan Toronto, near the 325,000-mark — more than five times its original level. Sunday circulation is about 460,000.

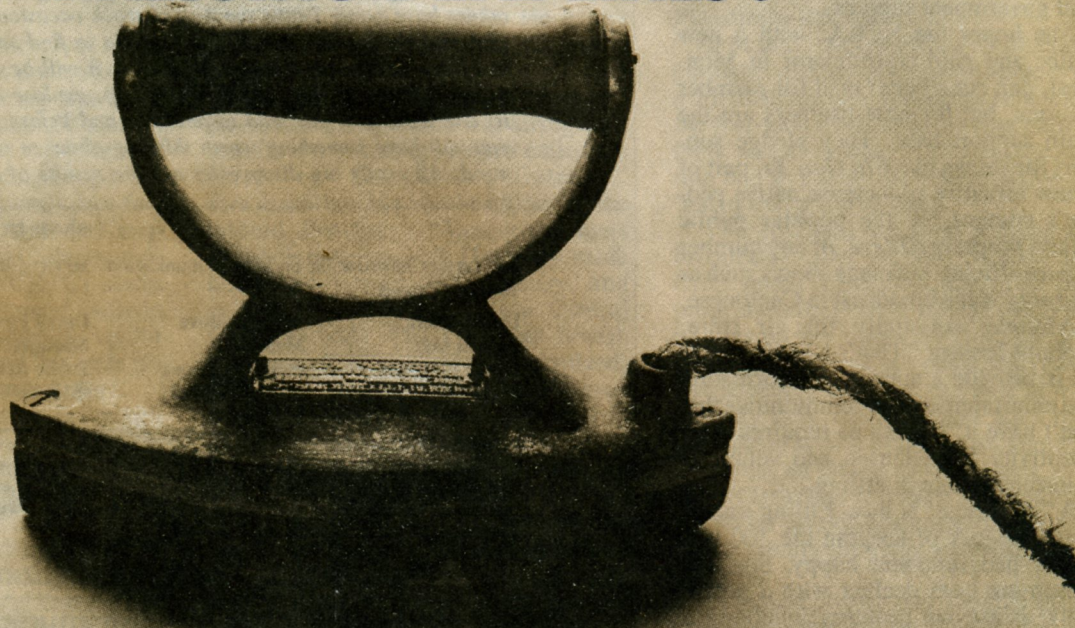
Both papers are brash, irreverent, picture-happy, brimful of sport coverage, stocked with shoot-from-the-hip

columnists.

The Toronto Sun Publishing Corp., a fast-growing company, has spawned two clones in Edmonton and Calgary. In those cities, the Sun papers pose a challenge to the established Southam papers. The Edmonton *Sun*, founded in 1978, has reached nearly 90,000 daily and 125,000 on Sundays; The Calgary *Sun*, started in 1980 from the ashes of the Calgary *Albertan*, registers 75,000 weekdays and nearly 95,000 on Sundays.

Tabloids are not always in the Toronto *Sun* mold. The Vancouver *Province*, once a staid conservative paper, went tabloid in 1983. The *Province* likes to label itself as a 'family-

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tab' a little less boisterous, the stories a little longer than the usual tabloid with more national, international and business items. The *Province* circulation has jumped more than 50,000 in five years to 186,000 daily.

In Halifax, the new-style Halifax *Daily News* in nine years has become a scrappy competitor for the older and more complacent Halifax *Chronicle-Herald* and *Mail-Star*; circulation of the tabloid is not quite half of the established publications.

Perhaps the most striking departure from the traditional tabloid formula is the new daily *Financial Post* — a tabloid unveiled early this year (February) as a companion to the well-established *Financial Post* weekly. The new business daily, with ties to the Toronto *Sun* empire, looks bright, tidy, attractive — but not raucous. The *Financial Post* presents financial news and comment in short, interpretive stories plus opinion from a stable of columnists. The *Financial Post* daily, off to a hesitant start, is taking aim at the older and bigger and better-staffed *Globe and Mail* Report on business.

Added to these is Pierre Peladeau's Montreal *Daily News*, struggling since its launching in March, in its battle with the Southam-controlled Montreal *Gazette*. Peladeau's latest entry in Montreal is closer in style to the

Toronto *Sun* than to the Vancouver *Province*.

