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**CONSEIL CANADIEN DES NORMES DE LA RADIODÉLÉVISION  
CONSEIL RÉGIONAL DE L'ONTARIO**

CHOG-AM concernant le *Shelley Klinck Show*

Décision CCNR 95/96-0063

rendue le 30 avril 1996

A. MacKay (Président), R. Stanbury (Vice-président), R. Cohen (*ad hoc*),  
P. Fockler, M. Hogarth, M. Ziniak

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**LES FAITS**

Shelley Klinck anime une émission-débat sur la station CHOG-AM (communément appelée TALK640), diffusée à Toronto de 19 h à 22 h. L'émission du 23 octobre 1995 a présenté, pour amorcer le sujet du jour, un segment intitulé [traduction] « Les femmes qui accusent faussement les hommes de viol ». Pour en discuter, Mme Klinck était accompagnée en studio de Ross Virgin, porte-parole d'un groupe de défense des droits des hommes appelé « *In Search of Justice* » (En quête de justice).

Mme Klinck a présenté comme suit le sujet de la soirée :

[traduction]

Ce soir, voyons, est-ce même un sujet de discussion, les femmes? Le croirez-vous? Quand on entend des choses comme celles sur OJ et Nicole, nous savons qu'il était un batteur de femme. Nous le savons. C'est un fait avéré. Qu'il ait été trouvé coupable ou non de son assassinat, ça, semblerait-il, c'est toute autre chose.

Mais c'est justement ce dont nous allons parler ce soir. Des hommes qui sont accusés à tort, accusés à tort de viol ou d'agression sexuelle. Est-ce même quelque chose qu'on remet en question de nos jours? Croyons-nous tous ceux qui prétendent avoir été violée ou agressée sexuellement? Il y a tellement de choses qui me traversent l'esprit, et c'est simplement ceci. Beaucoup d'hommes aujourd'hui prétendent qu'il y a beaucoup de folles hystériques, que les femmes sont rancunières, que si nous trouvons moyen de dépouiller un homme de tout son pouvoir, que s'il nous a laissée tomber et que nous n'avons pas aimé ça, que s'il nous a

traitée comme de la merde, alors nous avons le droit de dire, tu m'as agressée sexuellement et je vais te poursuivre en justice.

Mesdames, est-ce bien vrai ? Je veux dire sommes-nous vraiment rancunières à ce point? J'aimerais bien le savoir. 870-6400. Bell \*640. Interurbain 310-TALK, 310-8255.

Mais pour les gars aussi, plusieurs d'entre vous m'ont dit, dans d'autres émissions, vous avez dit que vous aviez peur des femmes, que vous pensiez que la plupart des femmes étaient comme ça et que les femmes ont l'emprise sur les hommes, peu importe ce qu'en disent les journaux. En cour, le tribunal donne raison aux femmes parce que si une femme dit : « Savez-vous quoi? Nous avons couché ensemble, mais je n'en avais pas vraiment envie », le tribunal va invariablement croire la femme plutôt que l'homme.

Donc voilà notre sujet de discussion ce soir, les hommes qu'on accuse à tort.

Pendant toute l'émission, Mme Klinck a cherché de cette façon à provoquer une réaction chez son auditoire féminin. (La transcription complète est annexée à cette décision, en anglais seulement.)

Comme l'indique le titre, la discussion portait sur les fausses accusations d'agression sexuelle, plutôt que sur les accusations légitimes. L'invité de Mme Klinck en studio, Ross Virgin, a fait de fréquentes allusions à une seule et même statistique, soit que 92 % des accusations d'agression sexuelle n'aboutissent pas à une condamnation. Son interprétation de cette statistique était que les fausses accusations sont beaucoup plus fréquentes qu'on ne le croit. Sa position, partagée par plusieurs appelants, mais pas tous, a entraîné l'échange suivant avec l'animatrice.

[traduction]

**Shelley Klinck:** Mais pourquoi dites-vous ça? Je veux dire, parce que quand vous dites qu'il semble bien que beaucoup de femmes ne soient rien d'autre que des menteuses, que nous allons essayer de vous coller une accusation et que nous allons mentir parce que c'est dans notre nature. Vous nous faites paraître comme de vraies garces, ou quoi.

**Ross Virgin:** Laissez-moi préciser ma pensée, Shelley, et je vais en quelque sorte reprendre mon commentaire du début. Bien que les statistiques atteignent le chiffre ahurissant de 92 %, je ne suggère pas que 92 % de ces femmes avaient des intentions trompeuses ou malicieuses. C'est le cas de bon nombre de ces situations. Pour commencer, dans une forte majorité de cas d'agression sexuelle, il ne s'agit pas d'un vieux cochon qui aurait entraîné une prof de sciences naïve la nuit dans les buissons pour la violer. Ça n'arrive pas comme ça. La très grande majorité des personnes impliquées se connaissent bien et depuis longtemps. Elles ont probablement des relations sexuelles depuis longtemps. La petite amie, le petit ami, ce genre d'histoire.

**Shelley Klinck:** D'accord.

**Ross Virgin:** Donc, ça ne veut pas dire que si la femme prétend avoir été agressée sexuellement à un moment donné, ça ne veut pas dire qu'elle méditait de coincer le gars depuis cinq ans. Il y en a pour qui ça se passe comme ça. Dans le cas dont nous allons parler ce soir, la preuve est très, très claire qu'il y avait préméditation. On en a été témoin

dans le bar. Un des serveurs l'a entendue dire : « je l'ai coincé, le gars! ». Ce cas était donc évident, mais...

**Shelley Klinck:** Mais je me suis fait dire par certains hommes que c'était très courant, que nous, les femmes – femmes, je veux vous entendre concernant la question d'accuser à tort un gars d'agression sexuelle, 870-6400, Bell \*640 et 310-TALK. Nous le planifions. Nous pensons à tout cela d'avance, et que si nous souffrons du syndrome prémenstruel ou avons une mauvaise journée, c'est exactement ce que nous allons faire. Et pas seulement cela. C'est dans notre nature et les femmes d'aujourd'hui peuvent s'en tirer sans peine parce que nous vivons une époque de rectitude politique où la femme est considérée comme une victime et tout ce qu'elle va dire, le tribunal va le croire.

**Ross Virgin:** Shelley, laissez-moi vous dire que je crois en effet, comme l'a suggéré votre dernier interlocuteur, je crois qu'il y a un nombre troublant et révoltant de femmes qui sont comme ça, mais qu'elles ne sont pas la majorité.

Bien que la majorité des appelants aient appuyé la vision de Ross Virgin, au moins une d'entre eux n'était pas d'accord et a eu l'occasion d'exprimer son point de vue, comme en témoigne le long dialogue qui suit :

**Anna Mae:** ...en fait, la grande majorité des femmes qui affirment avoir été agressées sexuellement ont été agressées sexuellement. Je veux dire, c'est un processus très pénible pour vous, pour votre famille et pour vos amis, d'avoir à vous présenter devant la cour pour parler en détail de la façon dont un homme vous a agressée et je ne crois pas que la plupart des femmes feraient cela si ce n'était pas vrai.

**Shelley Klinck:** Est-ce que vous avez vous-même vécu quelque chose du genre?

**Anna Mae:** Non, pas moi, mais j'étudie le droit et nous avons beaucoup parlé de cela en classe et du fait que la plupart des hommes s'en tirent, qu'ils soient coupables ou innocents, parce que c'est la parole de l'accusatrice contre la parole d'une personne qu'on est peut-être en train de victimiser.

**Shelley Klinck:** Ce que vous dites, Anna Mae, c'est qu'à votre avis, dans la plupart des cas, l'homme accusé de viol est coupable et s'en tire?

**Anna Mae:** Oui, c'est ce que je dis parce que c'est simplement... je veux dire, c'est la même chose pour les enfants qui disent avoir été molestés. C'est le genre de chose pour laquelle on ne ment pas en général et je crois qu'il est vraiment dangereux de se concentrer sur les quelques personnes qui auraient besoin d'aide, comme vous avez dit tout à l'heure, de l'aide psychologique, et qui crient au loup quand en vérité rien ne s'est passé. La réalité c'est que les hommes, s'ils ne veulent pas être accusés de choses de ce genre, tout comme ils sont obligés de subir l'inconvénient d'enfiler un condom en plein milieu de l'acte, je veux dire, devraient prendre le temps de demander, est-ce que tu le veux vraiment? Et si la femme dit non, eh bien il faut qu'ils arrêtent. C'est peut-être un des inconvénients de la modernité, mais j'ai l'impression que ça leur éviterait bien des problèmes par la suite.

**Shelley Klinck:** Je vais laisser Ross vous répondre là-dessus.

**Ross Virgin:** Oui, j'adore vos sornettes quand vous dites...

**Shelley Klinck:** Ce ne sont pas des sornettes!

**Ross Virgin:** Vos sornettes quand vous dites... hé, elle a fait ses commentaires, je fais les miens, alors laissez-moi répondre.

**Shelley Klinck:** Bon, d'accord, bon.

**Ross Virgin:** J'adore vos sornettes quand vous faites une comparaison en suggérant que les enfants ne mentent jamais. C'est absolument ridicule. Il y a des tonnes de cas où il est apparu très, très clairement après que des allégations ont été faites, surtout, je parle des situations impliquant l'école et un enseignant, que l'enfant avait eu une mauvaise note, n'avait pas aimé la façon dont l'examen avait été noté, où il a fini par avouer que c'était sa véritable motivation. Laissez-moi citer l'exemple de Gary Dotson, un cas célèbre – et tout le monde a vu ça dans les médias –, qui a été emprisonné pendant six ans pour un viol dont Cathleen Webb dit maintenant : « Non, ça ne s'est jamais passé. J'ai inventé ça de toute pièce. » Et après avoir entendu cette femme expliquer pourquoi elle a inventé toute l'histoire, vous comprendrez que les femmes mentent effectivement à propos de ces choses. Elle a dit : « J'ai couché avec mon petit ami. Je croyais tomber enceinte. Je ne pouvais pas expliquer ça à mes parents, alors j'ai menti ». Et elle a [tenu?] le coup, je crois que c'est pendant deux semaines de témoignages. J'ai lu la transcription presque en entier. Elle a décrit comment elle avait été traînée dans le siège arrière d'une voiture. Elle a décrit le terrain de stationnement et elle a convaincu tout un jury avec ces conneries et maintenant, elle...

**Shelley Klinck:** Pourquoi l'a-t-elle convaincu? Parce qu'elle était une femme ou parce qu'elle était simplement une vraie menteuse?

**Ross Virgin:** Elle est une bonne menteuse.

**Anna Mae:** Oui, mais c'est... en réalité, elle ne représente pas la majorité. Je veux dire, il y aura toujours des gens pour détourner le système pénal à d'autres fins, mais en réalité, la plupart des femmes ne mentent pas à ce sujet.

**Ross Virgin:** Des sornettes.

**Anna Mae:** Si c'est ce que craignent les hommes, tout ce qu'ils ont à faire, c'est demander à la femme. Vous savez, je veux dire, vous ne me ferez pas avaler tout ce, je suis en pleine action et elle se met à dire non, alors elle ne croit pas vraiment ce qu'elle dit.

**Ross Virgin:** Vous dites la majorité et moi je dis que l'affaire Gary Dotson-Cathleen Webb est probablement celle qui représente la majorité et que le système judiciaire est loin d'être aussi défavorable aux femmes que vous le dites.

**Anna Mae:** Comme vous venez de le dire, et comme vous le dites depuis le début de l'émission, 92 pour cent des hommes s'en tirent. Coupables ou innocents, 92 pour cent s'en tirent.

**Ross Virgin:** Votre position est de dire coupable jusqu'à ce que trouvé innocent. Moi je dis innocent jusqu'à ce que reconnu coupable. Merci.

**Shelley Klinck:** Mais en vérité, Anna Mae, je veux dire, est-ce que ce n'est pas autre chose ...

**Ross Virgin:** Et vous étudiez le droit? Wouah!

**Shelley Klinck:** Attendez! Qu'est-ce que ça veut dire?

**Ross Virgin:** Ça veut dire beaucoup parce qu'elle prétend que vous devriez être coupable jusqu'à ce qu'on vous juge innocent et moi je dis innocent jusqu'à ce que reconnu coupable.

**Anna Mae:** Non, ce n'est pas nécessairement ce que je dis.

**Shelley Klinck:** Attendez une minute. Écoutez bien. À part tout ça, il y a le fait que, combien de femmes en ont entendu parler? Même Nicole Brown, et nous en avons déjà parlé, même elle avait appelé la police. La police savait ce qui se passait. Des tentatives répétées. Il doit y avoir une bonne raison. N'êtes-vous pas d'accord, Anna Mae, pour parler en général?

**Anna Mae:** Exact.

**Shelley Klinck:** Et peut-être était-ce en effet par vengeance? Je veux dire, peut-être que la femme endure les agressions sexuelles pendant un certain temps et puis, rien ne va plus. Elle dépose en effet cette plainte, et maintenant toutes les femmes qui déposent des plaintes légitimes ont l'air de complètes idiots parce que nous parlons des hommes qui ont été faussement accusés.

**Anna Mae:** Tout ce que je veux dire c'est, je veux dire, plus de... 90 pour cent des hommes s'en tirent et la raison pour laquelle le système a changé, c'est que pendant des années et des années un homme a pu dire ce que vous suggérez... « Je ne savais pas. En toute honnêteté, je jure que je croyais que c'était ce que cette femme voulait. Elle le voulait vraiment, même si elle disait non. » Et je dis que ça embête un gars un petit peu d'avoir à dire maintenant « est-ce c'est vraiment ce que tu veux? » Même si ça casse un peu l'ambiance, comme pour mettre le condom, je crois que ça vaut vraiment la peine de s'assurer que la femme veut vraiment faire ce qu'elle fait.

**Shelley Klinck:** Okay, Anna Mae, merci de nous avoir appelés.

Le segment en question, « Les femmes qui accusent faussement les hommes de viol », a occupé les 90 premières minutes de l'émission de cette soirée. De l'avis du conseil, les passages de la transcription qui sont reproduits ci-dessus, quoiqu'ils ne soient pas exhaustifs, donnent un bon aperçu du ton de la discussion dans son ensemble. De toute façon, la transcription complète est annexée à la présente décision.

## La plainte

Une auditrice a écrit au CRTC le 25 octobre 1995 et cette lettre a été transmise au CCNR. Dans sa lettre du 25 octobre, la plaignante écrit :

[traduction]

Le 24 octobre 1995 [*sic*, en réalité le 23 octobre], de 19 h à 21 h, heure normale de l'Est, j'ai écouté l'émission-causerie de Shelley Klinck sur les ondes de TALK 640...

Mme Klinck avait deux invités; un homme condamné pour viol et Ross Virgin, porte-parole du groupe de défense des droits des hommes *In Search of Justice*. M. Virgin a été présenté comme le défenseur des hommes victimes d'accusation de viol. Il a laissé entendre que la plupart de femmes qui rapportent un viol mentent.

