

# **Chilling Free Expression in Canada**

## **Canadian Writers' and Journalists' Views on Mass Surveillance**

**November 2016**

**Centre for Free Expression, Ryerson University  
in collaboration with  
PEN Canada and the Canadian Association of Journalists**

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The survey of writers and journalists was undertaken by the Centre for Free Expression in the Faculty of Communication and Design at Ryerson University, in collaboration with PEN Canada and the Canadian Association of Journalists



**Centre for Free Expression**  
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FREE  
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# Introduction

Edward Snowden's revelations made the public aware that government surveillance is pervasive and that the sharing of information within and among governments widespread.

As Snowden wrote in an email to filmmaker Laura Poitras at the start of their conversations, "From now, know that every border you cross, every purchase you make, every call you dial, every cellphone tower you pass, friend you keep, article you write, site you visit, subject line you type is in the hands of a system whose reach is unlimited but whose safeguards are not."<sup>i</sup>

While Poitras' involvement with Snowden made her a person of special interest, the question remains how will people respond now that they know every phone call, email or text can be captured in massive state-controlled dragnets.

There have been several attempts to look at the public reaction to mass surveillance in the United States. The Pew Research Center surveyed Americans' awareness of government surveillance, attitudes to it, and reported ways in which they changed their behaviours as a result.<sup>ii</sup> PEN America's survey of American writers found widespread concern about mass surveillance and that many writers are self-censoring their work and their online activity due to their fears that speaking about, researching, or writing about certain issues will cause them harm.<sup>iii</sup>

Several international studies have documented similar effect of surveillance elsewhere. Alex Matthews and Catherine Tucker, in a study of Google users in eleven countries, found that search behaviour changed; users were less likely to search using search terms

## From Snowden docs

"Canada's electronic spy agency sifts through millions of videos and documents downloaded online every day by people around the world... Under [CSEC's project] Levitation, analysts ... can access information on about 10 to 15 million uploads and downloads of files from free websites each day... 'Every single thing that you do — in this case uploading/downloading files to these sites — that act is being archived, collected and analyzed,' says Ron Deibert, director of the University of Toronto-based internet security think-tank Citizen Lab."<sup>x</sup>

## From Snowden docs

"The NSA and its allies routinely intercept [secure https] connections — by the millions... Canada's Communications Security Establishment (CSEC) even monitors sites devoted to the country's national pastime: 'We have noticed a large increase in chat activity on the hockeytalk sites. This is likely due to the beginning of playoff season,' it says in one presentation."<sup>xi</sup>

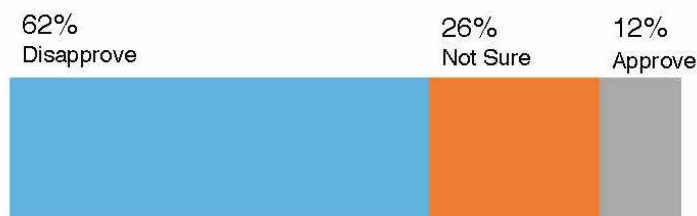
## From Snowden docs

"Top-secret documents obtained by the CBC show Canada's electronic spy agency has developed a vast arsenal of cyberwarfare tools alongside its U.S. and British counterparts to hack into computers and phones ... The Communications Security Establishment toolbox includes the ability to redirect someone to a fake website, create unrest by pretending to be another government or hacker, and siphon classified information out of computer networks."<sup>xii</sup>

that they believed might get them in trouble with the US government.<sup>iv</sup> Jon Penney found that, following Snowden's disclosures, traffic to privacy-sensitive Wikipedia articles was reduced.<sup>v</sup> PEN International's study of writers in 50 countries found that writers in liberal democratic countries had started engaging in self-censorship similar to that seen in non-democratic countries and that "mass surveillance has badly shaken writers' faith that democratic governments will respect their rights to privacy and freedom of expression."<sup>vi</sup>

To get a Canadian perspective on these issues, the Centre for Free Expression at Ryerson University, in collaboration with PEN Canada and the Canadian Association of Journalists, conducted a survey of Canadian writers and journalists to determine their views on mass surveillance and what effects, if any, it was having on their work. The survey was completed by 129 Canadian writers and journalists between May 27 and June 20, 2016. The full survey results are available in the Appendix.