In addition, the weekly tabloid *Financial Times* has been revamped. There is the tabloid Winnipeg *Sun*, another garish effort — enmeshed in its own troubles. Plus a dozen or more weekly tabloids across the country.

It is too early to evaluate the latest entry, the Ottawa *Sun*. But its prospects are strengthened by the import of management expertise and resources from its flourishing parent, the Toronto *Sun*.

As indicated at the outset, the trend to tabloids is a composite of several ingredients.

First, tabloids offer an attractive package — tight writing, good design, lively pictures, snappy headings.

Tabloids include large slices of entertainment and sports news — forthright, surprisingly well informed and detailed with their own set of columnists. These sports and entertainment segments are often overlooked by critics when they try to assess the drawing power of tabloids.

News sections remain relatively clipped, but columnists in those sections play an important role. They are wide-ranging and provocative.

In a political sense, tabloids are usually conservative-minded — frowning on welfare system improvements, sniping at big government and big labor,

distressed at government intervention in the marketplace. — with the exception of one or two columnists.

The much-touted newspaper battles of the past seem only partially reflected by the rise of the tabloids. Tabloids have frequently moved into the void left by the death of a conventional paper.

Tabloids instead appear to have carved out a special breed of readers in a television age — a period when an easy-to-grasp, picture-oriented style matches reader lifestyles.

These readers are drawn in part from the younger video generation — ages 18 to 34. Others are attracted from blue-collar, working class groups. And still others are members of ethnic group mostly in large urban areas. There are more male than female readers.

Perhaps most important, tabloid readers are frequently those who have rarely been regular newspaper readers at all. They find it easier to develop the habit of scanning a tabloid rather than a more serious-minded conventional paper. (30)

Murray Goldblatt is a Professor of Journalism at Carleton University and Editor of content. He served as National Editor and Ottawa bureau chief of the Globe and Mail.

Question pollsters: Environics

Michael Adams, president of Environics Research Group Ltd., discussed the accuracy and impact of public opinion polls in a talk to the annual Canadian Managing Editors Conference — and he included advice for journalists coping with the proliferation of polls.

Adams put it this way:

"To deny that published polling data has an effect on our politics would be naive in the extreme. And I believe the trend is toward an increasing influence on the political process.

"I therefore think it is important for journalists to do a better job in evaluating what poll data they will present — just as they check the credibility of other news sources — and to educate

the public on how to use and interpret polling data.

"I think it is time for *Canadian journalists to question pollsters and their clients* when they release or leak poll data before they publish or broadcast. And we should see more *critical investigative journalism* on polls, especially if there are conflicting findings on a particular topic or issue.

"We have had some very unfortunate examples of suspicious polls released during recent party leadership campaigns and *unless journalists and pollsters govern themselves better, there will be more abuses in the future.*

"Within the Canadian marketing and opinion research industry where professional standards already exist, there

must be greater emphasis on the enforcement of those standards, if the industry is to maintain its credibility with the media and the public...

"Likewise, journalists should take steps to make sure that standards for reporting poll data are more closely adhered to in order to reverse the trend toward biased media polls or the biased interpretation of government and other public polls to support an editorial position.

"Polling...is an important component of modern government everywhere and good polling almost invariably serves the public interest. And as with journalists, we pollsters must remain eternally vigilant in maintaining our high professional standards." (30)

Stumbling through infancy

by Warren Perley

“Who Goofed?” asked the bold-faced, front-page headline of the July 26th edition of the *Montreal Daily News*. The headline referred to a story about a rape suspect who had been inadvertently released from jail through a clerical error. But the costliest “goof” of all might well be the tabloid itself, which is losing substantial amounts of money as it struggles through its first fall season.

It's normal for a startup publication to bleed in its early stages. The most worrisome aspect for the *Daily News* is that its circulation appears to be slipping with no prospects of a turnaround.

Part of the problem is an insufficient number of experienced editors to handle the copy of a mostly young and inexperienced group of reporters. They also appear to have had trouble adjusting to their Harris pagination system. The result has been shoddy editing, confusing layouts, spelling errors, incorrect sports statistics, inconsistent story assignments and placements. There has been a plethora of embarrassing production glitches, including missing columns, duplicated stories, along with bad headline and justification breaks.

