

Review: Complaints about comments made by Frank Graves, President of EKOS Research, about a possible strategy for the Liberal Party

---

May 18, 2010

This office received over 800 notes concerning Frank Graves of EKOS Research and comments that he made concerning a possible strategy for the Liberal Party. The first complaint came from John Walsh, President of the Conservative Party of Canada. He said, in part:

“The fact that our national public broadcaster is using a pollster that is also advising the Liberal Party of Canada raises serious questions about the impartiality of Canada’s publicly funded national broadcaster.

Why is a pollster who conducts polling for Canada’s national broadcaster, the CBC, also giving partisan advice to the Liberal Party of Canada?

Is the CBC aware they were sharing resources with the Liberal Party of Canada, if so, how long have they been aware?

Can the CBC assure us that data collected at the expense of taxpayers is not shared with the Liberal Party of Canada?

Does the CBC share Mr. Graves call for a “culture war” that pits Canadian against Canadian?

We find it very concerning that this is the second instance we have had to raise an issue of possible partiality in a little over three years.”

Many of the rest of the complaints (but not all) were stimulated by a fund-raising letter sent by Doug Finley, the Campaign Director of the Conservative Party. A number of the complainants included Mr. Finley’s letter. It read, in part:

“This episode demonstrates - once again - that we Conservatives are up against a powerful array of vested interests. Vested interests who want to go back to the days of Jean Chretien and Paul Martin. Back to higher taxes. Back to a weakened

military. Back to political correctness. And they're willing to support a highly divisive 'Culture War' to take us back."

He went on to use these themes to try to generate contributions to the Conservative Party. In both letters, echoed by many of the subsequent complainants, both men referred to Mr. Graves as the CBC's supposedly neutral pollster.

The complaints centered on his comments in a column in the Globe and Mail and suggested that he was a partisan Liberal, giving advice to them while carrying out his presumed role with the CBC. All suggested that Mr. Graves's "employment" be terminated. Some went on to suggest a general pattern of bias against the Conservative Party in CBC coverage, although few examples were brought forward.

Jennifer McGuire, General Manager and Editor in Chief of CBC News, responded. She said, in part:

"Ekos is one of four national polling firms which provide data to CBC News. According to our policies on poll reporting, the data we receive are reviewed and evaluated by our own research department to ensure the methodology is sound and by our senior editorial leaders to ensure accuracy, fairness and balance, consistent with our published journalistic standards and practices..."

"To meet our qualification and selection process (through a formal RFP), all of our polling firms were required to make a specific declaration that they were not affiliated with any political party, as this would have disqualified them. We have reviewed this important point with Mr. Graves and confirmed that no client relationship with the Liberal Party of Canada exists. While we assume that individuals do cast ballots in elections, we do not require firms or individuals to report on their voting history or donations to political organizations."

She went on to address several points raised by Mr. Walsh:

"We are not sharing resources with the Liberal Party of Canada.

We do not share our polling data with any political or other parties before they are presented publicly as news, after which time they are available to everyone.

We do not "share Mr. Graves' call for a 'culture war' that pits Canadian against Canadian." We will, however, like other news organizations, continue to report on the sometimes heated debate on this and other topics that occur throughout Canada's political landscape."

Several correspondents were unsatisfied with the response and asked me to conduct a review.

**REVIEW:**

I would like to begin by recalling the relevant section of CBC's Journalistic Standards and Practices:

"Information programs must reflect established journalistic principles:

**Accuracy**

The information conforms with reality and is not in any way misleading or false. This demands not only careful and thorough research but a disciplined use of language and production techniques, including visuals.

**Integrity**

The information is truthful, not distorted to justify a conclusion. Broadcasters do not take advantage of their power to present a personal bias.

**Fairness**

The information reports or reflects equitably the relevant facts and significant points of view; it deals fairly and ethically with persons, institutions, issues and events.

Application of these principles will achieve the optimum objectivity and balance that must characterize the CBC's information programs."