Response to "the government's collection of telephones and internet data as part of anti-terrorism efforts"



#### From Snowden docs

"The NSA's XKEYSCORE program sweeps up countless people's Internet searches, emails, documents, usernames and passwords, and other private communications... NSA documents indicate that tens of billions of records are stored in its database... Numerous key NSA partners, including Canada, New Zealand and the U.K., have access to the mass surveillance databases of XKEYSCORE."<sup>xiii</sup>

#### From Snowden docs

"Canada's electronic spy agency used information from the free internet service at a major Canadian airport to track the wireless devices of thousands of ordinary airline passengers for days after they left the terminal."<sup>xiv</sup>

#### From Snowden docs

"Canada and its spying partners exploited weaknesses in one of the world's most popular mobile browsers and planned to hack into smartphones via links to Google and Samsung app stores... the surveillance agencies exploited the weaknesses in certain mobile apps in pursuit of their national security interests, but it appears they didn't alert the companies or the public to these weaknesses. That potentially put millions of users in danger of their data being accessed by other governments' agencies, hackers or criminals."<sup>xv</sup>

# Summary of Responses

## **1. Canadian writers and journalists expressed widespread concern about government surveillance of Canadians.**

More than 75% of respondents said they were generally worried about the current levels of government surveillance of Canadians. More specifically, over 80% reported that they were concerned with government surveillance of their communications with others in Canada, and more than 90% of respondents said they were concerned with the government's secret program to collect and analyze metadata on phone calls, emails, browsing and other activity of Canadians.

## **2. They also expressed unease with widespread corporate surveillance.**

The significant concern with government surveillance was matched by unease with corporate surveillance. 86% of respondents said they were concerned about corporations gathering data to track and analyze individual behaviour and preferences. More than 95% of respondents expressed concern about technology companies collaborating with the government to provide personal information on Canadians.

## **3. Concerns are pervasive and go beyond Canada.**

Two-thirds of respondents reported that they have never been as worried about privacy rights and freedom of the press as they are today. Their worries are not just about Canada. Fully 98% of respondents said they were concerned about the suppression of free speech and press freedom in countries other than Canada. More than three-quarters of respondents expressed concern about the Canadian government's surveillance of Canadians' communications with those outside of Canada. Close to two-thirds disagreed with the claim that the government's primary concern is monitoring communications with foreigners, not with domestic eavesdropping. There was also widespread disagreement (74%) with the statement that surveillance is something all governments do and that there's really nothing new or worrisome about what's happening now.

## **4. Mass surveillance is denying writers and journalists the privacy they need for their work.**

86% of respondents agreed that increased government surveillance is especially harmful to writers and journalists because it impinges upon the privacy they need to do their work independently and creatively.

## **5. Mass surveillance is prompting writers and journalists to self-censor:**

While most respondents have attempted carry on their work as they traditionally had, surveillance has led to a disturbing amount of self-censorship:

- a. In topics they write or speak about
  - 22% have deliberately avoided writing or speaking on particular topics, while another 15% have seriously considered doing so;
  - 9% have chosen not to cover or write about a protest or demonstration or controversial political event and another 11% have seriously considered doing so.
- b. In what research they undertake
  - 20% have refrained from conducting Internet searches or visiting certain web sites on topics that may be considered controversial or suspicious, while another 17% have considered doing so.
- c. In communication with sources and friends
  - 34% have curtailed or avoided activities on social media, and another 16% have seriously considered it;
  - 28% have deliberately steered clear of certain topics in personal phone conversations or e-mail messages, while another 13% have considered it.

## **6. There is lack of public awareness and concern about mass surveillance.**

Slightly more than 70% of respondents agreed that most Canadians are unconcerned or unaware about government surveillance. A similar percentage also agreed that most Canadians were unconcerned and uninformed about corporate surveillance.

## **7. Mass surveillance is unwarranted and will pose long-term consequences.**

Only 19% of respondents agreed that widespread data surveillance was an absolutely essential tool for governments to use in fighting terrorism. 57% disagreed and 25% were uncertain. 86% agreed that personal data collected by governments will be vulnerable to abuse for many years because it is unlikely to be ever completely erased or properly safeguarded. 88% of respondents were worried that a vast amount of data collected by government is vulnerable to bureaucratic bungling, misuse and partisan abuse.