Les femmes ont été représentées dans cette émission d'une façon extrêmement dénigrante. Elles y étaient désignées par des noms comme *psycho-chicks* (folles hystériques), *liars* (menteuses), *broads* (pitounes), *vindictive* (rancunières), etc.

Ross Virgin s'est livré à sa rhétorique contre les femmes sans personne pour le contester. Il a attaqué ceux qui haïssent les hommes des centres d'aide aux victimes d'agression sexuelle parce qu'elles n'appuient pas les hommes accusés de viol qui leur demandent leur aide. À son avis, ces centres d'aide devraient offrir le même soutien aux hommes qu'aux femmes.

Bien sûr, il ne parle pas des victimes masculines, mais seulement des hommes qui sont accusés. En ondes, il semblait suggérer que les violeurs ont recours à ces lignes.

Une femme a appelé à l'émission pour raconter comment elle et sa sœur s'étaient occupées (en lui administrant une raclée) d'une jeune fille ou femme qui accusait leur frère de l'avoir violée. Cette solution pour faire taire les folles hystériques a été accueillie par des éclats de rire de la part de l'animatrice et de ses invités. Ross a dit : voilà une femme à mon goût.

Cette station est coupable de négligence pour n'avoir pas exigé ou fourni l'équilibre en présentant une opinion contraire.

TALK640 a permis qu'on l'utilise pour véhiculer un message misogyne hostile. Ce faisant, TALK640 a partagé (par l'intermédiaire de Shelley Klinck), sinon cautionné, un point de vue biaisé et insultant à l'égard des femmes.

## La réponse du radiodiffuseur

Le vice-président de programmation de CHOG-AM a répondu à la plaignante par lettre en date du 14 novembre 1995. Il écrit :

[traduction]

Après avoir écouté l'émission en entier, je serais d'accord avec vous que certaines déclarations de M. Virgin pourraient prêter à controverse. Il semblerait d'après votre lettre que ce qui vous alarme surtout, ce sont les points de vue de M. Virgin et ceux de son organisation. Nous ne pouvons pas convenir avec vous, toutefois, que TALK640 a été utilisé par « *In Search of Justice* » pour véhiculer un message misogyne, et que nous avons cautionné un point de vue biaisé et insultant à l'égard des femmes. C'était certainement bien loin de nos intentions.

La phrase « la plupart de femmes qui rapportent un viol mentent » n'a pas été prononcée. Ce que M. Virgin a dit en substance, c'est qu'il y a des femmes, bien sûr pas toutes, qui déclarent faussement avoir été violée. Ce fait a été relevé plusieurs fois au cours de l'émission. Je n'ai rien trouvé pour justifier une affirmation en bloc que « la femme a été représentée dans cette émission d'une façon extrêmement dénigrante ».

Les termes qui vous ont choquée, comme « folles hystériques », « menteuses », « pitounes » « rancunières », etc. ont été utilisés comme procédé rhétorique par l'animatrice qui souhaitait de cette manière susciter une réaction. Il fallait l'interpréter comme ceci : « mesdames, sommes-nous vraiment des folles hystériques, etc.? ..... appelez-moi sans tarder. »

Je n'ai pas entendu M. Virgin attaquer ceux qui haïssent les hommes des centres d'aide aux victimes de viol. Il a émis l'opinion que les centres d'aide devraient offrir aux hommes le même soutien qu'aux victimes.

L'histoire de cette femme qui a appelé pour se vanter qu'elle et sa sœur s'étaient occupées (en lui administrant une raclée) d'une femme qui accusait leur frère de l'avoir violée, cette histoire remonte aux années 1970. On s'est entendu en ondes pour dire que les choses se passaient différemment à cette époque. L'histoire n'a pas été présentée comme solution pour « faire taire les folles hystériques ».

Les rires en réponse au commentaire de l'invité, « voilà une femme à mon goût », étaient causés par sa réaction. C'était une réaction entièrement inappropriée vu la nature de l'histoire, mais notre animatrice a demandé si, ou non, la violence était la meilleure façon de résoudre le problème.

En ce qui concerne l'équilibre que vous auriez aimé avoir dans cette émission, le débat portait sur les femmes qui accusent faussement les hommes de viol. TALK640 avait invité d'autres personnes à venir à l'émission contrer ce point de vue, mais sans succès et pour diverses raisons. Certaines personnes n'ont pas répondu, d'autres n'étaient pas libres, et quelques-unes ont préféré s'abstenir étant donné la présence de M. Virgin. De fait, Susan Macrae Vandervoot, du Metro Action Committee on Public Violence Against Women and Children, a décliné notre offre en disant que « elle ne débattait pas avec des nazis et ne débattrait pas avec M. Virgin ».

Je crois que notre animatrice a fourni une contrepartie équilibrée même en l'absence d'un représentant du point de vue adverse, mais dans cette optique, TALK640 se ferait un plaisir de donner du temps d'antenne à tout groupe ou porte-parole qui a l'impression que son côté de la médaille n'a pas été bien représenté. Il n'est pas nécessaire d'y inclure un représentant de « *In Search of Justice* ». Bien que nous n'ayons reçu aucune autre plainte contre cette émission, nous sommes prêts à produire un nouveau segment sur les effets du viol ou tout autre sujet susceptible d'apporter des informations intéressantes ou utiles concernant ce crime. L'offre est sur la table.

TALK640 n'a aucun motif caché pour produire des émissions sur un point de vue en particulier, mais n'écarte aucun sujet sous prétexte qu'il prête à controverse.

La plaignante n'a pas été satisfaite par cette réponse et a demandé au CCNR, en date du 16 novembre 1995, de confier le dossier au conseil régional approprié pour qu'il tranche.

## LA DÉCISION

Le conseil régional de l'Ontario du CCNR a examiné la plainte à la lumière du *Code de déontologie* de l'Association canadienne des radiodiffuseurs (ACR). Les articles 2, 6 et 7 de ce code se lisent comme suit :

### *Code de déontologie de l'ACR, Article 2 (Droits de la personne)*

Reconnaissant que tous et chacun ont droit à l'égalité des chances d'épanouissement et de jouir des mêmes droits et privilèges fondamentaux, les radiodiffuseurs s'efforceront, dans la mesure du possible, de ne pas inclure dans leur programmation du matériel ou des commentaires discriminatoires, quant à la race, l'origine ethnique ou nationale, la couleur, la religion, l'âge, le sexe, la situation de famille ou le handicap physique ou mental.

### *Code de déontologie de l'ACR, Article 6 (Nouvelles)*

Il incombera aux postes-membres de présenter leurs émissions de nouvelles avec exactitude et impartialité. Ils devront s'assurer que les dispositions qu'ils ont prises pour obtenir les nouvelles leur garantissent ce résultat. Ils feront aussi en sorte que leurs émissions de nouvelles n'aient pas le caractère d'un éditorial. Les nouvelles portant sur un sujet controversé ne seront pas choisies de façon à favoriser l'opinion de l'une des parties en cause aux dépens de l'autre non plus que de façon à promouvoir les croyances, les opinions ou les vœux de l'administration du poste, du rédacteur des nouvelles, ou de toute personne qui les prépare ou les diffuse. En démocratie, l'objectif fondamental de la diffusion des nouvelles est de faciliter au public la connaissance de ce qui se passe et la compréhension des événements de façon à ce qu'il puisse en tirer ses propres conclusions.

Il ne faut cependant pas conclure de ce qui précède que le radiodiffuseur doit s'abstenir d'analyser et de commenter les nouvelles; il peut le faire en autant que ses analyses et commentaires sont clairement identifiés comme tels et présentés à part des bulletins de nouvelles proprement dits. Les postes-membres s'efforceront de présenter, dans la mesure du possible, des commentaires éditoriaux clairement identifiées comme tels et distincts des émissions régulières de nouvelles ou d'analyse et d'opinion.

C'est un fait reconnu que la tâche première et fondamentale du radiodiffuseur est de présenter des nouvelles, des points de vue, des commentaires ou des textes éditoriaux avec exactitude, d'une manière objective, complète et impartiale.

### *Code de déontologie de l'ACR, Article 7 (Controverse d'intérêt public)*

Parce qu'en démocratie il faut présenter tous les aspects d'un sujet d'intérêt public, il incombera aux postes-membres de traiter avec impartialité tous les sujets de nature à susciter la controverse. Avant d'accorder du temps à de tels sujets, on devra tenir compte des autres facteurs qui assurent l'équilibre de la programmation ainsi que du degré d'intérêt que ces questions suscitent dans le public. Puisque la saine controverse est essentielle au maintien des institutions démocratiques, le radiodiffuseur encouragera la présentation de



nouvelles et de commentaires sur des sujets controversés qui suscitent un certain intérêt de la part du public.

Les membres du conseil régional de l'Ontario ont écouté un enregistrement de l'émission en question et ont lu toute la correspondance afférente. Pour les raisons mentionnées ci-après, le conseil estime que l'émission n'est pas en violation du *Code de déontologie de l'ACR*.

## **Les enjeux**

La lettre de la plaignante soulève deux questions, en quelque sorte reliées. La première se trouve dans son allégation que « la femme a été représentée dans cette émission d'une façon extrêmement dénigrante »; elle réfère à l'article concernant les droits de la personne dans le *Code de déontologie de l'ACR*, qui interdit du matériel ou des commentaires discriminatoires, notamment quant au sexe. La plaignante soulève la seconde question en affirmant que « cette station est coupable de négligence pour n'avoir pas exigé ou fourni l'équilibre en présentant des opinions contraires »; celle-ci réfère au paragraphe 3 de l'article 6 et à l'article 7 du *Code de déontologie*.

Il y a une importante différence entre ces deux questions à cause des mesures correctives qu'elles offrent au radiodiffuseur. Les commentaires abusifs sont en soi une infraction au code, sinon au *Règlement de 1986 sur la radio*. Contrairement au manquement dans l'équilibre des points de vue, les commentaires abusifs ne peuvent pas être corrigés avec une offre de « temps d'antenne » qui est, par ailleurs, la méthode à suivre pour rétablir l'équilibre. Le conseil tient compte de la déclaration du CRTC dans son avis public 1985-236 concernant CKNW New Westminster, C.-B. et les commentaires abusifs à l'endroit du Conseil tribal Nishga et de la Bande indienne Musqueam. Dans cet avis public, le CRTC déclarait :

Il ne convient absolument pas de demander aux groupes autochtones d'« équilibrer » des propos racistes. Le Conseil est d'accord avec les plaignants qui ont déclaré que l'on ne saurait justifier des propos offensants par l'offre de temps d'antenne égal aux offensés.

Étant donné l'offre de « temps d'antenne » du radiodiffuseur et cette distinction à faire entre commentaire abusif et absence d'équilibre, le conseil croit bon de déterminer tout d'abord si l'émission en question comportait ou non des commentaires abusifs avant d'examiner la façon dont le radiodiffuseur a proposé de traiter la plainte.

## **Commentaires abusifs et discriminatoires**

Le conseil est conscient que la ligne de démarcation entre les commentaires abusifs et discriminatoires d'une part, et la liberté d'exprimer avec vigueur ses opinions et ses idées

d'autre part, n'est pas toujours simple à discerner. Dans le cas présent, toutefois, le conseil estime que le débat de cette question controversée est resté bien en deçà des limites de l'acceptabilité et bien loin des embûches de l'abus et de la discrimination.

Il ne fait aucun doute que l'animatrice a utilisé des termes comme [traductions] « folles hystériques » [« psycho-chick »], « pitoune » [« broad »] et « rancunière » pour décrire les femmes, comme le soutient la plaignante. Reste à savoir si l'utilisation de ces mots constitue, dans ce cas en particulier, un commentaire abusif ou discriminatoire. Le conseil convient que, dans un autre contexte, ces commentaires *auraient pu* être considérés de mauvais goût ou, dans leur pire interprétation possible, péjoratifs envers les femmes; toutefois, dans ce contexte, il apparaît que l'animatrice a utilisé les termes en question dans un style emphatique, non descriptif, et apparemment pour être provocante afin d'attirer l'attention sur l'émission et d'inciter les femmes à appeler. De plus, le conseil note que *l'animatrice* ne décrivait pas les femmes comme un groupe; soit elle remarquait que [traduction] « de nombreux hommes disent aujourd'hui qu'il y a de nombreuses folles hystériques, que les femmes sont rancunières », soit qu'elle posait des questions telles : [traduction] « Mesdames, est-ce vrai? Je veux dire, sommes-nous vraiment rancunières? » De plus, elle utilisait en général ces mots en incluant sa personne dans le groupe décrit, comme dans [traduction] « et, mesdames, sommes-nous vraiment si mauvaises? » Ce contexte est nettement différent de celui que décrit la décision du conseil dans *CFRB concernant Ed Needham (Publication de la DGCFO)* (Décision CCNR 92/93-0096, 26 mai 1993) dans lequel le conseil régional de l'Ontario a décidé que

l'animateur a employé un langage abusif, dégradant et discriminatoire au sujet des femmes, tout particulièrement lorsqu'il a déclaré que : [traduction] « Aujourd'hui il y a bien des femmes qui vous vomiront ce genre de chose [...] "Pourquoi vous sentez-vous menacés?" C'est là leur petit moyen préféré, parce qu'elles sont incapables de penser et d'avancer de bons arguments, ces féministes radicales et dingues [...] Il ne faut même pas y répondre [...] Ne parlez pas à ces idiots écervelées » et « Va te faire cuire un œuf, espèce de garce! » L'animateur ajoute : [traduction] « C'est tout à fait le genre de ces créatures enrégées et malheureuses à l'esprit mal tourné de publier cette ordure. Il s'agit de personnes très malheureuses qui ne sont pas faciles à vivre et qui n'arrivent pas à se trouver du vrai travail. Elles passent donc leur temps à préparer ce genre de bêtise. C'est vraiment dommage. Elles ont besoin d'aide. Elles ont vraiment besoin d'aide. »

Dans cette décision concernant *Ed Needham*, le conseil a estimé que l'animateur avait franchi la limite et enfreint l'article 2 du *Code de déontologie de l'ACR*. Dans ce cas-ci, le conseil considère que le ton et le contexte sont très différents et ne trouve pas que les commentaires de l'animatrice aient été, de quelque façon que ce soit, discriminatoires ou abusifs.

Le conseil observe que la plaignante allègue aussi que l'invité en studio [traduction] « a laissé entendre que la plupart des femmes qui rapportent un viol mentent ». Si un tel commentaire avait effectivement été fait, il aurait probablement été considéré comme une infraction à la disposition du *Code de déontologie* concernant les droits de la personne; toutefois, une écoute attentive de la bande témoin n'a permis de déceler aucun semblable

commentaire. Bien que l'invité ait indiqué que, *selon lui*, « il y a un nombre troublant et répugnant de femmes qui sont comme ça », le conseil estime que ce commentaire constitue, non pas une déclaration abusive ou discriminatoire, mais l'expression d'une opinion protégée par la garantie de la liberté d'expression.