The policies also cite "Credibility" as a touchstone:

"Credibility is dependent not only on qualities such as accuracy and fairness in reporting and presentation, but also upon avoidance by both the organization and its journalists of associations or contacts which could reasonably give rise to perceptions of partiality. Any situation which could cause reasonable apprehension that a journalist or the organization is biased or under the influence of any pressure group, whether ideological, political, financial, social or cultural, must be avoided. In the engagement and assignment of persons working in information programs, the organization must be sensitive to their published views, their personal involvements and their associations and backgrounds in order to avoid any perception of bias or of susceptibility to undue influence in the execution of their professional responsibilities. In order to maintain their own credibility and that of the CBC, on-air personnel, as well as those who edit, produce or manage CBC programs, must avoid publicly identifying themselves in any way with partisan statements or actions on controversial matters."

There is also language covering the subject of surveys of public opinion:

“To ensure the validity and reliability of their results, surveys of public opinion must be conducted according to tested methods and recognized standards. Any departure from methods or standards and other relevant information on the techniques or funding of such research should be made known to the public.”

Further:

“The CBC assumes full responsibility for the operation and quality of the surveys it decides to conduct. All survey initiatives must be authorized in advance by the senior officer in information programming who must also approve the final questionnaire personally or through an authorized delegate. CBC Research must participate in all steps of the survey, from original design to the interpretation of the results, and must assume the responsibility of ensuring the highest standards.”

In the course of my review, I examined the practices of CBC News and CBC Research in the area of public opinion surveys for News. I discovered that CBC News, with the very important help of CBC Research, has implemented over the last year new protocols on the execution and use of polls.

Contrary to some of the suggestions made by some correspondents, EKOS Research is not the exclusive polling organization of the CBC. In fact it is one of four companies selected by CBC Research and CBC News after what appears to be a rigorous Request for Proposals process that could be cited as a model for journalistic organizations. The companies selected through this process, including EKOS Research, met stringent criteria on survey methodology. They were also screened for work done for political parties. The RFP process would eliminate those companies that were doing party work.

Although some correspondents suggested it, I do not believe that anyone can seriously question the overall methodology of the polling firms chosen. While there are debates and discussions about particular methods and their effectiveness, there is broad agreement on proper methodology. The CBC appears to go even further in trying to ensure that data is not stated inaccurately, or used in a manner that is unfair or unfounded. In a news service as large as the CBC, there may be cases of individual journalists who may step over the line, but I have discovered that CBC News and CBC Research are energetic in correcting the information and advising personnel on its proper use.

It is assumed that CBC News employees may have personal opinions on matters of the day, but they are admonished to conduct their personal lives in a way that does not reflect on their positions as journalists at the CBC. Of course, in this case we are not dealing with a CBC journalist, but an outside contractor providing material under CBC guidelines.

What the Request For Proposal in the survey area did not do, nor could it in a country with a Charter of Rights, is inquire into the personal lives of the employees of an outside corporation. I cannot imagine that anyone would seriously suggest that some kind of

political test be applied to people either inside or outside. The test is the work: is it conducted in a professional manner, to professional standards and to the strictures of CBC's policies.

As for Mr. Graves, a number of people appeared to think that he spoke of a "culture war" on the CBC. In fact, his statements were quoted in a column by Lawrence Martin of the *Globe and Mail*. It is correct that many reasonable people might have concluded that Mr. Graves was "advising" the Liberal Party due to the language that he used: "I told them..."

Mr. Graves has subsequently acknowledged that perception but says in a note to me:

"I deeply regretted the remarks I made to Lawrence Martin. I apologized and retracted those remarks unreservedly. The statement also clarified the meaning of some remarks I made that many people understandably interpreted to mean that I was an 'adviser' to the Liberal Party.

"EKOS has never worked for the Liberal party, or any other, and I am not an 'adviser' to the party. My remark that I had "told" the Liberals referred to the occasional informal conversations that I have had with Liberals, as I have had with members of various parties."

Ordinary citizens might not know this, but anyone who has worked in the "hot house" of Ottawa politics would know that pollsters are much in love with their data and many will expound on it to virtually anyone, unless, of course, the pollster were working for a party. They would then keep that data very close.

It appears to me that Mr. Graves may have suffered from this malady to a greater degree than others, but I can find no evidence that he was working for any party. Given his quoted comments on the leader of the Liberal Party, it appears to me he might not have kept any such putative contract for long.

It is interesting to note that no one has brought forth any serious evidence that EKOS methodology is skewed, only the guilt-by-association inference that since Mr. Graves has donated to the Liberal Party over the last decade (along with a small donation to a Progressive Conservative) that, therefore, his company's methodology is tainted.