But the biggest problem is the inability of top management to define the market which the newspaper is trying to reach. Is it a downscale crime tabloid, as it appears some of the time? Or is it aimed at the upscale reader who might have been intrigued by its front-page feature treatment of poet-singer Leonard Cohen on July 23? Or is it aiming at *The Gazette's* middle ground by playing wire-service stories on the parliamentary abortion debate, as it did on Page 1 of its July 29th issue?

When asked in a recent interview to describe the target audience of the *Daily News*, publisher George MacLaren replied: “We're trying to serve as an alternative to *The Gazette* in a tabloid format.”

The lack of precision permeates the



newsroom. The absence of an editorial page adds to the image of a newspaper without a philosophical basis.

Managing editor Jim Duff acknowledges the difficulties in trying to shape the focus of the paper.

“There are a lot of things which people feel are incongruous in the paper,” Duff said in an interview. “We started with a concept that had been approved by Quebecor (the paper's parent company). Some of those things have proved to be awkward. You look at

them and know that it's not for an English readership. That's not going to fly in Montreal.

“The paper in the beginning...was all things to all people. Now we have to decide who we have to be.”

MacLaren, a lawyer by training who was formerly publisher of the 6,000-circulation *Sherbrooke Record*, refuses to divulge the newspaper's paid daily circulation.

Owner Pierre Peladeau said in a published interview in June that the paid

circulation Monday through Saturday averaged between 18,000 and 20,000.

Gazette research analyst Dave Klimmek plots the tabloid's daily circulation based on information from newsstand vendors and from *Gazette* circulation managers who keep a close eye on home deliveries. For the week of July 4 through 8, he estimates that the *Daily News* averaged Monday-to-Friday sales of 13,231. On Saturday, July 9, the figure dipped to 8,266, according to his figures.

Place the circulation figures alongside an advertising-editorial percentage ratio which ranges between 15/85 and 25/75, and it is logical to conclude that the new paper is suffering major cash flow problems.

Peladeau and MacLaren refuse to release their annual operating budget. A detailed analysis by a UPI journalist familiar with the market shows it ranges between \$10 million and \$12 million for the first year of operation.

Accepting Peladeau's paid circulation figure of 20,000, estimated revenue for the first year of operation

'Losses from Daily News will have a minor impact on parent company's bottom line.'

would total a maximum of \$4.7 million — \$1.9 million net circulation and \$2.8 million from advertising.

However, the \$2.8 million advertising figure is highly speculative and optimistic. It is based on the assumption that the *Daily News* is charging \$1.25 per agate line, as stated on its rate card. In truth, industry sources say much of the advertising is being heavily discounted or given away.

Even with those optimistic circulation and advertising figures, the newspaper is losing between \$5 million and \$7 million per year.

But those kind of losses, or heavier ones, are easily sustained by Peladeau's Quebecor Inc., which had revenues of \$682.6 million in 1987 and an operating profit of \$23 million or \$1.26 per share.

Quebecor owns 20 printing plants in the U.S. and Canada and a major forest-products company, Donohue Inc. of Quebec City. It publishes 40 weeklies and five dailies, including Peladeau's flagship tabloid *Journal de Montreal*, the largest circulation newspaper in Quebec with an average readership of 350,000.

With \$185 million acquisition last



George MacLaren

June of BCE Inc. of Montreal, Quebecor became the largest printing company in Canada with 11,000 employees and revenues expected to top the \$1 billion mark once the BCE divisions are brought into the fold.

Media industry analysts expect Quebecor's per share earning to rise to between \$1.70 and \$1.85 when the 1988 figures are released in September.

Jacques Beauchamp, vice-president of finance for Quebecor, said in a recent interview that the losses from the *Daily News* — to be written off against Quebecor's before-tax profits — will have a "minor" impact on the parent company's bottom line.

"We're prepared to sustain losses of between \$20 million and \$25 million over the next five years on the *Daily*

'Daily News staff often beats the much larger Gazette on local stories.'

News." he said "The losses aren't unexpected."

The key issue then becomes not whether Peladeau can sustain the losses, but whether the newspaper can improve its editorial product enough to win a substantial number of new readers and, by extension, advertisers. No owner, no matter how wealthy, will continue to lose money indefinitely if there is no prospect of eventually making a profit.