Enfin, la plaignante a soulevé un autre aspect qui réfère, celui-là, à la disposition concernant les droits de la personne du *Code de déontologie*, à savoir l'exhortation à la violence envers un groupe identifiable. Dans sa lettre, la plaignante s'est dite troublée par la réaction de l'animatrice et de l'invité en studio à l'appel d'une femme qui « racontait comment sa sœur et elle avaient réglé son compte (administré une raclée) à une fille ou une femme qui accusait leur frère de l'avoir violée ». Selon la plaignante, « cette solution pour faire taire les folles hystériques a été accueillie par des éclats de rire de la part de l'animatrice et de ses invités. Ross a dit – c'est le genre de femme à mon goût ». Ici encore, le conseil a pu compter sur la bande témoin et la transcription de l'émission pour conclure que la mémoire de la plaignante lui faisait quelque peu défaut. Bien que le conseil soit d'accord que la réaction de l'animatrice et de son invité aux révélations de l'interlocutrice se faisant appeler « Mary » était peut-être inappropriée, elle n'a pas violé l'article 2 du *Code de déontologie*. La conversation téléphonique et la réaction qui a suivi se sont déroulées comme suit :

**Mary:** ... J'avais un frère qui était, et qui est toujours, un parfait gentleman, mais il y avait une fille qui lui courait après et ne le lâchait pas. Et elle a fini par l'accoster, se dévêtir et lui dire droit dans les yeux, je vais dire que tu m'as violée.

**Shelley Klinck :** Elle lui a dit... attendez un instant.

**Mary:** Je ne vous appellerais pas à 7h20 du soir pour vous raconter n'importe quelle histoire. Je vous dis ce qui est arrivé.

**Shelley Klinck:** Non, je vous crois.

**Ross Virgin:** C'est vrai.

**Shelley Klinck:** Mary, je vous crois, mais laissez-moi vous demander quelque chose. Croyez-vous vraiment que ce soit une chose ordinaire, qu'une femme dise, je vais finir par t'avoir? Je vais finir...

**Mary:** Je crois que le mot-clé ici, c'est « ordinaire ». Non, ce n'est pas une chose ordinaire. C'est occasionnel, mais oui, ça arrive.

**Ross Virgin:** Ça arrive, oui, absolument.

**Mary:** Exactement, ça n'est pas du tout ordinaire. Il y a des femmes qui se mettent vraiment en tête de harceler un homme.

**Ross Virgin:** Oui, mais c'est assez ordinaire pour être préoccupant. Même si ça ne compte que pour cinq ou dix pour cent, ce n'est pas ordinaire, mais c'est répugnant et il faudrait

prévoir de lourdes pénalités pour ça. Et j'aime bien l'idée d'une peine de prison comme l'a suggéré Terry. Oui, j'aime ça.

« Mary » a poursuivi en expliquant comment elle et ses sœurs avaient « réglé » la situation.

**Mary:** On a réglé ça nous-mêmes. C'est arrivé dans les années 70. Mes deux sœurs et moi, nous sommes allées trouver la fille et nous avons réglé ça nous-mêmes.

**Ross Virgin:** Hem... ha! ha! ha! ha! ha! j'aime ça!

**Shelley Klinck:** Alors qu'est-ce que vous avez fait pour la confronter?

**Mary:** Je n'aime pas parler de ça, mais elle n'a jamais plus menti.

**Ross Virgin:** J'aime ça. C'est magnifique. Bien, Mary, c'est bien.

**Shelley Klinck:** Ha! ha! ha! La technique Lorena Bobbit. Ça marche à tout coup!

**Ross Virgin:** Excellent, Mary.

...

**Shelley Klinck:** Est-ce qu'il n'aurait pas pu obtenir une ordonnance restrictive?

**Mary:** Voyons donc! Dans les années 70? Oubliez ça. Nous avons pris les choses nous-mêmes en main.

**Ross Virgin:** Non, pas dans les années 70.

**Shelley Klinck:** Il fallait que je demande. Je veux dire, c'est un peu une blague même de nos jours. Je veux dire, lorsqu'une femme demande une ordonnance de non-communication contre un homme, ça ne veut rien dire. Je ne peux même pas imaginer le cas contraire.

**Mary:** Oui, nous l'avons mise dans un coin et nous lui avons montré quelques-unes de nos bagues.

**Shelley Klinck:** ha! ha! ha! ha!

**Ross Virgin:** ha! ha! ha! Dites-moi, Mary... j'aime ça, j'aime ça. Bon sang, je veux travailler avec vous. Votre méthode est beaucoup plus rapide que toute cette bataille encombrante juridico-légale.

**Mary:** Ah, au diable la légalité.

**Shelley Klinck:** La justice du peuple.

### **Présentation équilibrée des controverses d'intérêt public**

Ayant conclu que l'émission ne comportait pas de commentaire abusif ou discriminatoire, le conseil doit maintenant déterminer si le radiodiffuseur a été impartial dans sa façon

d'aborder la question controversée, autrement dit si les exigences de l'article 6, paragraphe 3, et de l'article 7 du *Code de déontologie de l'ACR* ont été respectées. Bien que l'article 6 soit intitulé « Nouvelles », le conseil a l'habitude depuis longtemps de lui accorder un champ d'application beaucoup plus large. Les termes mêmes utilisés dans le troisième paragraphe justifient cette interprétation plus large du CCNR : « la tâche première et fondamentale du radiodiffuseur est de présenter des nouvelles, *des points de vue, des commentaires ou des textes éditoriaux* avec exactitude, d'une manière objective, complète et impartiale [c'est nous qui soulignons] ».

Tout en reconnaissant que le paragraphe 3 de l'article 6 et l'article 7 du *Code de déontologie de l'ACR* présentent des nuances différentes, le conseil est d'avis qu'ils ont pour effet combiné d'exiger l'équilibre des émissions qui abordent des questions controversées. Par conséquent, au lieu d'examiner séparément les deux dispositions, le conseil se croit autorisé à parler en général d'une « exigence d'équilibre ».

Règle générale, la formule de tribune téléphonique a le *potentiel* de fournir un équilibre des points de vue; toutefois, le conseil reconnaît le rôle important de l'animateur (et du producteur) pour assurer l'équilibre. Ils détiennent un pouvoir considérable en ce qu'ils choisissent quels interlocuteurs seront entendus en ondes et que l'animateur peut mettre fin à l'appel en tout temps. Le conseil estime que, dans le cas présent, Mme Klinck a fait un vaillant effort pour maintenir l'équilibre dans le traitement de la question de nature controversée choisie comme sujet de l'émission. Tout comme dans le cas de *CFRA-AM concernant le Steve Madely Show* (Décision CCNR 93/94-0295, 11 novembre 1994), son succès peut avoir été mitigé, mais pour des raisons qui échappaient à son contrôle. Dans la décision concernant *Steve Madely*, le conseil régional de l'Ontario a interprété les exigences de l'article 7 de la manière suivante :

En ce qui concerne les exigences de cette disposition, le diffuseur, par l'intermédiaire de son animateur, *cherchait*, comme requis, à « encourager la présentation de nouvelles et de commentaires » sur un sujet de nature à susciter la controverse. Le problème de l'animateur, de son propre aveu, c'est que l'auditoire ne réagissait pas, et non pas qu'*il lui refusait* l'accès. En outre, il est revenu sur le sujet une fois que son stratagème dramatique a réussi à rameuter les auditeurs autour du dialogue.

Dans ce cas-ci, le conseil estime que l'animatrice a encouragé une présentation et une discussion équilibrées de la question des fausses accusations d'agression sexuelle. Le public a eu toutes les chances d'appeler pour faire entendre ses commentaires, et l'animatrice a cherché elle-même à équilibrer le point de vue de son invité. Pour ces raisons, le conseil conclut que l'émission n'a pas enfreint les dispositions des articles 6 et 7 du *Code de déontologie de l'ACR*.

## Réceptivité du radiodiffuseur

En plus d'étudier la pertinence des codes par rapport à la plainte, le CCNR vérifie toujours la *réceptivité* du radiodiffuseur par rapport au sujet de la plainte. Il incombe aux membres du CCNR de se montrer réceptifs aux plaintes de l'auditoire. Dans le cas présent, le conseil note que la réponse du radiodiffuseur a été particulièrement conciliante, et qu'il est allé jusqu'à offrir de produire un autre segment d'émission qui présenterait un point de vue différent sur le sujet des agressions sexuelles. De l'avis du conseil la réponse du radiodiffuseur a été exemplaire. Il n'y a rien de plus à exiger de sa part.

*La présente décision devient un document public dès sa publication par le Conseil canadien des normes de la radiotélévision. Elle peut être rapportée, annoncée ou lue par la station visée par la plainte. Toutefois, quand elle lui est favorable, celle-ci n'est pas tenue de l'annoncer.*

## APPENDIX to CBSC Decision 95/96-0063

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### Transcript of a Portion of The Shelley Klinck Show of October 23, 1995 on CHOG-AM ‡

Counter 00:00 - 06:15 (News, commercial break, weather report)

**Shelley Klinck:** It's Monday night and how are you doing tonight? This is Shelley Klinck. This is sex lives and audiotape coming at you now Monday through Friday, 7:00 to 10:00 right here, of course, on TALK 640.

Tonight, well, is it even an issue at all, women? Do you believe it? When we hear about things like OJ and Nicole, we know that he was a wife batterer. We know that. That is a fact. Whether he was found guilty or not of murdering her, well, that seems to be a whole other issue.

But this is what we're talking about tonight. Men that are falsely accused, falsely accused of rape or sexual assault. Is it even an issue today? Do we believe everybody that tells us that they've been raped or sexually assaulted? There's so many things going through my mind, and it's simply this. A lot of men say today that there are a lot of psycho chicks, that women are vindictive, that if we can find a way to strip a man of all his power, if he dumped us and we didn't like it, if he treated us like crap, then we have the right to say you sexually assaulted me and I'm going to take you to court.

Women, is it true? I mean, are we actually that vindictive? I would like to know. 870-6400. Bell \*640. Long distance, 310-TALK, 310-8255.

But for the guys as well, many of you have said to me on other shows, you have said you are afraid of women, you think that most women are like this and that the women have the power over the men and it doesn't matter what the papers say. In court, the court favours the woman because if a woman says, "You know what? We had sex and I didn't really want it," the court's going to believe the woman over the man every single time.

So tonight, this is our issue, men falsely accused -- gosh, I'm nervous. I've got to tell you, Ross, I'm nervous about this because it's such an exclusive issue. I can hear it in my own voice. Ross Virgin is in the studio with me. Ross Virgin is the President of In Search of Justice. What do you do?

**Ross Virgin:** Oh boy, so many things, but on this topic, we actually provide legal counsel to defend men who are accused with both sexual assault and sexual harassment and relevant to one of your opening comments there, Shelley, was you were asking are most women this spiteful and vindictive?

My experience, I've been involved in these cases for about 18, 19 years so I've been involved in a lot of cases. I do not really know, Shelley, if it's an indication that women are say... that many women or all women are spiteful and vindictive, but I'll tell you this. That approximately 92 per cent of men who are charged of these offenses, by the time it goes through trial, are found innocent at trial. Now, I get that stat from a women's organization, but my own 18 years of

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experience has borne out that there's a very, very high rate of false accusations.

And while I guess the most recent and hot cases, the one out of Alberta, I think you know that when it comes to allegations about sexual assault against children, that's an epidemic here. I think I'm digressing a little bit, but they're all sexual assault allegations.

**Shelley Klinck:** Well, it's interesting because it kind of puts down women because if I had a friend that I knew was going around and just had to get something on a guy, and I've heard the strangest stories. She didn't like me. I dumped her at the wrong time. I told her it was over. That was enough of a reason, if you believe this, women, for us to say, yes, he sexually assaulted me. Women, I want to know. Are we that vindictive? 870-6400, Bell \*640.

For the men listening, if you've ever gone through this, has a woman ever charged you with sexual assault or touching her or looking at her in a certain way and you didn't do it. Men, do you think that there are a lot of women that are out to get you because of this? Have friends of yours gone through it and is it possible that if a woman charges a man and says he sexually assaulted me, do we have the power to ruin your life because of that?

So your comments on this tonight. Is it getting further and further? Is it to the point where men are even afraid to say anything to women, or fear that women will drag that guy's name through the court, through the press and everything else?

Tonight, men falsely accused of rape. Is it an issue? Does it happen very much, or are we kind of just, well, covering over the fact that really, more women are going to be assaulted than men at any time?

And the second part of the issue is, of course, if you are falsely accused of rape, guys, or sexual assault, false accused, you didn't do it and you know you didn't do it, what do you think should happen to the woman who falsely accused you? Should her name be in the paper? Should there be a publication ban? Should you sue her?

So tonight, men falsely accused of rape. What should happen to the women that do it to them? You tell us. And, women, are we really that bad? 870-6400 for your comments. 870-6400, Bell \*640, and long distance, 310-TALK, 310-8255.

We are going to talk about the case that you have been looking at.

**Ross Virgin:** Sure.

**Shelley Klinck:** Coming out of Alberta, but first I just want to get Terry as he's probably (inaudible) here. Hi, Terry.

**Terry:** Hi. I'm a first time caller for this show.

**Shelley Klinck:** Great, thank you.

**Terry:** Yes, I seem to remember on 60 Minutes just recently, there was an FBI DNA expert who had said they had opened up about 100 cases in the past before DNA evidence was being used, and something like 30 to 40 per cent of these men, their DNA did not match the evidence that was taken. And they weren't going to reopen these cases. They said it was a land mine to open them.

**Shelley Klinck:** So what are you saying? Is there a fear that maybe you could be charged with touching a woman or looking at her the wrong way and then five years from now, you could be

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charged again?

**Terry:** No, no. These are people who are in jail.

**Ross Virgin:** These are men who are serving time right now?

**Terry:** Yes.

**Ross Virgin:** They're in jail and they're not even reopening the case for these guys. It's assumed they're not guilty, but because of all the flack, they're going to leave them in jail?

**Terry:** It was a test sample of people who had been imprisoned. I think it was five, ten years before and most of them are still in and they were not going to reopen these cases. Thirty to 40 per cent where the DNA evidence did not match. This is what Morin was released on.

**Ross Virgin:** Right.

**Shelley Klinck:** So, Terry, you're simply saying that that's it. Once convicted, once charged, it's over.

**Terry:** Well, that's the way it is. I don't agree with it, though.

**Shelley Klinck:** So do you think that the courts are favouring women? I mean, I get this feeling -- and women, let me know about this, 870-6400 -- can almost any woman today say, you know what? We had sex and I didn't really want it and get away with that and put that guy behind bars?

**Terry:** It's a difficult thing for a man to defend against because you don't want to go too far the other way. But what I think has to happen, you have to punish a person who falsely makes... you find out there was malicious intent, they have to get the exact same sentence as what that man was going to get, maximum.

**Shelley Klinck:** You think so?

**Terry:** Oh, I do believe that.

**Shelley Klinck:** So you think if a woman falsely accuses a man of sexual assault, sexual touching, whatever, that she should get, well, jail perhaps.