# Conclusion

A majority of writers and journalists surveyed feel the Government of Canada should repeal the Anti-Terrorism Act, 2015 (Bill C-51).

A dramatic increase in government surveillance began after 9/11 with passage of the Liberal government's omnibus Anti-Terrorism Act in 2001 which gave unprecedented powers to police and security agencies. In January 2015, the Conservative government introduced Bill C-51: Anti-Terrorism Act, 2015 which received royal assent in June 2015.

Among many other things, the Anti-Terrorism Act, 2015 greatly increases the powers of the Canada Security Intelligence Service (CSIS) to gather data and allows the Federal Court to authorize CSIS to violate the law and the Canadian Charter of Rights and Freedoms in doing so. It also allows the sharing of data collected by any one agency with 17 others (and that number can be increased by regulations). These include not just police and security but also the departments of Health, Finance, and the Canada Revenue Agency.

In his appearance before the Senate Standing Committee on National Security and Defence, Federal Privacy Commissioner, William Therrien said C-51 “would potentially lead to disproportionately large amounts of personal information of ordinary, law-abiding citizens being collected and shared. This sets up the prospect of profiling and Big Data analytics on all Canadians.”<sup>vii</sup>

With Canada's new Liberal Government signalling it was going to launch a major review of C-51, the survey asked writers and journalists whether or not they were worried about the implications of the legislation and what they felt the Government should do, if anything, about C-51. The answer to the first question was overwhelming — 85% of respondents said they were worried about the implications of the law. In terms of what should be done, 5% said to do nothing. 34% called for it to be amended, and the majority (52%) indicated they wanted it repealed.

# Acknowledgements

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# Methodology

The findings of Chilling Free Expression in Canada: Canadian Writers' and Journalists' Views on Mass Surveillance are based on the results of an online survey conducted between May 27 and June 20, 2016. A total of 129 Canadian writers and journalists completed the survey.

The survey consisted of 43 questions. See the appendix for the complete questionnaire and the percentage responses to each question.

Notice of the online survey, with details of how and when it would be available, were sent electronically by the following organizations to their members: PEN Canada, Canadian Association of Journalists, Writers' Union of Canada, Playwrights Guild of Canada, Association of Canadian Publishers, Canadian Journalists for Free Expression, League of Canadian Poets. In addition, a leaflet with a QR code linking to the survey was distributed to all attendees of the 2016 Canadian Writers' Summit in June.

Respondents self-selected to participate, as there is no comprehensive list of Canadian writers and journalists so there was no option for random sampling. That said, the results are instructive as they are from the only dataset to our knowledge that examines the views of Canadian writers on mass surveillance and its effects.

## Notes

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## Appendix

### SURVEY RESULTS

*What follows is complete question wording and percentage responding to each item. A dash indicates zero; in some cases totals do not add to 100 percent due to rounding.*

**1. How closely are you following news stories about government surveillance efforts within the Canada?**

18	Very closely
53	Somewhat closely
23	Not too closely
5	Not closely at all
1	Not sure

**2. In general, how worried are you about current levels of government surveillance of Canadians?**

29	Very worried
47	Somewhat worried
19	Not too worried
4	Not worried at all
1	Not sure

**3. There has been controversy for the past year about Bill C-51: Anti-terrorism Act, 2015. How worried are you about the implications of the legislation?**

52	Very worried
33	Somewhat worried
7	Not too worried
5	Not worried at all
2	Not sure

**4. What do you feel the new Liberal government should do about C-51?**

52	Repeal the legislation
34	Amend the legislation
5	Leave it alone
9	Not sure

**5. a-d. How concerned are you about each of the following:**

**a. Corporations gathering data to track and analyze individual behaviour and preferences**

50	Very concerned
36	Somewhat concerned
10	Not too concerned
2	Not concerned at all
2	Not sure

**b. The government's secret program to collect and analyze metadata (e.g., time and location) on phone calls, e-mails, browsing and other activity of Canadians**