The prospects aren't all bleak. While the *Daily News* lacks focus and edito-

rial polish, it does hustle. A small staff of city reporters inspired by City Editor David Wimhurst often beats the much larger *Gazette* on local stories, especially those dealing with crime.

In its July 27 edition, the *Daily News* broke a story on the Quebec Police Force wanting to change its standard service revolver for a more powerful model. It also dug up the fact that an old-age home hit by fire earlier in the week had been operating without proper accreditation.

The Gazette published followups to both those stories the next day, but almost twisted itself into a pretzel trying to find a new angle on the service-revolver story. It led off with the fact that the Quebec Police Force wanted to acquire the new handgun, but paragraph 2 quoted a Montreal Urban Community police officer as saying his force didn't want a more powerful gun, just a safer gun. The headline was based on the second paragraph, rather than the first.

The Daily News, with 80 editorial employees, often has details in its sto-

'Even when the Daily News uncovers great stories, it often doesn't promote them effectively.'

ries which are missing in the same stories done by *The Gazette*, which has 180 editorial employees.

A comparison of the nursing-home fire story in both papers of July 26 had *The Daily News* identifying by their names a 58-year-old nurse and the patient she tried in vain, to save. *The Gazette* story said "late last night, police still had not disclosed the victims' names."

On the other hand, the *Daily News* misses significant national and international stories such as the wire service story which appeared in *The Gazette* on July 26 about a controversial nuclear power plant in Michigan which poses a radiation threat to Canada.

It's Page 1 selection is often bizarre and without substance. On July 28 it ran on the front a speculative piece by Ottawa columnist Michael Gratton on how Prime Minister Brian Mulroney might be able to stop Liberal leader John Turner from using the Senate to block the free trade deal. The article was fitting for the op-ed page, but not as the main story promoted on Page 1.

Even when the *Daily News* uncovers great stories, it often doesn't promote them effectively. That situation

occurred in its first issue of March 15 when ace police reporter Steve Kowch did an investigative piece on an aborted plan by the RCMP to raid the nearby Kahnawake Indian Reserve to stop the sale of duty-free cigarettes.

The Daily News ran a small box on Page 1 promoting the story with the words "Cigarette Warpath-Page 32 exclusive." The main story on Page 1 that day was the unsuccessful appeal by 40 Turks facing deportation. The color photo accompanying it was a family

'Its local coverage often lacks bite and the paper appears to be out of touch . . .'

portrait showing three of those facing deportation. The story itself added nothing that had not already been carried in *The Gazette*.

Meanwhile, Kowch's story proved to be prescient when the RCMP staged a raid on the reserve on June 1, arresting 17 Mohawks and seizing \$450,000 worth of cigarettes. The June 19 raid made front pages across Canada and was on all the national news broadcasts. International wire services also carried the story. *The Daily News* would have received more acclaim and credibility had it played Kowch's original story as its main Page 1 piece with a photograph.

While the *Daily News* has the edge in covering police and court stories, *The Gazette* pours its resources into features and investigative pieces. Its local coverage often lacks bite and the paper appears to be out of touch with the views of the French majority which makes up Quebec.

An example of their failing in hard news coverage occurred when the governing council of the International Civil Aviation Organization (ICAO) met in extraordinary session in Montreal on July 13 and 14 to consider the downing of the Iranian airliner by U.S. military forces in the Persian Gulf.

Newspapers and broadcast networks from around North America staffed the session. Despite sending one of its reporters to the two-day meeting, *The Gazette* ran only three paragraphs from the concluding session in its July 15 edition.

It was tagged on the end of wire service reports on a United Nations meeting on the same subject. Other North American papers, such as the Philadelphia *Inquirer*, deemed the ICAO meeting to be of such importance that they

ran separate stories on the airliner incident out of Montreal and New York.

Despite its editorial shortcomings and the new competition, *Gazette* circulation has fallen only 3 percent in the last year.

The Monday-through-Saturday circulation averages 189,000. The new Sunday paper, launched last Feb. 28 to prevent the *Daily News* from getting a toe hold on the weekends, will lose a few million dollars in its first year of operation, despite a circulation of 165,000.

Gazette publisher Clark Davey attributes the drop in circulation to price increases for both home delivery and single copy sales.

"I'm sure there are some people out there buying the *Daily News* single copy who might have been marginal buyers of *The Gazette*," he said.