**Terry:** If there was malicious intent, if they can prove there was malicious intent, she had tried to frame him, only under those circumstances. I don't want to see women who couldn't prove that a rape had happened just because there was a lack of evidence, and we've seen some lack of evidence in some major profile cases.

**Shelley Klinck:** Yes, but Terry, let me ask you this. Do you think that the majority of women that would accuse somebody of rape or sexual assault, do you think they would lie about it?

**Terry:** No, but I say there is a larger percentage than what most people would believe.

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**Ross Virgin:** I concur that 100 per cent, yes, definitely.

**Shelley Klinck:** Thank you for the call.

**Terry:** Thanks a lot.

**Ross Virgin:** Far more than hugh, than we...hugh, acknowledge.

**Shelley Klinck:** Why are you saying that, though? I mean, because when you say that it sounds like a lot of women are just liars, we're just going to get something on you and we're going to lie because that's just our nature. It makes us sound like a bunch of bitches or something.

**Ross Virgin:** Let me put it to you this way, Shelley, and I'm somewhat reiterating my previous comment there that I said at the outset. While the stats are a staggering 92%, I'm not suggesting at all that all 92% were maliciously conning, conniving. A lot of these situations are. Well, first of all, the overwhelming bulk of sexual assault cases are not dirty old men dragging an innocent science school teacher behind the bushes at night and rape [sic] her. It doesn't happen that way. The overwhelming majority are people who have known each other well for a long time. They've probably been having sex for a long time. Girlfriend, boyfriend, all this kind of stuff.

**Shelley Klinck:** Right.

**Ross Virgin:** So that does not mean, though, that if the woman later alleges that she was sexually assaulted, it doesn't mean that she was planning to get this guy for five years. There are some like that. In the case we're going to talk about tonight, the evidence is very, very clear that this was conniving. It was witnessed back in the bar. One of the waiters heard her [say?], "I got the guy". So this was a blatant case, but...

**Shelley Klinck:** But I've had men say to me that is very common that we, as women — and women, tell me how you feel about this — as far as us wanting to falsely accuse a guy of sexual assault. 870-6400, Bell \*640 and 310-TALK. We plan it. We think about it all in advance and if we're having PMS or a bad day, that is exactly what we're going to do. And not just that. That is our nature and that women today can get away with this because we're in that kind of political correctness kind of thing where the woman is seen as a victim and whatever she says is going to be believed in court.

**Ross Virgin:** Shelley, let me say that I do believe, as the last caller suggested, that I think there's a very disturbing and disgusting volume of women like that out there, but not the majority.

**Shelley Klinck:** But who are these women?

**Ross Virgin:** Out of the 92 per cent who have, as I have quoted there, who have falsely made accusations, I don't think all 92 per cent connived it and it was all a long thought out plot. I think in a number of these cases, it was where the meaning of consent, and I'm sure you understand that's the base of all these trials. It always hinges around consent. The man was found not guilty at trial because...

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**Shelley Klinck:** I wanted to have sex. He didn't, or I thought he did.

**Ross Virgin:** Or she was going along with it, but she didn't say no, I don't want to, and then she says, well, I thought he should have known. No, it doesn't work that way, so of course...

**Shelley Klinck:** That is the most common thing, though.

**Ross Virgin:** Exactly, so in that situation, that's part of the 92 per cent. That man was not guilty of rape. If she's going to say, well, we had sex but I thought he should have known. That's different.

**Shelley Klinck:** But you know what, Ross...?

**Ross Virgin:** That's different from the woman who sets out to say I'm going to get that guy. It's totally different.

**Shelley Klinck:** Well, I don't know about that because the other thing is any woman knows -- and I'm not here sitting in my little preachy platform, that's not it. But you know when somebody takes advantage. Like you know what that feels like. You know when you've said to the guy, Ah, I don't want that, and then you decide later that you kind of do want it. Okay, let's be honest, okay? So it goes on, and then you kind of say no again, and then he might get mad because now he thinks you're playing a game with him.

**Ross Virgin:** Right.

**Shelley Klinck:** So now he can't figure out the signals, so then he goes ahead anyways and suddenly he's really pissed off because all of a sudden, he thinks that, well, you're playing with me. Don't play with me, and if you play with me, you deserve what you get.

**Ross Virgin:** Well, this is the more common kind of scenario where it's yes, I do; no, I don't; yes, I do; no, I don't. And of course therefore that leads to an acquittal because that's not denying consent. You cannot keep saying yes, no, yes, no, well maybe, perhaps.

**Shelley Klinck:** But that is reality.

**Ross Virgin:** Oh, sure it is. Sure it is, and what I'm saying to you is this larger body of cases of that nature are the ones in which the woman was not... she did not set out for the last five years to get the guy.

**Shelley Klinck:** Right, right.

**Ross Virgin:** But because of the fact that you cannot say that when a woman is saying yes, no, yes -- and I'm not saying just verbally now -- through body language, laying on the bed, taking your clothes off, this is all communication, too. That's all part of it...

**Shelley Klinck:** Yes, signs.

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**Ross Virgin:** ... sure it is. So if she's doing this, she can't then three days later say, to mommie, oh, I didn't really want to have sex, and then mommie calls the police, the charges are laid, and of course the man is acquitted, and so he should be acquitted.

**Shelley Klinck:** But in your group, In Search of Justice, you state that, hey, even if it wasn't malicious intent, from what I've read anyway, that that woman who falsely accuses the guy of sexual assault, who falsely accuses, her name should be in the paper.

**Ross Virgin:** Oh, absolutely.

**Shelley Klinck:** But why?

**Ross Virgin:** I thought you were going to say... where there's malicious intent, we go far beyond that, which you were asking Terry about, that she should be charged with (inaudible...).

**Shelley Klinck:** Wait a minute, Ross. What I want to clarify with you, though, is that you just said not every woman is this evil wicked witch waiting to pounce on a guy.

**Ross Virgin:** Correct, correct.

**Shelley Klinck:** But if that is the case, why do you think...

**Ross Virgin:** Her name should be public. Absolutely because you've got to understand that if you're going to make an allegation, you have a responsibility to be careful about that allegation, that it's not just an allegation, that it is factual. And if you through you making an error, you've got to pay for your errors. When you drive a car and you kill somebody, you didn't wilfully kill them, but you've got to pay for the damage you have done.

And likewise, a woman who's going to make an allegation that she was sexually assaulted but she knows it was this back and forth yes, no, yes, no, yes, no and the man is acquitted, yes, her name should be published because his name was published. He was dragged through the mud and the next time...

**Shelley Klinck:** Not necessarily!

**Ross Virgin:** Absolutely.

**Shelley Klinck:** Not necessarily!

**Ross Virgin:** Well, if they're under 18 years of age, and that's the only time that the man's name is not published. That's the only time.

**Shelley Klinck:** Yes, but what about... you know, we have to go to a short break, but when I come back, I'm going to get to more of your calls. 870-6400, Bell \*640. Long distance, 310-TALK, 310-8255 asking you tonight men that are falsely accused, falsely accused of rape or sexual assault, does it happen all the time? Women, do we set out to do this? And, women, if we are the ones that are falsely accusing these men, should our names be in the paper? Should we go to jail and get a sentence just like the man would if he were found guilty? That is our focus.

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870-6400, and Bell \*640.

When we come back, Dave's going to tell us what it's really like to be falsely accused.

Counter 19:50 - 21:35 (Commercial break)

**Shelley Klinck:** Now, just before I pick up Dave who's actually going to tell us what it is like for men to go through this false accusation thing, first I've got to get to Mary in Burlington. She's been waiting for a while.

Mary, are you there?

**Mary:** Yes, I am. I'm using a false name, by the way.

**Shelley Klinck:** No problem.

**Mary:** I have to really stand up here because I have been in a family with brothers, and I had a brother who was a very and still is a very fine gentleman, but he had a suitor which just would not lay off him. And she actually did accost him and she ripped her clothing and she told him straight, I'm going to plead rape.

**Shelley Klinck:** She told him... Now, wait a minute.

**Mary:** I'm not phoning you up in the night at 7:20 to tell you any kind of baloney. I'm telling you how this happened.

**Shelley Klinck:** No, I believe you.

**Ross Virgin:** That's true.

**Shelley Klinck:** Mary, I believe you, but let me ask you. Do you really think that that's common, that a woman is going to say I'm going to get you? I'm going to...

**Mary:** I think your key word is "common". No, it's not common. It is incidental, but it does happen.

**Ross Virgin:** It does happen, yes, absolutely.

**Mary:** Exactly, it's not common at all. There are women actually that do set out to really harass men.

**Ross Virgin:** Yes, it's disturbingly common enough, though. Even if it's five or ten per cent that's not common, but that's disgusting and there should be severe penalties for it. And I like Terry's suggestion of jail term. I really do.

**Mary:** Well, may I add something here?

**Shelley Klinck:** Sure.

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**Ross Virgin:** Sure.

**Mary:** We looked after it ourselves. This happened in the 70s. My two sisters and I went out and confronted this girl and we handled it ourselves.

**Ross Virgin:** Hum... Ah, ah, ah, ah, ah. I like it!

**Shelley Klinck:** Now, what did you do in the confrontation?

**Mary:** I don't want to tell you this, but she never lied again.

**Ross Virgin:** I like this. It's beautiful! Good, Mary, good stuff.

**Shelley Klinck:** Ah, ah, ah. The Lorena Bobbit technique. It works every time.

**Ross Virgin:** Excellent, Mary.

**Shelley Klinck:** Well, actually, that would kind of be the reverse, would'nt it.

**Mary:** Well, you have to stick up for good men, not bad men, but good men.

**Ross Virgin:** Yes. No, no, you're right, Mary. I'm going to work with you. I like your techniques.

**Shelley Klinck:** But, Mary, I'm wondering, though, in terms of your brother.

**Mary:** Yes, brothers.

**Shelley Klinck:** Brothers, but the one brother who went through this...

**Mary:** Yes.

**Shelley Klinck:** ... did he not see warning signs before this happened?

**Mary:** He's a good looking guy. He couldn't get away from this broad. Honest to God, he couldn't.

**Shelley Klinck:** It sounds like the obsessive love. He was the trigger person. She had to have him! She had to.

**Mary:** Well, yes, and it was sad. I mean, we tried to talk, and my mother tried to talk with her mother, but it just didn't click. But we handled it.

**Shelley Klinck:** Could he have gotten a restraining order against her?

**Mary:** Oh, come on! Back in the 70s? Forget it. We took things in our own hands.

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**Ross Virgin:** No, not in the 70s.

**Shelley Klinck:** I had to ask. I mean, I think it's a bit of a joke even now. I mean, for a woman to get a restraining order against a man is a joke. I can't imagine it the other way around.

**Mary:** Yes, we just took her aside and showed her a couple of our rings.

**Shelley Klinck:** Ah, ah, ah, ah.

**Ross Virgin:** Ah, ah, ah. Tell me, Mary... I love it, I love it. Boy, I want to work with you. Yours is a much faster than all of this legal, cumbersome legal battle.

**Mary:** Oh, baloney with legal.

**Shelley Klinck:** Vigilante justice.

**Ross Virgin:** Was he charged?

**Mary:** Pardon?

**Ross Virgin:** Was he charged, or did you get...

**Mary:** No, she didn't get that far.

**Ross Virgin:** You got to her before then, hey?

**Mary:** Listen, may I tell you something? If it were true and he did something to her, we would have punched the you know what out of him.

**Ross Virgin:** That's right, yes.

**Shelley Klinck:** Is that the way to handle it, though?

**Mary:** Well, sometimes yes.

**Shelley Klinck:** Okay. And it saved you a lot of money and nobody went to court and it's over.

**Ross Virgin:** Yes.

**Mary:** And the thing is she learned a lesson, and he learned how to really watch out for life.

**Shelley Klinck:** Okay, but Mary, let me just ask you this. Is your brother now afraid, generally speaking, of almost every woman he sees?

**Mary:** Oh, no, no. This is back in the 70s. He's a wonderful man, married with three children. And you know what? I've got five boys and I tell them keep your hands off women. Look at them, smile, and that's it, okay?

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**Shelley Klinck:** Okay, because many men, whether it's the 70s, 80s, 90s, are very concerned today. In fact, they wait for the woman to come on to them because they...

**Mary:** Yes, well watch out for that because like the beautiful situation... it was a beautiful situation. The flirt was the real... satiny kind of beautiful rosy situation. That's gone now.

**Ross Virgin:** That's right, yes. You can't..

**Mary:** That's sad. I'm really sad about it, you know.

**Ross Virgin:** You're absolutely right, Mary. It got so far overboard that you can't flirt today for fear of what will... You know, if the flirt turns bad, then you'll be accused.

**Mary:** No, you're in trouble. You could lose your job.

**Ross Virgin:** That's right. Especially in the workplace, especially in the workplace.

**Mary:** Yes.

**Shelley Klinck:** Mary, thank you for your insight.

**Mary:** Right, bye bye.

**Shelley Klinck:** Bye bye. I'm going to pick up Dave on this. I believe that Dave has an actual experience of being falsely accused of rape and/or sexual assault. They are two different things, but that is our focus.

Dave?

**Dave:** Yes?

**Shelley Klinck:** Hi.

**Dave:** Hi.

**Shelley Klinck:** How did this happen?

**Dave:** Well, there was within the family, between my wife and I and our marriage was not all that well and we were going to get a divorce anyways. But my wife wanted me to leave the house and just to get me out, and it didn't quite go along with my plans. What I was saying is that we should sell the house and divide the proceedings and all that, but she didn't like that and she called... In the middle of quite some time, she called the police on me several times and would say all sorts of accusations and pushing and shoving and beating and the police did come several times and didn't do anything.

**Shelley Klinck:** Now, wait a minute. When she was accusing you of all these things, first of all, did you do any of that, shoved, pushed?

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**Dave:** No, no.

**Shelley Klinck:** No, and did she bring it up when you mentioned divorce?

**Dave:** Well, in time, yes. All the time, it was a matter of getting me out of the house, out of her life.

**Shelley Klinck:** Okay, so what happened? Because I've heard from other guys on this too, but what truly happens when the cops come, and you've been falsely accused of pushing, shoving, saying something inappropriate, what... Go ahead.

**Dave:** They have never seen any signs of any violence or anything in the house and they left. They just left.

**Shelley Klinck:** See, that's unusual, Dave, because men have said to me that they have no saying -- guys, tell me if this is true -- when you are falsely accused of sexual assault. 870-6400, Bell \*640, long distance, 310-TALK. Is it true that the cops come, the woman has phoned from God knows, some phone booth and said he touched me, he threw me out, he violated me. You have no say. The cops takes you away and you're in the darn jail.

**Ross Virgin:** Can I clarify that, Shelley? Dave situation sounds to me like it's five or six or seven or eight years ago and there's been major changes because of feminist lobbying, so a current situation is yes. When a woman makes the allegation, the police are... there's actually a general blanket instruction to all police forces from the Ontario Solicitor General's office that where family domestic disputes are alleged that the police are now to not use discretion but to lay the charge and let the courts decide. That was not true six or seven or eight years ago.

