

2019-18: Crowe vs Toronto Sun

June 11 2019

The National NewsMedia Council has upheld a complaint against a Toronto Sun opinion article, “Fewer councillors but same grandstanding”, in which complainant Cathy Crowe was called a “poverty pimp”.

Council found that use of the term in the January 30 2019 column did not pass the journalistic test for “fair comment” based on provable facts presented in the story. As a result, it found the phrase to be an inaccurate and unfair characterization.

A hearing panel was called to advise the Council because of the importance of the issue to be decided, which was whether the label “poverty pimp” as applied in this case met the journalistic tests for fair comment: honest opinion in the public interest, presented without malice and based on provable facts presented in the story.

Fair comment also has a legal definition, but the NNC declines to comment on legal matters.

The complainant was named in a one-sentence aside about “the poverty pimps who packed the gallery” in a column that otherwise focused on Toronto City Council receiving petitions about a perceived emergency amongst the city’s homeless population.

The complainant, a registered nurse, argued that an earlier January 27 2019 article by the same journalist was inaccurate in stating she “created a second career” for herself, and was unfair in the January 30 2019 column in calling her a “poverty pimp”. The complainant argued that in both articles the term “poverty pimp” suggested the use of fear, force, coercion and abuse towards people who are homeless, and that the use of the term falsely framed her work with the marginalized in a pejorative manner.

The news organization responded that the columns were defensible under fair comment. It argued a reasonable reader would understand the columnist was of the view that “the complainant has used the homeless and the homeless issue to further various causes.”

The news organization offered the complainant the opportunity to respond by way of an article or letter to the editor subsequent to publication of the columns.

The complainant argued that the news organization’s offer of an opportunity to respond would require her to remain on the defensive and would do nothing meaningful to remove the label “poverty pimp” from her good name. The majority of the panel agreed the complainant’s refusal to accept the right of reply as a remedy was reasonable in this context.

Members of the panel explored the meaning and appropriateness of the phrase “poverty pimp” in terms of economic and reputational merit, in general terms, and with regard to the complainant. Panelists noted while the complainant’s reputation is bound up in advocacy for the homeless, guided by a professional code of ethics, the column offered no evidence that she had profited from that advocacy, nor was any explanation provided in the January 30 column.

Panel members explored where a line might be drawn in any debate on fair comment and found that, generally speaking, accuracy provides a reasonable guide. A majority of panelists agreed that in the case of this complainant, there was no justification provided for use of the label. Panelists also questioned the issue of malice and heard that the complainant felt “singled out” for use of the term in question.

For its part, the news organization repeatedly relied on the general understanding of “free speech” in defending the use of the descriptor. Pressed for specifics, it made reference to a Supreme Court ruling on fair comment to support its right to publish controversial and offensive opinion.

The news organization further argued that “poverty pimp” referred to someone who uses the issue of homelessness to further various causes, and asserted that the complainant created a career “on the backs of the homeless”. Council noted, however, that the January 30 article cited no evidence to support this view, nor was information presented that the complainant’s efforts involved exploitation of the homeless or undue profit.

The news organization stated there was an embedded link to the January 27 column in the online version of the January 30 article, but acknowledged the explanatory information from the earlier article was not referenced in the print version of the article in question. The panel found no such embedded link.

Panel members and Council were at some pains to indicate their support for the wide latitude of columnists to be provocative in expressing their views, and not to have the NNC seen as intruding on editorial discretion. Nevertheless, widely accepted journalistic standards call for inclusion of supporting facts and for subjects to have a fair opportunity to respond to criticism before publication. Best practice is to avoid *ad hominem* attacks that are immaterial to the main thrust of an article.

A minority opinion to dismiss the complaint with reservation expressed the view, among other concerns, that the complainant failed to substantiate how the term used by the columnist and others was inaccurate. However, for the reasons detailed above, Council supported the majority opinion of the hearing panel that the term used in this case failed to meet the test for fair comment, and upheld the complaint. Council also supported the panel’s expressed concern about the column’s normalization and use of derogatory and pejorative terms against individuals. In this case, a coarse term was used to devalue the work of an advocate dealing with ongoing social issues.