Despite its problems with editorial quality, *The Gazette*, owned by Southam Inc., is a huge money-maker with annual operating profits in the range of \$20 million.

It is *The Daily News* which faces the life-and-death challenge of trying to improve its poor image within the media industry in order to recruit talented and experienced editors and reporters.

A heavy turnover among its few experienced staffers has hurt its image within the industry. There have been three city editors since the paper came out. Veteran sports editor Kevin Boland and Ottawa correspondent Doug Hamilton resigned in early summer. Kowch, one of the best crime reporters in Quebec, resigned at the

' . . . needs massive infusion of working capital if it is to succeed.'

end of July to become the news director of two local radio stations.

Executive editor Don Foley, who passed away of liver cancer on July 21, left the newspaper one week after it was launched last March.

The paper needs a massive infusion of working capital if it is to succeed. The annual operating budget must be doubled to \$24 million in order to increase the staff size and to pay the salaries necessary to attract the top editors and reporters the paper so desperately needs.

Unfortunately, MacLaren and Duff chose to go in the opposite direction August 10. In a cost-cutting move, they

fired three editors, one reporter and two copy clerks from the lifestyles, business and entertainment sections.

Peladeau and his partner — British communications tycoon Robert Maxwell who owns 25 per cent of the *Daily News* — have deep pockets. The question is whether they are ready to dig in to them to produce the quality newspaper which is necessary to win over the sophisticated anglophone and bilingual francophone readership of Montreal.

They even have some people down

"Having competition keeps us on our toes."

the road at 250 St. Antoine St. W. — *The Gazette* — rooting for them to survive and improve.

"Having competition keeps us on our toes," said one long-time *Gazette* editorial employee. "I'm disappointed the *Daily News* isn't a better product. It would be nice to have an alternative." ³⁰

Warren Perley is Montreal bureau chief for United Press International. He formerly worked for the Montreal Star and The Gazette.

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Combating brutal censorship

by Jim McKenzie

When Mzukisi Mooi left home one day last May to receive South Africa's most prestigious annual prize for press freedom, he hid his acceptance speech in a slit in the sole of his shoe so the police wouldn't find it if they picked him up.

Mooi arrived without incident at the South African Society of Journalists Pringle Award ceremony in Cape Town. But arbitrary arrest under the country's ongoing 'state of emergency' was a real danger.

Mooi and four colleagues on the staff of a small community paper called *Saamstaan* (which means Stand Together) have kept going since 1984 despite being harassed, threatened, beaten up, shot at and firebombed. Every member of the staff has been imprisoned at one time or another, sometimes for months, by the state security police, who come down hard on journalists they consider radicals, troublemakers and revolutionaries — especially if they are black.

Saamstaan is one of the so-called 'alternative newspapers' promised

help under a Canadian government program to combat *South African censorship and propaganda*. The External Affairs Department announced in August, at the end of the Commonwealth foreign ministers meeting in Toronto, that about \$1 million will be spent over 18 months. Some of the money will go to train black reporters and for legal advice to help alternative papers avoid censorship.

Saamstaan is produced by black journalists in the conservative, white-dominated community of Oudtshoorn in the heart of the country's ostrich-farming region. Like other alternative papers, it features articles on oppression, injustice and hardship caused by apartheid, and makes no pretence towards balance and objectivity.

There's little room for that in South Africa. A web of laws and decrees makes it illegal to report pertinent parts of the news. This applies to a wide range of stories, including those dealing with social unrest, riots, political protest, police and military actions, the effects of sanctions, the views of black political leaders and labor union activities.

It amounts to suppression of the major ongoing story in the country — the struggle to end white minority rule and apartheid. But impartial and complete reporting is impossible. As Gabu Tugwana, acting editor of the alternative paper called *New Nation*, puts it: "They are criminalizing all forms of dissent, and that includes the right to report on dissent."

South, another alternative paper, ran an ad in the final edition of *New Nation* last March before it was shut down by the government for three months. *South* said the alternative papers were "being singled out because of their refusal to become part of a conspiracy of silence, and because they bear testimony each week to the ravages of apartheid and dare to articulate ideas for a future society."

Two months later *South* itself was shut down for 30 days by the government, which accused it of promoting racial unrest, legitimizing violence,

stirring up hatred against the security forces and bringing the judicial system into disrepute.