**Dave:** I haven't gotten to the good part yet.

**Ross Virgin:** Okay.

**Shelley Klinck:** Ah, ah, ah, ah.

**Ross Virgin:** Ah, ah, ah.

**Shelley Klinck:** Dave knows his story. Let him talk.

**Dave:** Really, it was just a little (inaudible...) here. The very last time when the police just left, she didn't like that and she went on her own to the Justice of the Peace and she lay charges.

**Shelley Klinck:** Holy toledo!

**Ross Virgin:** That's intent. That's intent.

**Dave:** That developed about ten months later to a trial which I did not... I was too naive and I lost it. I was convicted.

**Shelley Klinck:** Now, wait a minute. What do you mean, you lost it?

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**Dave:** Well, I did not know how serious that was. I thought it was something like a parking ticket and the judge will see the truth, which I failed and I presented myself which I was...

**Ross Virgin:** With no lawyer?

**Dave:** Without a lawyer and she had the whole Crown, the whole damn... Anyway, I was convicted. I was only getting a probation and I was still allowed to be at home and she says, oh, you're still at home, you SOB. I'm going to get you yet.

**Ross Virgin:** Wow!

**Dave:** Okay? Now, we're getting there now. About two weeks later, well, I must say that we still maintained some relations.

**Shelley Klinck:** So she was very back and forth?

**Dave:** Yes, but about two or three weeks after that, after my probation and all that, we have slept together that night and in the morning, she was calling the police. I was wondering why she was calling the police for this time.

**Shelley Klinck:** So, wait a minute. So you went through this, you went through the trial, she falsely accused you. You were getting nice and comfortable again. You slept together...

**Dave:** Yes.

**Shelley Klinck:** ... and at the point -- isn't this true -- when the sex comes into it, that's the big problem?

**Ross Virgin:** Absolutely.

**Dave:** Yes.

**Shelley Klinck:** And now that you slept together, now she has yet another reason to say that you have violated her once again, and damn it, she's going to get you this time?

**Dave:** That's exactly what happened. She kind of trapped me into it because the following morning, she called the police. I had no idea what she was calling the police for. When the police came, I found out, well, the police was only here, I found out that she's accusing me of sexual assaulting her and raping her and all that.

**Shelley Klinck:** Okay, Dave. If you can hang on for a second, I want to get to Joe on a cell phone if he's still there. Joe?

**Joe:** Yes.

**Shelley Klinck:** Hi, I just want to bring you in on this. What did you want to say?

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**Joe:** Well, actually I had a couple of points to make. First of all, I thought you were kind of defensive concerning this whole matter where women were being accused. You know, it wasn't so long ago that all men were very terrified to pick up hitchhikers because what the women hitchhikers would do, would get in the car and say, give me ten bucks or I'm going to call rape.

**Ross Virgin:** Hum-hum.

**Joe:** And this was going on, this was pretty prevalent in the early 80s.

**Shelley Klinck:** Yes.

**Joe:** Now, it never happened to me, but it was in the newspapers that it was happening to a lot of people.

**Ross Virgin:** Yes, it was.

**Joe:** And I also want to make a point, too. You know, all you have to watch some of these talk shows in the morning like Sally Jesse Raphael and a few of those...

**Shelley Klinck:** Ah, ah, ah, ah.

**Joe:** ... and there are so many crazies on these shows.

**Shelley Klinck:** But that's what men are starting to think, though.

**Joe:** Listen, they are quite capable of doing exactly what you don't think they will, and they do do it. I'm sure they do.

**Shelley Klinck:** But there's another issue there, too, and I want to get to it. You know what, do I have to let you go on your car phone or can I come back to you after news headlines?

**Joe:** No, you're going to have to let me go.

**Shelley Klinck:** Okay, Joe. Thank you very much.

**Joe:** All right.

**Shelley Klinck:** Bye bye. You can only hang on for so long. We'll do the news headlines. We're coming back with more. Stick around.

Counter 31:45 - 34:20 (News)

**Shelley Klinck:** Men falsely accused of rape. Does it happen? Are women obsessive about it? Is there anything a guy could do to protect himself? Guys, are you scared today even to have a normal dating live because you don't know around what corner the next psycho chick is

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going to come. 870-6400, Bell \*640.

If you have been falsely accused, tell us your story, the process that you went through and what you'd like to see done to the woman who dragged your name through the mud. I want to hear from men on that tonight because in particular, does a woman really have that kind of power because I'm thinking -- and, Ross, you tell me because you're president of In Search of Justice, but you have defended I guess men and false accusations for years now.

**Ross Virgin:** Yes, 18 years and several hundreds of them, yes.

**Shelley Klinck:** The women that I see that often accuse men of sexual assault are young, naive, make claims they know nothing about...

**Ross Virgin:** Yes.

**Shelley Klinck:** ... lose it in court, think this is an easy power trip that they can strip a guy his life, don't really know what they're doing, so I wonder if the women really do have that much power.

**Ross Virgin:** They have an enormous amount of power. I have to agree that there are some that are quite young and they're 18, 19, 20, early 20s. I'm running into a disturbing number even into their 30s, definitely not older than that, but the power they do have... You hit the nail on the head. Even if they lose the case in court, they won, really, because most of the guys that I've been involved in defending -- and this really bothers me -- it costs them anywhere from 20,000 to 40,000 dollars in legal fees.

**Shelley Klinck:** Dave?

**Dave:** Yes, I'm here.

**Shelley Klinck:** Let me just get you on this as you mention it. Now, you went through a trial for a false accusation of sexual assault how many times now?

**Dave:** Well, the sexual assault was only one time. I was eliminated from the entire life after that one with all kinds of restrictions and all that, but I never got to the...

**Shelley Klinck:** Give us the gist.

**Dave:** ... to the power(?) that actually put my call into the show, that relates the call to the show.

**Shelley Klinck:** Yes, go ahead. What is it?

**Dave:** And that is that after that happened, after these accusations happened in the upcoming months, the divorce proceedings came and in one affidavit, it was attached -- a document that I was almost just lost my mind when I see that --there was a document that was produced by the Crown Attorney two days before my charges, before this alleged accusation, saying that I had just been convicted on other charges and I'm out on a good behaviour, I'm on probation.

**Ross Virgin:** So it was part of the divorce.

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**Dave:** Yes, and so I connected these two together...

**Ross Virgin:** It's common.

**Dave:** ... and I said, Oh, my God! What she actually did, she approached the Crown Attorney and she produced a document that she could show to the police a couple of days later that I was... actually, I had breached my probation by violating my good behaviour to them. I called the Crown Attorney and I said, are you people supplying documents like this, providing the information of the outcome of the trial to the participants of the trial? They said, no way. So how can I ever have something like this in my hands? Well, sir, he said, the only way you can have it is by asking for it in person. Come here to the office and we'll make it up.

**Shelley Klinck:** Yes, but you would have to know that it existed. You would have to know, and you didn't know, right?

**Dave:** No, I did not know that that document was around. What happened is that she planned all that. She planned a trap. She went to the Crown Attorney, she produced that letter, she had a copy of it, and a couple of days later when she called the cops, she had something to support her claim.

**Shelley Klinck:** Okay, just hang on the line, if you would, and we're going to continue to explore your story here, Dave. 870-6400, Bell\* 640, long distance, 310-TALK, 310-8255.

We're talking about men falsely accused of sexual assault and/or rape. What should happen to the women that are falsely accusing you guys? What do you want to see, and do you know friends of yours that have actually gone through that? Please share your story. 870-6400.

Jack in Etobicoke. Hi, Jack.

**Jack:** Hello.

**Shelley Klinck:** Hi.

**Jack:** How are you doing?

**Shelley Klinck:** Good.

**Jack:** I'd like to give you my opinion.

**Shelley Klinck:** Yes.

**Jack:** Well, I believe that we are getting into a society where the government is taking responsibility for everything and this is very bad. I think that some good, old-fashioned responsibility would not do any harm.

**Shelley Klinck:** Well, what do you mean?

**Ross Virgin:** What do you mean, yes?

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**Jack:** I have five sisters and they all made themselves respected and...

**Shelley Klinck:** Wait a minute. Are you saying that in the olden days, if a man and a woman were together, the woman knew to respect the man and she would never dream of pulling this kind of crap on someone?

**Jack:** Yes, yes.

**Shelley Klinck:** Okay, so are you talking about a return to traditional values where the man is the head of the house, the woman knows her place and...

**Jack:** Oh, no, no, no, no, no.

**Shelley Klinck:** Well, I need to know because... No, please, I'm not trying to lay heavy on you, but I'm sure there are some men, maybe even culturally, that still believe deep down inside but can't admit it today that it is okay you know to hit or control or say something to a woman, and I think a lot of women...

**Jack:** No, no, no, no, no. You're going into the wrong part.

**Shelley Klinck:** Well, I just want to say it but I think a lot of women feel that way as well toward men. They've been so hard on us all these years, I should be able to do whatever I want. Women, tell me if I'm wrong.

**Jack:** This is the same with alcohol or drugs, okay? Before the person starts drinking, they are responsible of their behaviour and after.

**Shelley Klinck:** So wait a minute...

**Jack:** So, you know, it's the same thing with that.

**Shelley Klinck:** So Jack, okay. So who's being irresponsible? Is it the man for getting involved with a woman who's a psycho?

**Jack:** No, the two of them. The two of them are equally responsible.

**Shelley Klinck:** So what happens...

**Jack:** So (inaudible...) I didn't really mean this but I wasn't planning to go that far, that doesn't wash with me, you know.

**Shelley Klinck:** Are you married? Hang on, Jack. Are you married?

**Jack:** Oh, yes.

**Shelley Klinck:** Okay, and do you always have this crystal clear communication about when you want to get laid and when she wants to have sex?

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**Jack:** No, definitely not. It's always, you know...

**Shelley Klinck:** Well, then, how can you... I mean, sure it's fine to say that it's up to both people, but how do you make sure that it's consensual every time, that this never happens?

**Jack:** Well, when one has to stop, one has to stop. One way or the other. So...

**Shelley Klinck:** In the heat of the passion, in the heat of the moment, you're just going to say, oh, honey, it's okay. I've got... you know what it's going to do, Jack? You've got to turn the...

**Jack:** You have to pull the brakes just at the closing line.

**Shelley Klinck:** All right, well thank you for that. I appreciate the call. I guess you've got to turn the stereotype around. The men now have to say, honey, I have a headache and you better friggin well respect it.

**Ross Virgin:** Ah, ah, ah. I don't know where to go with that one, Shelley. As a matter of fact, there have been some cases in Britain where right in the middle of sexual intercourse, and the woman has said, I'm not sure that I really want to do this, and if the man doesn't withdraw at that time, he's charged with sexual assault. I have a lot of problems with that. I think...

**Shelley Klinck:** Why?

**Ross Virgin:** Well, I do. I think that to me, it's exactly the same as a person who goes up and down the Toronto subway waving a thousand dollar bill and if he gets robbed, I have very little... it's still an offence, of course, to take his thousand dollar bill from him, but there's got to be some responsibility on that person who's standing there and waving his thousand dollar bill around.

**Shelley Klinck:** But wait a minute. What are you saying? Because this is normally when it happens, right? You're in the heat of the moment. She says yes or no. There's a mixed communication, and you're saying that you think it's wrong for her to say no when they're in the heat of the moment? You know what? Hang onto that. I've got to go to a break.

**Ross Virgin:** Right in the middle of that sentence.

**Shelley Klinck:** We've got to talk about this because, guys, I need to know if you truly feel that way because that's a legitimate feeling. Coming back with more about when you're falsely accused of rape and sexual assault.

And, men, I want to know, are women so convoluted in what they tell you and show you you can't figure out what they want in the first place. 870-6400, Bell \*640, and long distance, 310-TALK. Hang in.

Counter 42:40 - 44:55 (Commercial break)

**Shelley Klinck:** In studio tonight, Ross Virgin. Ross is the president of In Search of Justice.

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You're a men's group. You defend a lot of issues for men, but in particular, you came out again in the media around a case now in Alberta where a man was falsely accused. Let's just go over that now. Dave?

**Dave:** Yes?

**Shelley Klinck:** Stay with us here because I want to talk to you about fees and legal expenses and your life after you were, well, found guilty of something you never did.

**Ross Virgin:** Right. This case in Alberta was... certainly is at the crux of what our In Search of Justice is all about because it's an example of the most outrageous kind of abuse of the sexual assault provisions of the Criminal Code. When a woman makes an allegation, her name is protected. The man's name is not. He's dragged through the mud. A woman's name cannot be.

In the Alberta case, it's now gone to the Supreme Court of Canada which is why it's so important. It's a woman who's a prostitute out with a client, and of course, after the sex was all over, she alleged rape, went to trial. The court found that she was not raped, that she lied through the whole thing.

But the Criminal Code says that she's still entitled to protection, that the focal point here was the judge said, no. I am lifting the publication ban. I want your name published because the Criminal Code was not designed to protect liars and I totally concur with his position there.

The evidence in this case was it was so blatantly abusive. I'll just read a couple of sentences. The pick up was made in a bar. The waiter in the bar knew this woman as a regular prostitute. The waiter was called as a witness at the trial and the waiter testified that he knew the complainant, the woman, and that she was a well-known prostitute. The waiter testified that when the respondent -- that's the man who was accused -- went to the washroom, he saw the woman drop two pills into the man's drink. According to the waiter, the pills were Alcyon(sp.), which are used to help prostitutes steal from customers. That became further evidence during the trial that she had stolen out of his wallet.

[End of tape 1 (of 2), Side A]

**Ross Virgin:** The waiter also stated that some time later -- this is key, Shelley -- the waiter said that some time later, he heard the same woman bragging in that bar to a friend that she had stolen money from this guy and that she had got him charged with rape.

Now, if that's not a blatant case, and I'm hoping the Supreme Court of Canada will see that...

**Shelley Klinck:** And we don't know the answer to that yet.

**Ross Virgin:** We don't know the outcome. It went to the court a week and a half ago. The ruling has not come down yet, but our position on that has been not only should her name be published in the newspaper, she should be charged with public mischief and she should be sued for all the damages caused both to him, the court costs, the police investigation, everything. When that happens more often, there will be a deterrent.

**Shelley Klinck:** I'm sorry to interrupt, but isn't it true that right now, if a woman falsely accuses

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a man of sexual assault, it won't cost her a thing.

**Ross Virgin:** It costs her nothing. Her name is protected. A radio station announces her name will be charged criminally themselves because that's a criminal offence for you to publicize her name even though she's a liar, as was indicated by the court.

**Shelley Klinck:** Now, Dave...

**Dave:** Yes?

**Shelley Klinck:** I'm just wondering, in your case, you've gone through this now. You've got the divorce papers, all these allegations that weren't true. Your wife is obviously out to get you. How much money have you spent trying to defend yourself and say that you're innocent?

**Dave:** I would say about close to 30,000 dollars.

**Ross Virgin:** That's common, Shelley. That's very common, and sometimes even higher. Up to 100,000 dollars and 20,000 to 40,000 or 50,000 is common that these guys lose.