The role of CBC News in this is to insure that interesting and accurate information is brought forward and placed in context. It should be noted that the CBC reviews the data it receives from EKOS and does its own interpretation for news stories. Mr. Graves appears from time to time on the program *Power & Politics* and comments as an expert on polling. That program has other commentators as well, including people like Kory Teneycke, a former senior staff member of the Prime Minister. I have noted that during his comments on the CBC, Mr. Graves does not appear to be making partisan statements, but comments

that flow from the data at hand, although some feel he may express those ideas over-exuberantly.

It is an unfortunate fact of political life that in the term of a minority government – any minority government – with a fractious Parliament and an election ever-impending, rational discourse is often the first casualty. It is interesting to note that, while Mr. Graves was excoriated for what appears to be, unfortunately, commonplace political advice to play to your own audience, and play hard (invoking the “Culture War” simile), Mr. Finley uses the same device with the rather paranoia-tinged “powerful array of vested interests” allegedly opposing the Party. One may wonder about the power and array of these interests since the Government has survived in a minority Parliament for five years. In fact the last EKOS poll released to the CBC showed an uptick in support for the Conservative Party.

CBC News, from my analysis, has been trying not only to follow the dictates of CBC’s Journalistic Standards and Practices, but has, in fact, raised the bar on how to treat public opinion research. Mr. Graves is not an employee of the CBC but sells data, compiled with nationally recognized methodology, to the Corporation. As far as I can tell, he does not work for any political party, although, as we all know now, he is rather free with his advice.

A number of the complaints contained the notion that the CBC and its journalists are dedicated leftists who consistently put their own world view on the airwaves. It might surprise those in that camp that there is also a growing view that CBC’s journalists have become tools of the government of the day, giving the current Conservative government a softer ride because of the appointment of senior Corporation officials and the implied power to cut the Corporation’s budget. (As a footnote, I am happy to add that, during my tenure, neither the President, the Chair nor any Board member has ever attempted to influence any of my decisions. My predecessor told me that also applied to the previous administration.)

Having observed Canadian public affairs and journalism, CBC journalism in particular, for a long time (going back to the Trudeau governments), I can say that every government – Trudeau, Clark, Turner, Mulroney, Campbell, Chretien, Martin and, now, Harper – has seen the press, and the CBC specifically, as “hostile” to their intentions.

The nature of journalism is to probe, to be skeptical, to question. If a journalist probes skeptically into a major institution of the society, he or she is often viewed as “leftist” instead of as a skeptic. If that journalist critically examines claims made by opponents of the current government, he or she is labeled a tool of the Conservatives. That isn’t to say that journalists do not have their own opinions, or that they occasionally allow them to slip into their reporting. That’s why the CBC formulated its Journalistic Practices and Standards and that’s why it created the post of Ombudsman.

Ms. McGuire is correct that the CBC is not “sharing resources” with the Liberal Party, nor does it “share” its polling data with the party.

Mr. Walsh wrote a reasonable complaint based on his view of the situation, as did a number of other correspondents. Ms. McGuire has accurately answered those complaints. I feel obliged to note that his colleague, Mr. Finley, quite deliberately used the Ombudsman process to raise money for the Conservative Party and, it appears, to either overwhelm or intimidate this office.

The challenge for journalists, CBC journalists in particular, is to remain committed to the basic principles of good journalism set out in CBC's Standards and Practices while politicians and supporters of various opinions try to use journalistic work as partisan cudgels against their opponents. In the current climate, keeping one's head when all about are losing theirs is not an easy task.

### **CONCLUSION:**

CBC News and CBC Research have elaborated policies for approving, supervising and broadcasting research data from various polling companies. Not only is there no violation of policy, but the standards they are implementing throughout the News Service are potential models for any news agency.

Whatever Mr. Graves's private views, CBC journalists do not appear to have violated CBC's Journalistic Standards and Practices in dealing with him. Mr. Graves is not a CBC journalist, but someone whose company is contracted to perform research to accepted standards. There is no serious suggestion that the process has been skewed.

There was no violation of CBC's Journalistic Standards and Practices.

Vince Carlin  
CBC Ombudsman