New Nation and *South* resumed publication after their banning periods ended. *South* said it would continue to run the kind of articles which the authorities objected to, and that it



would "refuse to co-operate with the government's hell-bent determination to hide the facts which the people have a right to know."

Weekly Mail, with a circulation of about 28,000 — the country's largest alternative paper, was recently warned by the government that it would be closed for 'threatening public safety.' In a feisty reply, the paper said: "We deny the charge. Our newspaper kicks at consciences and tears down barriers. It does not throw bombs."

Weekly Mail has frequently found legal ways around censorship rules and has mustered international support for a Save the Press campaign. But in early August an edition was confiscated when the government took offence to an article on the growing opposition to



military conscription in South Africa. *Saanstaan, New Nation, South, Weekly Mail* and a handful of other alternative papers are on the front line in the fight for freedom of the press in South Africa.

Their staff members are not only embattled; they are politicalized and committed. Many are like Gabu Tugwana of *New Nation*, who considers himself "a soldier in the fight for my country's freedom."

Or, as *Weekly Mail* co-editor Anton Harber puts it: "We try to present news with fairness and balance. But in South Africa it is impossible to be neutral. Politics here is too intense to be neutral."

Antagonism toward the repressive government and its apartheid policies leads many alternative journalists to ignore distinctions between reporting news and advocacy. They see their role as not just providing information, but swaying attitudes and making up for what they see as the shortfalls of the mainstream media.

Mansoor Jaffer says alternative papers like *Grassroots*, where he works, are "unashamedly partisan." Jaffer says they "locate themselves squarely within the community of oppressed people and all those striving

for democracy, and report from their perspective."

Allied with the alternative press are small news like Albany News Agency, a three-person operation which started last year in Grahamstown in Eastern Cape Province. Albany avoided many regulations which restrict newspapers by setting itself up as a news wholesaler, supplying stories and photos to South African and foreign clients.

Albany items often appear in alternative newspapers and in publications like *City Press*, read primarily by blacks.

Albany recently provided extensive coverage of the trial of two white riot squad police officers convicted of murdering a black man. Reporter Peter auf der Heyde, who calls himself a 'committed journalist,' took pains to sit on the prosecution side in the courtroom during the 77-day trial, and made no effort to hide his happiness when the killers were sentenced to hang.

Auf der Heyde has been confronted by the police several times while covering stories in the black townships. Once he was taken to the station, where they "questioned me about the agency, where the money was coming from, who the people were behind it and what sort of stories I was intending to write."

Another time he had to get a lawyer to get past police who had blocked his way into a courthouse because they considered him an 'undesirable journalist.'

Albany and other small news agencies, as well as freelancers filing to foreign news outlets, were told in June that new rules would require them to be listed on a government register. This would have put them under the govern-