**Shelley Klinck:** And do you have a life now?

**Dave:** Yes, yes. I'm okay now.

**Shelley Klinck:** All right. Do you want to hang with me for a little bit longer here, or do you have a life you have to get going to?

**Dave:** That's okay, I can hang on.

**Shelley Klinck:** Okay, because I find your story interesting and other people want to get in on it as well. 870-6400, Bell \*640, long distance, 310-TALK, 310-8255 open to you.

Jim?

**Jim:** Yes.

**Shelley Klinck:** Hi.

**Jim:** How are you?

**Shelley Klinck:** Good.

**Jim:** My incident happened about two years ago. I was 25, met a girl. We dated for about three months and I decided I wasn't interested anymore.

**Shelley Klinck:** You decided?

**Jim:** Well, I didn't feel the chemistry was there anymore. So we had been sexually active.

**Ross Virgin:** It is trouble. It is trouble.

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**Shelley Klinck:** What's he supposed to do? Like not have sex with any of your long term relationships now because of what she might do?

**Jim:** Well, no, that wasn't my problem. What happened was I had basically gone over with a buddy to pick up my stuff, called it quits. She had freaked out, got upset, screamed. Basically, we left, walked away. The next thing I know, about two days later, I get a phone call from a police officer.

**Ross Virgin:** Right.

**Shelley Klinck:** Two days later?

**Jim:** I work with a lot of the police officers in the business I do.

**Shelley Klinck:** Are you a cop?

**Jim:** No, I'm not, thank God. Ah, ah, ah.

**Shelley Klinck:** Ah, ah. Another show, yes.

**Ross Virgin:** There are cops who have been charged, yes. There are cops being charged.

**Jim:** But I do a lot of work with them in the business I do and I had... the gentleman phoned. He explained he was a police officer. I thought it was a joke. I thought it was one of them playing a joke on me. I went, yes, right, sure. Who set you up? I'm busy at work and I'll call you later. CLAM!

**Shelley Klinck:** Yes, bring me your handcuffs.

**Jim:** Well, yes, exactly. Basically, he ended up showing at my work. He came to my work, identified himself, explained that I had raped and beaten her...

**Ross Virgin:** Yes, that's common.

**Jim:** ... and like I had to meet with this gentleman. I ended up taking three days off of work to prove that I did not do this. If it wasn't for the fact that I had the friend with me, I could have done some jail time.

**Ross Virgin:** Yes. So you were not charged, is that right, Jim?

**Jim:** Basically, he interviewed myself and my friend privately. He looked at me and he remembered her that night and he said, like I'm about six feet tall, about 250. She was 5'5", maybe 110 soaken wet. And he looked at me and said, if I had beaten her like she claimed, she would have been in worse shape than she was when he saw her.

**Shelley Klinck:** But, Jim, did you find like so many men that, tell me this, that in this particular

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case, if a woman calls and says, yes, he touched me and violated me, I was sexually assaulted, that you are automatically assumed to be guilty?

**Jim:** Oh, true, true. Nowadays, the way it's been so bad, like it's even bad with kids now. You can't even have your own niece on your knee and give you a hug because they think you're molesting her.

**Ross Virgin:** Yes, and schools. We've got a number of janitors calling us who used to be very friendly with the kids in school. They won't even touch the kids. They want to stay away from them because of the number of school janitors who have been accused of this kind of stuff.

**Shelley Klinck:** Jim, I've got to take a break. Thank you so much for the call.

**Jim:** Oh, no problem. Thank you.

**Shelley Klinck:** Take care.

**Jim:** Bye bye.

**Shelley Klinck:** And here it is, we're coming back with more of your comments on men falsely accused of rape. Do you believe it? Women, why do we do it? Or is this whole issue just a red herring because the stats would clearly say that when a woman cries rape, she means it. This false accusation of rape simply does not exist. You tell me. 870-6400, Bell \*640, and long distance, 310-TALK.

Counter 07:05 - 08:55 (Commercial break)

**Shelley Klinck:** There are so many issues around this whole issue. We have Dave on the line. Dave?

**Dave:** Yes.

**Shelley Klinck:** I'm wondering now, you've gone through all of this, the trials and the divorce and your wife has falsely accused you of sexual assault. Was her name ever put in the paper?

**Dave:** No, not at all.

**Ross Virgin:** Terrible!

**Shelley Klinck:** And would you have liked to have seen that happen to her?

**Dave:** Well, yes, it should be publicized because her crime was just as big as she planned mine to be.

**Ross Virgin:** Right.

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**Shelley Klinck:** But you know what? This is what I don't understand, Dave. You know that she was lying. You know she said to your face, I'm going to get you for this. How dare you leave this marriage, essentially?

**Dave:** Yes.

**Shelley Klinck:** Why would you go back and sleep with her, then? Because the guy has some responsibility. If you know, men, why aren't you trusting your gut feelings about these psycho women?

**Dave:** Well, it's easier to say why when you're not involved in it. Why these women who are really abused by their husband don't leave the home? Why do they stay around?

**Shelley Klinck:** Is it the same thing?

**Dave:** It's hard to make a move like that. It's hard to leave and it's hard to... and life goes on. Sometimes you feel a little bit better and sometimes a little bit worse. It's hard to leave or do extreme steps. Some people do do that.

**Ross Virgin:** Were you actually believing, Dave, that there'd be a reconciliation? Is that where you were heading, or not?

**Dave:** No, not really. It was just a matter of selling the property and we had a (inaudible...) and it all happened.

**Shelley Klinck:** For you, Dave, why didn't you countersue?

**Dave:** Why? Because it costs money. The Crown and the State would not be behind me. They wouldn't finance that.

**Ross Virgin:** You had to pay it and she has no money to sue her for, is that roughly it?

**Dave:** Well, that's right. I had a clear case to sue her back, but I just couldn't afford it.

**Shelley Klinck:** And let me tell you this, because we're talking about false accusations of rape, that many women -- I want to hear from women tonight as well. 870-6400, Bell \*640, long distance, 310-TALK. Many women would say this is not the issue. Even if what 92, 93 per cent of men go to court and are charged with assault, and they're found innocent, that does not mean they were innocent to begin with. There could be a lack of evidence. I mean, for example, I threw out the word OJ at the top of the show. We all know because he said, yes, I used to beat my wife. But he was not found guilty of murder.

**Ross Virgin:** Hum-hum.

**Shelley Klinck:** You see, so many women would say, you know what? Let's stick to the issue. The issue is not that maybe one or two men might be falsely accused. The issue is when a woman cries rape or sexual assault, she means it, and I want to hear from you tonight, women, about this. 870-6400. Do you really think that a woman would put herself through that whole

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process just to falsely accuse a man? I mean, are we really that malicious and vindictive?  
I want to get to Anna to see if she's still around. Anna Mae?

**Anna Mae:** Yes, hi.

**Shelley Klinck:** Thank you for waiting.

**Anna Mae:** Yes. I think that you hit it on the head. I mean,

**Anna Mae:** ...basically, the overall majority of women who say that they've been sexually assaulted have been sexually assaulted. I mean, it's a really hard process to go through, for you and your family and friends, to go to court and discuss the details of a man assaulting you and I don't believe that most women would do that unless it was true.

**Shelley Klinck:** Have you actually gone through something like that?

**Anna Mae:** No, I haven't, but I'm a law student and we talked about this a lot in school and the reality is that most men get off, whether they're innocent or guilty, because it's the word of the accuser against the word of the person who is possibly being victimized.

**Shelley Klinck:** So are you saying, Anna Mae, that in most cases, you believe, that the man accused of rape is guilty and he walks?

**Anna Mae:** Yes, I do just because it's just... I mean, it's the same thing with kids who say that they've been molested. It's just one of those things that most people will not lie about and I think it's really dangerous to start focussing on the few people who need help, as you said before, psychological help that actually cry wolf when nothing actually happened. The reality is for men, if they do not want to be accused of these kinds of things just like they have to go through the extra inconvenience of putting on a condom in the middle of sex, I mean, they should take the time out to say, is this what you want to do? And if the woman says no, then they've got to stop. It may be an added inconvenience of modern life, but it sounds like it would save them a lot of trouble down the road.

**Shelley Klinck:** I'm going to let Ross challenge you on this.

**Ross Virgin:** Yes, I love your nonsense there about saying that...

**Shelley Klinck:** It is not nonsense!

**Ross Virgin:** Your nonsense about saying... hey, she made her comment. I'm making mine now, so let me respond.

**Shelley Klinck:** Fine, sure, fine.

**Ross Virgin:** I love your nonsense about drawing a parallel here and suggesting that kids never lie. That is absolutely outrageous. There are tons of cases in which the kids have made it very, very clear that, after the allegations have been made, especially, I go back to school and teacher

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situations where the child got a bad mark, didn't like the way the exam was marked, and later on admits that that was the motivation behind it. Let me go to the Gary Dodson case, well known case — and everybody's seen it in the media — in which he served six years in jail for a rape that now Kathleen Webb says, "No, it never happened. I made the whole thing up". And after you hear the woman explain why she made the whole story up, you can understand that women do lie about it. And she said, "I had sex with my boyfriend. I thought I'd get pregnant. I couldn't explain that to my parents, so I lied". And she [went?] through, I think it was two weeks of testimony. I read almost all the transcript. She described how she was dragged in the back seat of this car. She described the parking lot and convinced a jury of all this crap and she now...

**Shelley Klinck:** Why did she convince them? Because she was a woman or because she was just a good liar?

**Ross Virgin:** She's a good liar.

**Anna Mae:** Yes, but that's... the thing is, that's not the majority. I mean, there will always be the few people who use the criminal system to achieve some other ends, but the thing is most women do not lie about this.

**Ross Virgin:** Nonsense.

**Anna Mae:** If men are scared about this, all they have to do is ask the woman. You know, I mean, I just don't buy this whole I'm in the middle of it, and she says no, so she must not really mean it.

**Ross Virgin:** You're saying the majority, and I'm saying that the Gary Dodson-Kathleen Webb is probably the majority and the justice system is nowhere near as biased against women as you are saying it is.

**Anna Mae:** As you just said, as you've been saying during the whole show, 92 per cent of these men get off. Whether they were guilty or innocent, 92 per cent of them get off.

**Ross Virgin:** Your position is guilty until proven innocent. I'm innocent until proven guilty. Thank you.

**Shelley Klinck:** But really, Anna Mae, I mean, isn't the other thing though too that...

**Ross Virgin:** And you're a law student? Wow!

**Shelley Klinck:** Wait! What does that mean?

**Ross Virgin:** It means a lot because she's saying that you should be guilty until proven innocent and I'm saying innocent until proven guilty.

**Anna Mae:** No, that's not necessarily what I'm saying.

**Shelley Klinck:** But wait a minute. Hang on. A part of that is the fact, though, that how many

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women have heard about this? Even Nicole Brown, and we talked about this, she had called the cops. They knew it was going on. Repeated attempts. There has to be a good reason. Don't you think this, Anna Mae, generally speaking?

**Anna Mae:** Exactly.

**Shelley Klinck:** And maybe it was just out of retaliation? I mean, maybe the woman puts up with the sexual assault for so long, and then that's it. She does make this complaint, and now all the women that are making legitimate complaints look like complete fools because we're talking about men that are falsely accused.

**Anna Mae:** All I want to say is that, I mean, most... over 90 per cent of these guys get off and the reason the system was changed was because for years and years a man could say what you're suggesting. ... "I just didn't know. I honestly, I swear to God I thought that this woman wanted it. She really wanted it, even though she was saying no." And I'm saying that it puts out a guy a little bit now to just say, "Is this what you want?" Even though that might spoil the mood a little bit, just like putting on a condom, that I think that that's the effort that they need to make to make sure that women really want it when they're getting it.

**Shelley Klinck:** Okay, Anna Mae, thank you for the call.

**Anna Mae:** Okay, thanks a lot.

**Shelley Klinck:** Take care, bye bye. We're coming up to news time once again. Well, I want to talk further with you, Ross, and then Dave, hang on the line here. More on this. Men falsely accused of rape. Is there any such thing as a false accusation? If so, what should happen to the women that are doing this to you, guys? Hang on the line there. 870-6400. I promise I will get to you. Bell \*640 and long distance, 310-TALK. Don't go away.

Counter 17:35 - 24:20 (News)

**Shelley Klinck:** I just want to let you know that a little later on in the program, we will have in studio Marcus Conniard(ph) and if you are in a situation where you feel like you are talking to a brick wall and you want to get through that wall, actually, contact, face to face, get the control freak partner or parent to listen to you. Get the boss off your back. If you're in one of those situations right now and you want to find out how to actually communicate with this person so they will hear what you're saying, we'll be talking about how to do that a little bit after 8:30 or so.

In studio is Ross Virgin, president of In Search of Justice. Just very quickly, your group's statement of where you want all the false accusations to sexual assault against men to go?

**Ross Virgin:** Absolutely. It's really very simple, black and white, clear cut. There's three parts to it, Shelley. First of all, the Supreme Court of Canada decision right now may very well be a big success for us if they rule that this prostitute's name should be published. That's our first major step is that the man's name is always published. The woman's name at the present time is never published. Whether she actually was raped or whether she was not. So publish her if she made a false accusation, publish her name and that's a deterrent not only to her again in the future, but

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for any woman who says oh, my goodness, now there's something to it.

**Shelley Klinck:** You know, I don't think so, Ross. I really don't. I am going to say this because...

**Ross Virgin:** Maybe not, maybe not.

**Shelley Klinck:** ... even after we knew that OJ Simpson, we knew that he battered his wife. We knew this.

**Ross Virgin:** Hum-hum, hum-hum.

**Shelley Klinck:** And he was found not guilty. I think over 60 per cent of American women still said that they would marry him today, even after...

**Ross Virgin:** Yes, okay, maybe you're right, but okay, I'll bow to that to maybe publishing a woman's name may not be a deterrent. I'm hoping it will, but in any event, I was hoping it has a curing mechanism, but even if it's revenge, I'm in favour of revenge because I'll take it as a fall back position. If it doesn't cure the problem, I'll take it for revenge.

**Shelley Klinck:** At least give me something, after all this.

**Ross Virgin:** Something after all this, yes. The second thing is, as I mentioned, she should be charged. I don't like public mischief. It's a very small minimum. That's basically when you lead the police on a wild goose chase, that's public mischief. But there are very few other charges that can be brought against her, of a criminal nature. It's not even perjury, unless if she lies on the witness stand, she could be charged with perjury there, but public mischief and/or perjury.

But maybe the third is the most important, if there's something to it, she has to have some money and that's suing her for damages.

The case of Dave's situation where he said...

**Shelley Klinck:** Dave, you're still with us, yes?

**Dave:** Yes, I'm still here.

**Shelley Klinck:** You can jump in any time here. I know it's been a long time.

**Ross Virgin:** He lost 30,000 dollars in defending this. He should get those 30,000 dollars back plus some punitive damages. Maybe a 50,000 dollars...