62	Very concerned
29	Somewhat concerned
6	Not too concerned
1	Not concerned at all
2	Not sure

**c. Suppression of free speech and press freedom in countries other than the Canada**

82	Very concerned
16	Somewhat concerned
-	Not too concerned
1	Not concerned at all
2	Not sure

**d. Technology companies collaborating with the government to provide personal information on Canadians**

74	Very concerned
22	Somewhat concerned
3	Not too concerned
1	Not concerned at all
1	Not sure

**6. How concerned are you with government surveillance of your communications with individuals within Canada**

44 Very concerned  
36 Somewhat concerned  
16 Not too concerned  
2 Not concerned at all  
2 Not sure

**7. How concerned are you with government surveillance of your communications with individuals outside Canada**

41 Very concerned  
36 Somewhat concerned  
16 Not too concerned  
5 Not concerned at all  
2 Not sure

**8. a-i. To what extent do you agree or disagree with the following statements:**

**a. The government's primary concern is monitoring communication with foreigners – it's not really interested in domestic eavesdropping**

4 Strongly agree  
5 Agree  
29 Neither agree or disagree  
39 Disagree  
23 Strongly disagree

**b. I have never been as worried about privacy rights and freedom of the press as I am today**

39 Strongly agree  
28 Agree  
18 Neither agree or disagree  
11 Disagree  
3 Strongly disagree

**c. Increased government surveillance is especially harmful to writers and journalists because it impinges upon the**

**privacy they need to do their work independently and creatively**

54 Strongly agree  
32 Agree  
9 Neither agree or disagree  
5 Disagree  
- Strongly disagree

**d. Most Canadians are unconcerned and uninformed about government surveillance**

25 Strongly agree  
46 Agree  
19 Neither agree or disagree  
9 Disagree  
2 Strongly disagree

**e. Most Canadians are unconcerned and uninformed about corporations tracking them**

27 Strongly agree  
43 Agree  
14 Neither agree or disagree  
14 Disagree  
2 Strongly disagree

**f. Personal data collected by the government will be vulnerable to abuse for many years because it may never be completely erased or safeguarded**

51 Strongly agree  
35 Agree  
11 Neither agree or disagree  
- Disagree  
2 Strongly disagree

**g. A real worry is that a vast amount of data is already in government hands and vulnerable to bureaucratic bungling, misuse, and partisan abuse**

53 Strongly agree  
35 Agree  
11 Neither agree or disagree  
1 Disagree  
1 Strongly disagree

**h. Surveillance is something all governments do – there's really nothing new or worrisome about what's happening now**

1 Strongly agree  
9 Agree  
16 Neither agree or disagree  
44 Disagree  
29 Strongly disagree

**i. Widespread data surveillance is an absolutely essential tool for the government in the fight against terrorism**

3 Strongly agree  
16 Agree  
25 Neither agree or disagree  
25 Disagree  
32 Strongly disagree

**9. Overall, do you approve or disapprove of the government's collection of telephone and Internet data as part of anti-terrorism efforts?**

12 Approve  
62 Disapprove  
26 Not sure

**10. If you knew that the federal government had collected data about your telephone or Internet activity would you feel that your personal privacy had been violated?**

82 Yes, would feel my personal privacy had been violated  
9 No, would not feel my personal privacy had been violated  
9 Not sure

**11 a-e. How likely is it that the following has happened to you in the past year or two?**

**a. Metadata from phone calls or e-mails has been collected and analyzed by the government**

34 Certain it has happened  
36 Suspect it has happened  
21 Unlikely but possible  
2 Highly unlikely  
6 Not sure

**b. The actual content of phone calls or e-mails has been listened to or read**

20 Certain it has happened  
38 Suspect it has happened  
28 Unlikely but possible  
6 Highly unlikely  
8 Not sure

**c. Things like Internet searches, Web site visits, and book purchases have been tracked by the government**

27 Certain it has happened  
47 Suspect it has happened  
18 Unlikely but possible  
2 Highly unlikely  
6 Not sure

**d. Donations and organizational affiliations have been monitored by the government**

41 Certain it has happened  
33 Suspect it has happened  
11 Unlikely but possible  
6 Highly unlikely  
9 Not sure

**e. A personal profile has been built by the government that diagrams relationships and connections to others**

- 16 Certain it has happened
- 44 Suspect it has happened
- 23 Unlikely but possible
- 8 Highly unlikely
- 9 Not sure