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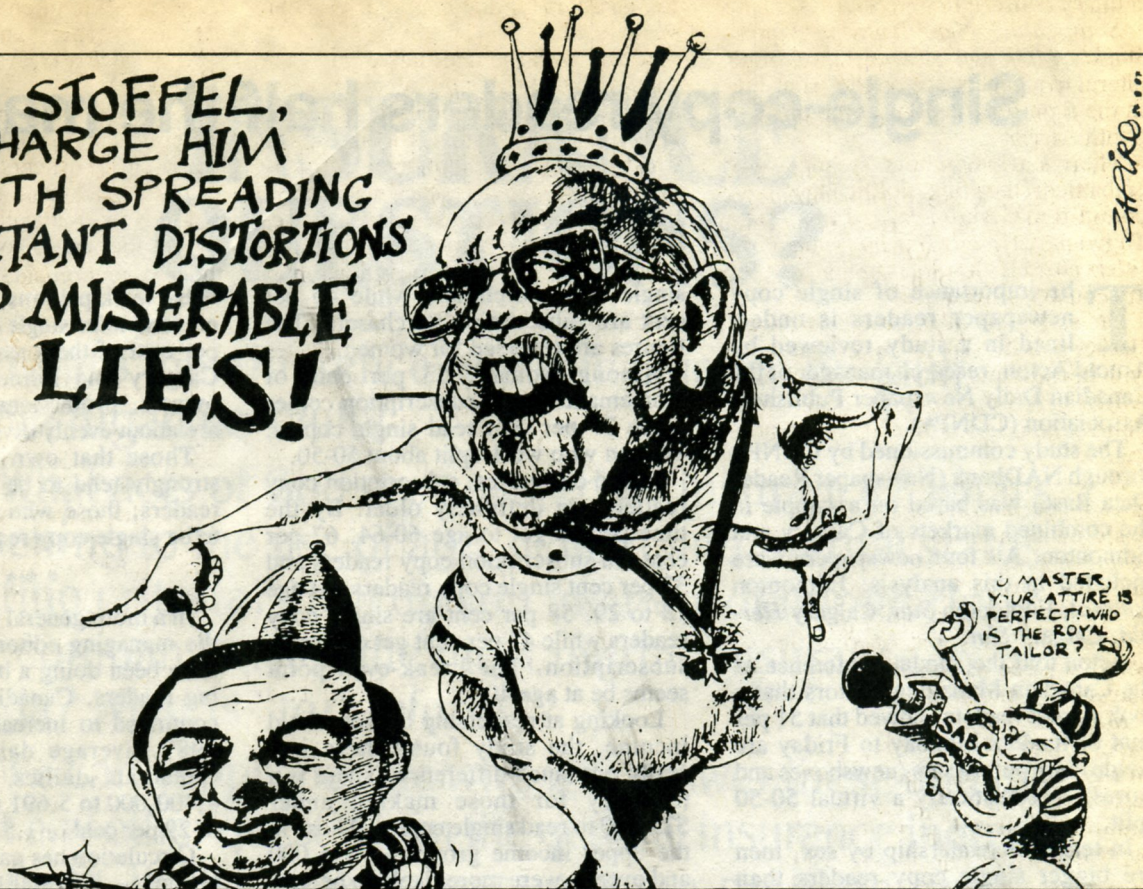
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ment's thumb, somewhat like foreign correspondents, who have visas and permits to work in South Africa.

Registration of non-establishment news agencies and freelancers filing overseas was viewed by many journalists and others as the beginning of *licensing* of all South African journalists. After strong opposition to the move, *the government backed off*. But the Nationalist party government, which has been steadily undermining press freedom since it came to power four decades ago, will likely come back with an amended registration scheme.

Tony Weaver is the sort of freelancer the government would like to gain more control over. He used to be deputy news editor on the *Cape Times*, a big mainstream daily, but quit after he got less-than-enthusiastic support from his paper when he ran afoul of the authorities. Weaver was covering a story in which police said they were forced to kill seven blacks they identified as African National Congress guerrillas.

Most journalists just printed the police statements, but Weaver interviewed witnesses who said some of the victims were surrendering, and that weapons were planted by police on

their bodies. He was charged under the Police Act, which makes it an offence to report inaccurate news about the police. In effect, that means it's illegal to report anything other than the police version of events.

"The editors of the paper backed me, but the people who owned the company thought I'd got them in trouble," recalls Weaver, who is now doing well by freelancing for foreign newspapers and television networks. "When I resigned from *The Times* they were glad to get rid of me."

The *Cape Times* is part of the Times Media Ltd., which along with the Argus group controls almost all South Africa's mainstream papers printed in English. The two conglomerates are interlocked and have strong interests in mining and other big businesses. Two other companies, Perskor and Naspers, control all the major newspapers printed in Afrikaans.

Collectively, the four companies operate 39 of South Africa's 42 urban dailies and weeklies. The proprietors, particularly those who run the English-language papers, talk a lot about press freedom. Editors frequently run editorials decrying censorship, and use standing front-boxes alerting readers to the fact that they are prevented from

printing all the relevant facts. But they put profit ahead of ideology. They decry censorship but acquiesce to it, fearing that they will be shut down if they don't knuckle under.

Peter Mann, assistant editor of South Africa's largest paper, the *Johannesburg Star*, says he believes the mainstream press is still able to inform the public sufficiently well to carry on publishing. But he worries that "we will reach the point where we can't do our job. How much of a censor can you be before you are no longer a journalist?"

Hugh Roberson, political columnist on the *Cape Argus*, is more cynical. He thinks the owners of the big papers have decided to comply with whatever censorship measures the government imposes, as long as they can stay in business. Roberson says they realize their future in South Africa is limited, "so they're going to make as much money as they can as long as they can, before it's all over." 30

Jim McKenzie teaches journalism at the University of Regina. He spent two months this summer in South Africa researching the extent to which press freedom "has been undermined by the government."