**Shelley Klinck:** But I want to talk about this damage issue for a second, though.

**Ross Virgin:** On top, okay, but on top of that she should be responsible for the court costs and the costs of the police investigation, so those are the three parts to how we feel this problem should be solved.

**Shelley Klinck:** But, Dave?

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**Dave:** Yes?

**Shelley Klinck:** You have a life now. You know that your ex-wife was a psychotic. We kind of say it in a funny way, but in a way it's kind of true. I mean, what damage did you really go through?

**Dave:** Well, emotional damage, humiliation, loss of friends. These things count, too. They're just as important as money.

**Shelley Klinck:** But do you have those friends back now?

**Dave:** Well, yes. It's been a few years, yes, I'm recovering but...

**Shelley Klinck:** Can you have a relationship with a woman now?

**Dave:** Well, I'll tell you. I had one surprise and I just can't... I find it very difficult to maintain a relationship with women because I just... you know, if you get burned with fire once, you're very careful dealing with fire again.

**Ross Virgin:** You're very careful, yes.

**Shelley Klinck:** Well, isn't that (inaudible...) this feeling is now? More women than ever out to get men because you've had one, one bad experience.

**Dave:** Well, that's right. If you get burnt once, you just lose trust.

**Shelley Klinck:** But that's one.

**Ross Virgin:** It doesn't take 15 burns, though, for you to learn that the fire's hot. So after one burn on the stove, you know that it's hot so you're a little bit more careful. It doesn't mean you're saying all stoves are turned on, but you're going to be very careful before you're going to touch the next stove.

**Shelley Klinck:** Let me just get George. I think he's on Highway 12. Hey, George. George, are you there? George on the Bell \*640, I guess it was real, real quick. He was on Highway 12, so he had to hang up. Okay. Let me get to Chad instead. Hi, Chad.

**Chad:** Hi.

**Shelley Klinck:** Hi, thanks for waiting. Go ahead.

**Chad:** Yes, I've gone through this. My ex-girlfriend, she wrongly accused me of raping her.

**Shelley Klinck:** Why?

**Chad:** Why? I don't know. One day she came over to my house. She had had a couple of

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drinks and sex was involved. She initiated everything. You know what I mean?

**Shelley Klinck:** But how could you prove that in a court of law?

**Chad:** Exactly. But anyways, first, I was told by a friend of mine that she was charging me for assault and then I was told she was charging me for rape. And the cops called me and they came to my house and picked up. I live in Ontario Housing, right, so a lot of eyes and a lot of mouths.

**Shelley Klinck:** Oh, yes, well, they would kind of expect that from you, yes?

**Chad:** Yes, so they come here. They come and pick me up and they handcuff me and they take me away.

**Ross Virgin:** Hum!!!

**Chad:** So they take me to the cop shop. They read me my rights and everything.

**Shelley Klinck:** Always open, cheese sandwiches, a little coffee.

**Ross Virgin:** Yes, that's right. A (inaudible) hotel, yes.

**Shelley Klinck:** It's a Holiday Inn. We're listening.

**Chad:** My lawyer cost me one thousand dollars for ten minutes' work.

**Shelley Klinck:** Yes.

**Chad:** And I got convicted for it.

**Shelley Klinck:** How did your life change since then?

**Chad:** Well, I have a son now with another woman, right? We're not married. It's just harder to trust people when they do these things to you.

**Shelley Klinck:** But do you trust yourself?

**Chad:** Do I trust myself? Yes, I trust myself.

**Shelley Klinck:** So you trust yourself? Perhaps, unlike Dave, you're saying you're having a hard time having relationships with women because you got... well that's a pretty serious thing and I've met other men that are just like I don't say anything now. I let the women talk to me. If they want to come on to me, fine. But swearing off relationships forever!!!

**Ross Virgin:** I've heard many men responding in that way and I understand exactly why they would do it. It goes back to the point about when you touch the stove, if you get burned badly enough...

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**Chad:** It's hard to go back.

**Ross Virgin:** That's exactly it. If you touch the stove and you go, well, you've got a little sizzle on your finger, that's one thing. But if you put your whole hand on there and your whole hand is... Shelley, every time you look at a stove after that, it has a response.

**Shelley Klinck:** Yes, but at some point you do have to go on.

**Ross Virgin:** Well, absolutely and I think that Dave and Chad and most of these guys are going on but just how carefully they're going on.

**Shelley Klinck:** Chad?

**Chad:** Yes?

**Shelley Klinck:** I'm just wondering for you, are you getting better at choosing your girlfriends?

**Chad:** Well, you guys were talking earlier about assaults and sexual assaults and being wrongly accused. Okay, I prefer... myself, I don't chase the women. I have a tendency for them to come to me.

**Shelley Klinck:** But did you used to?

**Chad:** Yes, all the time. I would go, I'd like to get to know her and then whatever.

**Ross Virgin:** Now, you just back right off.

**Chad:** Yes, it's a lot harder now.

**Ross Virgin:** That is common, Chad. Very common response.

**Shelley Klinck:** Did you mention... you said you had a child.

**Chad:** Yes, I have a son now.

**Shelley Klinck:** Yes. Now, what will you tell your son about women and how women act around men?

**Ross Virgin:** Wow!

**Chad:** I'd tell him just to be very careful.

**Ross Virgin:** Yes, that's a common reaction, Chad, and it's rather sad that that's what we have to do and tell our sons that. That's one of the reasons, Shelley, I'd like to see...

**Shelley Klinck:** But I'm not sure that it's fair because we're still not sure what percentage of

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men who actually go through this.

**Ross Virgin:** That's true. I still believe in my stats, of course. Well, I think I told you off air, Shelley, that those are not my stats. This is important to put on air. The 90 per cent, my experience has borne that out, but that's not where I'm quoting that from. That is from the National Action Committee of the Status of Women, the women's group.

**Shelley Klinck:** We don't know how big that sample is.

**Chad:** Yes, that's from women, though. That's not from a man's point of view.

**Ross Virgin:** No, it's even worse if it's from women's point of view. I would expect that...

**Shelley Klinck:** What does that mean?

**Ross Virgin:** Well, I would expect that men, from a men's point of view, I would be quoting stats, well, 100 per cent of men who are charged are falsely accused. Women are going to say...

**Chad:** But that's not true, though.

**Ross Virgin:** No, it's not true. That's right. I would think that because I have a vested interest, and I admit that, I have a vested interest in defending the rights of men. That's what I'm all about.

**Shelley Klinck:** Are you paid to do that?

**Ross Virgin:** No, no, I have another full time job. This is a volunteer situation, but you would expect me to come out with stats like 92 per cent, but you wouldn't expect a women's organization to come out because that's basically saying that 92 per cent of women are liars, and I don't buy that.

**Shelley Klinck:** But what you're really saying, though, is you believe that women are essentially anti-men to the point that you would expect a women's group to come out and say 100 per cent of these men that are accused of rape are guilty of it.

**Ross Virgin:** Well, I'll tell you, I guess I have done enough with feminist groups and I think they are anti-men. I think that 20 years ago, they were not, but I think today that there's a very large portion of women's groups, feminist groups, who are anti-men.

**Shelley Klinck:** Chad?

**Chad:** And there is also a lot of women out there to get men, just to get money off of them.

**Ross Virgin:** That is true.

**Shelley Klinck:** Oh, brother!

**Ross Virgin:** That is true! It doesn't mean the majority.

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**Shelley Klinck:** Thank you for the call, Chad.

**Ross Virgin:** He said there are a lot out there, and that is true.

**Chad:** I have met them before.

**Ross Virgin:** That's a separate issue. That's divorce.

**Chad:** Men use women, too. I'm not saying all women.

**Ross Virgin:** Sure, that's manipulation.

**Chad:** Men use women, women use men.

**Shelley Klinck:** Chad, thank you for the call.

**Chad:** All right.

**Shelley Klinck:** Take care. Bye bye.

See, I guess it was true, but then again, women will say you know what? We've been economically pushed down for so long...

**Ross Virgin:** So therefore we can steal.

**Shelley Klinck:** Well, hey, you know, then they steal from us and maybe it's a lopsided and strange, twisted argument but if I have a chance to economically take a guy down, I may do... I may never admit to it, but I may do it. I think George is back on \*640. George?

**George:** Yes?

**Shelley Klinck:** What did you want to say?

**George:** What did I want to say? Well, first off, I think that the question has to be addressed as just when does no mean no? The second thing I'd like to know is where is it written that a person who is falsely accused should collect punitive damages? Who is he collecting it from? Where is it written that the government has to pay us if we're falsely accused, or something? That's (inaudible...) human being.

**Ross Virgin:** No, no, no.

**Shelley Klinck:** No, I don't mind what he's saying. Thank you, George. I'm going to let you go.

**Ross Virgin:** I never said that the government should... owes anybody for damages. It's the woman who made the allegation. That's who gets sued, not the government.

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**Shelley Klinck:** No, but you started off, though, saying that a woman could say a man was guilty of rape and not really mean it, not really know what she's saying, not really understanding what she's doing.

**Ross Virgin:** That's correct.

**Shelley Klinck:** So can't a woman make an honest mistake?

**Ross Virgin:** They can make an honest mistake, but I pointed also earlier on, you drive your car and you honestly kill somebody, you have to pay the damages, and so you should.

**Shelley Klinck:** So what should the woman be charged with if she makes an honest mistake, she falsely accuses somebody of rape and/or sexual assault, should she be charged with murder?

**Ross Virgin:** Hang on. There is a big difference between -- we're muddying the waters here - - a charge and...

**Shelley Klinck:** It is muddy.

**Ross Virgin:** No, not really. It's very clear in black and white. I raise the issue. I'm charging a charge of public mischief. That's where willful intent is obvious and that's beyond a reasonable doubt. Big difference.

Suing is in civil court, a different matter altogether. You can sue, whether you had malicious intent or not, but if through negligence, you did not show due care and a jury of your peers can determine this. Was the woman negligent? Should she have taken more caution, and thereby she could have prevented costing that man 30,000 dollars. Exactly the same, Shelley, as if you drive your car -- and fortunately, that's covered by insurance -- but that's not the point. You're still liable.

If you drive your car and you're negligent and a court jury says you caused this man to be a paraplegic, are you going to tell me that that's just tough luck? Absolutely not. You should be responsible for some of the damage you cause that person because you negligently drove off the road and put him in a wheelchair for the rest of his life. You can't just say tough luck.

**Shelley Klinck:** Dave, have you recovered any expenses? You said you lost 30,000 dollars having to prove that you're innocent of this false accusation of rape or sexual assault. Have you claimed anything back?

**Dave:** Not a cent. Not a cent.

**Ross Virgin:** Why, Dave, because she has no money or...

**Dave:** Because I didn't have a cent left to pursue it.

**Ross Virgin:** Ah, right. That's the other problem, too. You have to put up more money to sue her for damages. Right.

**Shelley Klinck:** Let me talk to Scott in Scarborough. Scott?

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**Scott:** Yes?

**Shelley Klinck:** Hi, go ahead.

**Scott:** Hello, how are you doing?

**Shelley Klinck:** Good, thanks for waiting.

**Scott:** Well, I had actually four stories.

**Shelley Klinck:** Oh, my God! And you're still alive? You're calling from a prison, or something?

**Scott:** No, two were preventing sexual assault and the other two were just evading assault.

**Shelley Klinck:** Tell me about that because I'm getting the feeling tonight that there really is no protection for any man. That's my feeling.

**Ross Virgin:** Yes.

**Scott:** Well, I don't know about any protection for men, but in my two cases -- and they may or may not be prevalent -- would you like to hear the preventing or the other part?

**Shelley Klinck:** Let's look at the preventing. I want to hear some reality here.

**Ross Virgin:** Yes, I want to hear that too, yes.

**Scott:** The first one was in junior high school and I came out... I was a member of the stage crew and 12 guys had taken a girl, and I guess I shouldn't mention her name, and I shouldn't mention the school. I don't know.

**Shelley Klinck:** No, don't do that. We don't want our own lawsuit, thank you. Enough already.

**Ross Virgin:** I'll defend you, Shelley, it's okay.

**Scott:** Those guys took a girl under the stage and they were going to do something terrible, and I came upon this, and thank God that I was much bigger than all these guys and thank God they were my friends because I stood in front of all these guys and said, no, this is wrong. The reason I did it was because I saw the terror on this woman's face.

And remember, we were only junior high school students, but even back then, I knew, when I saw her face, I knew and so I stood up and I took these guys on, even though they were my friends, and thank God I was bigger and nothing happened of it.

**Ross Virgin:** Good.

**Scott:** The second time was at a party.

**Shelley Klinck:** Hang on. I've got to go to a break in a second, but just before I do, back to the first time for 30 seconds here.

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**Scott:** Right.

**Shelley Klinck:** How can you apply that to a female about to do in a male?

**Scott:** But see, that's the point. The point is I've been done in twice since then.

**Shelley Klinck:** By women?

**Scott:** That's right.

**Ross Virgin:** Wow!

**Shelley Klinck:** Okay, hang on, if you would. Just hang on. Thank you for waiting. We'll take this short break and find out who's doing who?

Men always said that we didn't know we had sexual power over you. Now, I think we get it. False accusations of rape. How to deal, your feelings about it. 870-6400, Bell \*640, and 310-TALK. Don't go away.

Counter 39:40 - 41:20 (Commercial break)

**Shelley Klinck:** 870-6400, Bell \*640, out of town, 310-TALK, 310-8255. Now, let me see if I can pick him up again. Are you there, Scott, or is this Chad? We're not sure any more. We want to talk about what happened to you two or three times, Scott. Are you there now?

**Scott:** Yes, I'm here.

**Shelley Klinck:** Very briefly now, you mentioned you were done in by two other women. What was their strategy and how do you stop that from happening now?

**Scott:** Well, I think the other two points were most important that I protected the first woman from 12 guys and then the second woman, four guys dragged her into a bedroom at a party and I dragged her out, got her in my car, and took her home.

**Shelley Klinck:** So in a way it seems really strange that you're the knight in shining armour...

**Scott:** Well, no, but I'm just like a nice guy because right is right and wrong is wrong.

**Shelley Klinck:** Okay, but did being a nice guy -- because I want to hear your story -- being a nice guy cause a woman to falsely accuse you of sexual assault?

**Scott:** Well, the first woman was... I'm an American and I've come to your country. I became a Canadian first and then I came to your country and I brought my American wife with me and we went to Vegas, got married, and we came here. She didn't last very long. She hated the winters, and this and that, and then she took off. But before she took off, she wanted to say that I assaulted her.

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**Shelley Klinck:** Why, though?

**Scott:** Well, my family is... well, they're well off and she just wanted the money. Coles Books and Coles California. Like I said, I'm from California.

**Ross Virgin:** In other words, this was to precipitate a divorce and...

**Scott:** Well, sure.

**Ross Virgin:** Suing you for damages and (inaudible...)?

**Shelley Klinck:** But you know what?

**Scott:** It was just money.

**Shelley Klinck:** Cut to the chase here because so many men are calling up tonight and saying it was just money. It was just a divorce. I made a decision in the marriage and she didn't like it. But I have the feeling....