***Please respond to the following three hypothetical scenarios (Q12-14):***

**12. Suppose you were writing an e-mail to someone abroad who was affiliated with an anti-Canadian or anti-American organization. What would be the chance that the message would end up being read by government officials?**

- 20 Very likely
- 63 Realistically possible
- 3 Not likely
- 1 Very unlikely
- 12 Not sure

**13. Suppose you were making a phone call to someone living in an area of the world known for its antipathy toward the West. What would be the chance that the call would be monitored and recorded by government officials?**

- 24 Very likely
- 51 Realistically possible
- 8 Not likely
- 3 Very unlikely
- 14 Not sure

**14. Suppose you published a story or poem that describes anti-Western militants in a positive light. What would be the chance that you would be placed on a list of people to be tracked and monitored by government officials?**

- 28 Very likely

- 51 Realistically possible
- 8 Not likely
- 2 Very unlikely
- 11 Not sure

***15a-h. Over the past year or two, have YOU done or seriously considered doing any of the following because you thought your communications might be monitored in some way by the government?***

**a. Avoided writing or speaking on a particular topic**

- 22 Yes, have done
- 15 Have seriously considered
- 58 No, have not
- 4 Not sure

**b. Curtailed or avoided activities on social media (e.g., Facebook, Twitter)**

- 34 Yes, have done
- 16 Have seriously considered
- 47 No, have not
- 2 Not sure

**c. Chosen not to cover or write about a protest or demonstration or controversial political event**

- 9 Yes, have done
- 11 Have seriously considered
- 78 No, have not
- 2 Not sure

**d. Declined opportunities to meet – physically or electronically – people who might be deemed security threats by the government**

- 5 Yes, have done
- 5 Have seriously considered
- 83 No, have not
- 7 Not sure

**e. Deliberately steered clear of certain topics in personal phone conversations or e-mail messages**

- 28 Yes, have done

- 13 Have seriously considered  
54 No, have not  
5 Not sure

**f. Refrained from conducting Internet searches or visiting Web sites on topics that may be considered controversial or suspicious**

- 20 Yes, have done  
17 Have seriously considered  
57 No, have not  
4 Not sure

**g. Chosen not to communicate with certain individuals within Canada because communications could be intercepted**

- 4 Yes, have done  
4 Have seriously considered  
89 No, have not  
3 Not sure

**h. Chosen not to communicate with certain individuals outside Canada because communications could be intercepted**

- 5 Yes, have done  
5 Have seriously considered  
86 No, have not  
4 Not sure

**16. Approximately how often do you communicate – by phone, e-mail or other method – with people who live outside of Canada?**

- 35 Every day or most days  
21 Weekly  
18 A few times a month  
6 Once a month  
12 Less than once a month  
9 Almost never

**Demographics**

**17. How old are you?**

- 7 29 or under

- 19 30-39  
19 40-49  
22 50-59  
20 60-69  
10 70-79  
2 80 or older

**18. How do you describe yourself (Check one)**

- 43 Male  
53 Female  
1 Transgender  
- Do not identify as female, male or transgender

**19. Which of these best describes what you do? (Check all that apply)**

- 1 Agent  
19 Editor  
17 Journalist  
3 Translator  
85 Writer  
29 Educator/Academic  
18 Something else

**20. If "Writer" was one of your responses in the previous question, which of these best describes the type of writer you are? (Check all that apply)**

- 4 Biographer  
19 Blogger  
14 Children's/Young Adult Book Writer  
3 Graphic Novelist  
4 Historian  
26 Journalist  
5 Memoirist  
27 Narrative Nonfiction/Essayist  
34 Novelist or Short Fiction Writer  
8 Playwright  
40 Poet  
16 Screenwriter  
17 Academic Writer  
16 Something else

**21. If “Journalist” was one of your responses to Question 19, which of the following best describes the type of journalist you are? (Check all that apply)**

- 9 Investigative
- 4 Foreign Correspondent
- 2 National Affairs
- 2 Provincial Affairs
- 2 Municipal Affairs
- 1 Justice and/or Courts
- 2 Science
- 12 Arts and Entertainment
- 7 General Assignment
- 9 Print
- 15 Digital
- 3 Television
- 2 Radio
- 3 Staff Reporter
- 1 Anchor
- 1 Host
- 22 Freelancer
- 2 Intern
- 10 Columnist







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