Single-copy readers half the market

The importance of single copy newspaper readers is underlined in a study reviewed by Arnold Acton, research manager of the Canadian Daily Newspaper Publishers Association (CDNPA).

The study commissioned by CDNPA through NADbank (Newspaper Reader Data Base) was based on a sample in the combined markets of Calgary and Edmonton. All four newspapers were included in this analysis: *Edmonton Journal*, *Edmonton Sun*, *Calgary Herald*, *Calgary Sun*.

Acton told the annual conference of the Canadian Managing Editors that a look at total readers showed that 51 per cent of readers Monday to Friday are single copy purchasers (newsboxes and stores) — statistically a virtual 50-50 split.

In terms of readership by sex, men are bigger single copy readers than women. Fifty-five per cent of men are

single copy purchasers while 45 per cent are subscription purchasers. The figures are reversed for women.

Among women, 53 per cent of Homemakers read subscription copies while 37 per cent read single copies. Women who work split about 50-50.

In age categories, subscription copy readers are definitely older. By the time people get to age 60-64, 67 per cent are subscription copy readers and 33 per cent single copy readers. At age 18 to 29, 58 per cent are single copy readers while 42 per cent get copies by subscription. The break-even point seems to be at age 40.

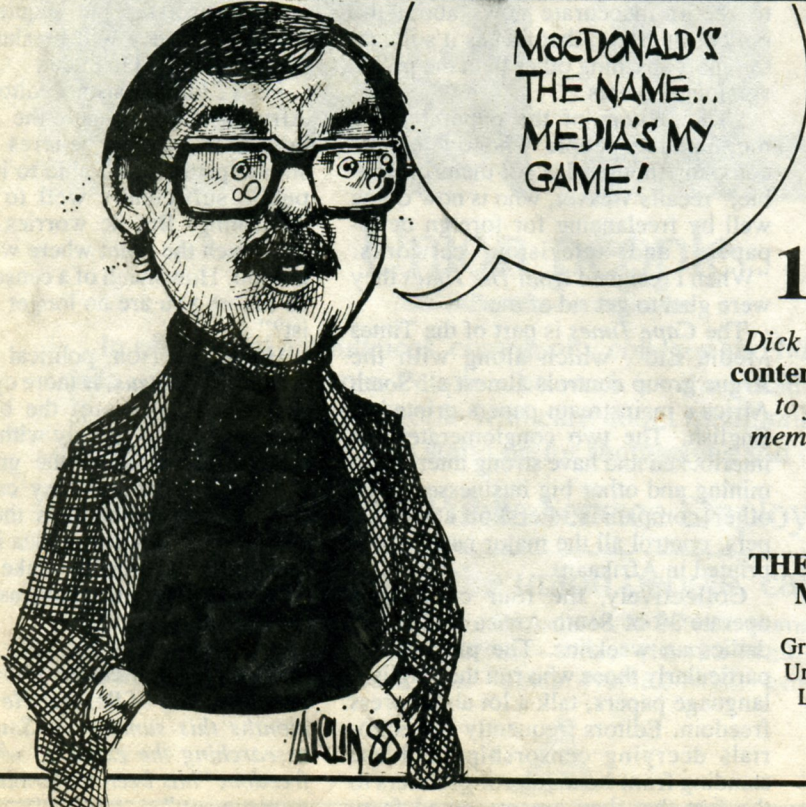
Looking at readership by household income, the study found there was really not much difference. There is a tendency for those making under \$25,000 to read single copies. Those in the upper income groups — \$35,000 and over — were more likely to be subscription copy readers.

By work patterns, blue collar workers tend to be single copy readers — 57 per cent of them read single copies in Calgary and Edmonton. Managers, owners, professionals and executives are about evenly divided.

Those that own their own homes strongly tend to be subscription copy readers; those who rent strongly tend to be single copy readers.

In a more general review, Acton told the managing editors that newspapers have been doing a better job of reaching readers. Canadian circulation has continued to increase. From 1967 to 1987, average daily circulation of Canadian dailies has gone from 4,400,000 to 5,691,000 — an increase of 29 per cent or 1.5 per cent annually.

Circulation has gained against population — population increases are under 1.5 per cent per annum. 80



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