**Scott:** No, she made the decision.

**Shelley Klinck:** Okay, she made the decision.

**Scott:** She made the decision and she wanted the cash before she left.

**Shelley Klinck:** Okay, but nobody has talked about the warning signs and everything that came before that.

**Scott:** The judge said no, no, and he believed me. Thank God. Thank God I'm free. But it did happen later on at a workplace, and this had nothing to do with money. This happened to do with a woman who wanted to take over a company. I was hired...

**Shelley Klinck:** But wait a minute, Scott. Why couldn't you see the pattern?

**Scott:** Well, there was no pattern.

**Ross Virgin:** The warning signs?

**Shelley Klinck:** But there has to be a pattern. I mean...

**Scott:** Absolutely not. Just like that woman that called you a little while ago. There's no pattern, there's no reason, there's no rhyme. It just comes up sometimes. They get desperate. Women get desperate, maybe, and they just react, and who can blame them?

**Shelley Klinck:** That's what I've been saying, though.

**Scott:** I mean, yes, the world is twisted. Yes, it's been a man's world and they want to come

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out and they read Cosmopolitan, but you don't come out reading Cosmopolitan and kill a person.

**Shelley Klinck:** The big act of liberation. Yes, but this is what I'm saying, though, Scott. From a woman's point of view, maybe there are things leading up to this. I don't just decide that I'm going to cut your penis off one night. There's always another reason. There's always something else going on, and if it were a man, okay, we know that in some cases where men abuse, they will go from one to the next. The girlfriends talk to each other. The man has a typical pattern. It's not the same for women, though.

**Scott:** No, because that's actually not true, though.

**Ross Virgin:** Scott did tell you that there was lead up to this. When he and his wife came to Canada, he gave you a little bit of background. He didn't give us ten years of background, but he said that the marriage was falling apart and then (inaudible...).

**Shelley Klinck:** So why stay until something like this.

**Scott:** No, the marriage didn't fall apart. She didn't like Canada. She hated the winter. That's what fell apart. She wanted me to come back. She wanted me to take her back to the U.S. because that's where we came from and I said, no, this is my new country now. I became a Canadian citizen.

**Ross Virgin:** I'm confused.

**Shelley Klinck:** I know you're going to hate me for this, but eventually I'm going to have to move on. Is there anything you think, Scott, that you could have done to stop this from happening?

**Scott:** Hum, no.

**Shelley Klinck:** Okay, thank you for saying that. Thank you very much, and I'm sorry, I do have to move along. Back to Bell \*640, but George has to get one more word in. George, hi.

**George:** Yes, how are you doing?

**Shelley Klinck:** Yes, we're still okay. I've got some other people waiting here, though. What did you want to say?

**George:** I'd just like to say first off that you should acknowledge the fact that it's a level playing field. Women are just as interested in sex as men. The fact is when we're talking about adults and the topic is rape or sexual harassment, there is a difference and they know the difference.

**Shelley Klinck:** Who knows the difference?

**George:** Women. Women know the difference between rape and consensual sex.

**Shelley Klinck:** I'm not so sure about that.

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**George:** Well, I don't know. I think if you're grown up, you know the difference. And if you're going to charge someone with rape, it better damn well be rape because if it isn't, I think you should stand up and take some punishment. I agree with the man that's on there. If you're charging somebody out of a malicious intent, then you're going to have to stand up and take your punishment. I don't want to see any woman that possibly was raped or sexually harassed have to back away from the legal system to look after their rights. By the same token, they're going to have to accept responsibility for their actions, too.

**Shelley Klinck:** Okay, thank you for that because I still say many women -- you can tell us about this, women, 870-6400, Bell \*640 -- many women will say that no woman would put herself through that, will put her husband through that, would do any of that if it wasn't true, and our focus has been for the last hour and a half false accusations. False.

Dave?

**Dave:** Yes?

**Shelley Klinck:** Still waiting around quietly?

**Ross Virgin:** He's a good boy.

**Shelley Klinck:** Last question.

**Dave:** I was going to say when that lady that is a law student there was talking...

**Shelley Klinck:** Anna Mae.

**Dave:** Yes, that the issue was that she was saying that the man should ask if she was willing to go along with that, to continue with that, to participate in that act. What happens if the lady at the time would say yes, go ahead, let's carry on with that and then that's fine, and the next morning, that's when she feels some regrets about that...

**Ross Virgin:** That's true. That's very often when it happens, or a week later.

**Dave:** ... and then she says, well, I didn't actually want it, even though at that time she agreed to that.

**Shelley Klinck:** So there is a pattern.

**Dave:** Pardon me?

**Ross Virgin:** No.

**Dave:** And the next morning, she feels kind of guilty about that and then she says, well, she did not agree with that. She didn't go along with that. What happens then?

[End of tape 1 (of 2), Side B]

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**Ross Virgin:** No, Shelley. It's not a pattern, Shelley. I would say that the last 200 cases that I've been at trial with, it's not a matter of every one of those 200 it's a week later. No. It can be right in the middle of the act, as Dave was pointing out. It can be the next morning. No, there's no pattern at all. It's as diverse as if you look at 10,000 cases, there's 10,000 different scenarios that lead to these allegations. I saw where you went with a lot of these guys saying couldn't you see a pattern or a lead up to it. I don't think that you can until the police knock on your door and say, as your joke was, ah, ah, bring the handcuffs, and then they do.

**Shelley Klinck:** Dave, at this point I want to thank you for sharing your story. I really appreciate it. I'm going to let you go.

**Dave:** Okay, thank you.

**Shelley Klinck:** Thank you, sir, and I hope things work out for you.

**Dave:** Thank you very much.

**Shelley Klinck:** Nobody should have to go through that. Take care.

**Dave:** Thank you, bye.

**Shelley Klinck:** We have to break very shortly for news headlines. I just want to finish up when we come back, though, some of the last remaining arguments here around the false accusations of rape, so try and get your line now at 870-6400.

Yes, I know there's a difference between sexual assault and rape, but at the time, it's the charge and the conviction, and that's what matters and the process. Bell \*640, long distance, 310-TALK.

We're going to be flipping over later on to the second segment, but then first Marcus Conniard(sp.) on how to talk -- gee, how appropriate -- how to get through to a brick wall that won't give you any damn attention at all. Fighting with your husband. Here's the news headlines.

Counter 02:15 - 05:20 (News)

**Shelley Klinck:** Of course, our problem is we never shut up during the whole break. That's what's really going on. Ross Virgin. Oh, nice music. Do you like it?

**Ross Virgin:** I like that. That's good.

**Shelley Klinck:** Rock Virgin is the president of In Search of Justice. Of course, we were just saying during the break that if this did happen to a man who was falsely accused, I want to know, are there more charges happening now, Ross?

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**Ross Virgin:** I have to say I started 18 or so years ago involved in these cases and at that time, maybe 10, 15 a year. Now, it's hundreds a year, so it's escalating immensely. Absolutely.

**Shelley Klinck:** And you attribute that to what? You said earlier feminist lobbying and women that hate men. They just want to get something on them.

**Ross Virgin:** Well, I certainly think... I'm not saying all women hate men, but I'm saying that there are women who hate men.

**Shelley Klinck:** What percentage?

**Ross Virgin:** I really can't tell you. I have no idea. My thinking is poisoned because of course being rather high profile, I get targeted by women who do hate men. I don't hear... Well, people like Mary do call my office. This is interesting, Shelley. Twenty per cent of the callers calling to this men's organization are women saying it's about time. I'm glad. There's a lot of women out there who do not hate men.

**Shelley Klinck:** But you're also saying that your experience with certain rape crisis centres...

**Ross Virgin:** Yes, rape crisis centres...

**Shelley Klinck:** ... is difficult.

**Ross Virgin:** Very difficult. A number of our men have called rape crisis centres because they're supposed to be dealing with the trauma involved with these allegations and the rape issue, and these rape crisis centres say, no, we will not help you. You're male. We will only help women.

**Shelley Klinck:** You see, because I'm wondering if you...

**Ross Virgin:** And there aren't any rape crisis centres out there for men who have been accused of this kind of stuff.

**Shelley Klinck:** Yes because for Dave to call in and tell his story and all of a sudden a lot of the men are thinking, well -- and I didn't say all -- but many because I'll talk to them after the show and they'll say to me, what a bunch of woozes(ph). They just get pussywhipped. They let their girlfriends or their women walk all over them. That would never happen to me, but it is true that verbally speaking, I suppose verbally and emotionally that I could... well, any woman, maybe myself, I don't know. I haven't really thought about it, could sexually assault my boyfriend and not even know it.

**Ross Virgin:** Absolutely. In terms of, you know, maybe it is true...

**Shelley Klinck:** Sorry, dear, I didn't mean it.

**Ross Virgin:** Yes. Men are physically stronger than women, but when it comes to verbal warfare, women are not at a disadvantage at all. If anything, maybe women are more skilful with

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their tongues than men are.

**Shelley Klinck:** But it's also true that women do know when they have been violated, and you may never be able to convince the boyfriend, lover, ex-husband, whomever that that actually happened. Don't you hear about this? I mean, you have arguments about it.

**Ross Virgin:** Um-hum, sure.

**Shelley Klinck:** Oh, you wanted it. No, I didn't. Yes, I did.

**Ross Virgin:** You're getting actually to George's question. He said when does no mean no? And that's really what your question is. I have an answer to that. It's there is no black and white cure all answer, but I'm satisfied with this answer. I'm not satisfied with Anna Mae's, our law student, that the justice system is always against women.

The justice system, when you're talking about a criminal proceeding of this nature, it very often is a jury of your peers and it even has women on that. I would much prefer to allow 12 people who don't have an axe to grind to listen to the evidence and say did no mean no or did it not? than I would have a rape crisis centre or a feminist or someone who's a law student who says that the justice system is all poison.

Hey, how can you say the justice system is because these are 12 average people out there on the street who say that it meant no, or it didn't mean no, and they make that decision. That's one of the best systems I've ever heard of.

**Shelley Klinck:** And you agree with that, even after hearing all the OJ stuff?

**Ross Virgin:** Yes, I do. Whether... I said at the outset, when I made that comment, I said that the justice system is not perfect, but I would rather have 12 people who are average citizens out there making the determination than I would vested interest groups, even like my own. I would not want to be myself the jury. Take Joe Citizen out there. Let them hear the evidence, and then determine.

**Shelley Klinck:** But if you can't see past the male-female thing to the evidence, that's going to be the problem.

Sam, what about you? I do not blame him. Don, in Brampton.

**Don:** Yes, good evening. I used to hear that the law is an ass, but I think the show tonight has proven it.

**Shelley Klinck:** Ah, ah, ah, ah.

**Don:** What my solution to the whole thing is that we have a three-part consent form everyone carries along. For the accuser, judge, and the accused.

**Ross Virgin:** That's been drafted.

**Shelley Klinck:** You know, Don, it's funny now. I don't know legally speaking, but there is a college in the States that college kids, every time they have sex, touch a knee, bite on someone's

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ear, there has to be this written consent for every single thing that they do.

**Ross Virgin:** I didn't know that was for real, but there are several lawyers here in Toronto and Hamilton have been joking that they've drafted these consent things and they're pages long. By the time you read it, you don't want to have sex anymore.

**Don:** One last thing if I may, please? The other thing we could have is a streetlight at the head of the bed, you know. Stop and go with a hand held activator.

**Shelley Klinck:** Ah, ah, ah.

**Don:** That way, there would be no doubt whether it's green or red.

**Ross Virgin:** Can I tell you something else, Shelley? On these agreements that you have to sign before you have sex, but not only have to take the time to read them, but documents are not legally binding unless both parties have had independent legal advice. You have to call your lawyers in the bedroom too so that they're given legal advice before it's binding.

**Don:** I want to say that I'm going into a monastery tomorrow.

**Shelley Klinck:** Ah, ah, ah. We had a feeling, Don. Thanks a lot. Bye bye. I just want to make one more point about this before we cut you loose, and it simply is this. I do think that when this decision comes down from the Supreme Court of Canada about should the woman's name be published if she knowingly falsely accused a guy of rape, if we say yes to that, yes publish the name, I do think it's going to be harder for women with legitimate complaints to come forward.

**Ross Virgin:** It will. It absolutely will, and as a matter of fact, Shelley, I don't believe that in any cases a woman's name should be protected. I mean, this has been an argument that the woman who's a witness to a sexual assault case, she's dragged through a terrible ordeal on the witness stand. Hey, this is true of every witness in every criminal proceeding.

**Shelley Klinck:** That is true.

**Ross Virgin:** Every witness is cross-examined, and that's the way you separate the liars from the people who are telling the truth, and that...

**Shelley Klinck:** Sometimes.

**Ross Virgin:** That's the best method that there is available today. It's a lot better than just taking someone's word for it, let me put it that way. I never said on this whole show that the justice system is perfect. But there's no way that you can allow people to take the witness stand, and whether it's a woman involved in rape or I don't care if it's a bank robbery or whatever and just say, well, this is what happened and then not subject that person to cross-examination. Cross-examination is the test by fire. Is this a lie or is this truth?

**Shelley Klinck:** But you know what? Ross, the stats we do not have are the number of people

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that are indeed and we'll never know this, are indeed truly guilty and have walked.

**Ross Virgin:** You're right. We will never know those figures. Do you have a better system? Would you rather just, as one of our callers suggested, just convict all the men in any event? Is that a better system?

**Shelley Klinck:** No.

**Ross Virgin:** No, definitely not.

**Shelley Klinck:** But, boy, you have to work really hard in your feelings to honestly know that.

**Ross Virgin:** To honestly know?

**Shelley Klinck:** That you just can't convict them right out of nothing. You can't.

**Ross Virgin:** No, absolutely not, and really, the system will have guilty people found innocent and they'll have innocent people like Gary Dodson who served six years in jail and then she comes out and there's a case in which she fooled the jury so well that if she hadn't now come and said... what triggered it all was she became religious. That's when she came and admitted all this.

**Shelley Klinck:** Ohhh! Had the experience.

**Ross Virgin:** Yes, had the experience, so if she had never become religious, that man is still serving time in jail for a case he didn't... Now, that bothers me, but I still say that the justice system we have I'd rather have a justice system where she could drag that jury through two weeks of evidence and it's unbelievable than have some rape crisis centre say they're all guilty.

**Shelley Klinck:** This doesn't sound good for us, girls. It really does not.

Ross Virgin, president of In Search of Justice, very quickly your number and I'll let you go.

**Ross Virgin:** Yes. It's 850-3344, that's in area code 905. It's in Toronto, but I'd love to hear from any of the guys out there who have been through this, or anyone who hasn't been through it and is concerned about it, so it's area code 905-850-3344.

**Shelley Klinck:** And thank you for honouring men in their experiences tonight. Thank you, Ross.

**Ross Virgin:** Thank you, Shelley. It's been great.

**Shelley Klinck:** Okay, bye bye. Here's the break. We're coming back with Marcus Conniard(sp.). This about who you're fighting with now, the brick wall. You've got to get through this person. We'll take your situations after this.

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