

NOTABLE MOMENTS IN ART BELL PARANORMAL RADIO HISTORY

ART BELL'S DEFAMATION LAWSUITS

1998 12 30 Wednesday Michael Bara Richard C. Hoagland Keith Rowland Reverse Speech/David Oates

AB: "And as many of you in the audience know – for I don't know, it goes back a couple (2) of years – I had David John Oates on. And, ah, we finally came to a show, um, about Ed Dames. And I had actually requested ... I had asked David Oates to reverse Ed Dames.

And I didn't care what he came up with. All I said is: 'David, ah, please don't use **metaphors**, ah, in your reverse speech. *Please don't use metaphors.* Not because I think metaphors are invalid necessarily, but because I think that a larger listening audience does not understand metaphors.

People who have studied reverse speech or students of reverse speech, ah, have some understanding of metaphors, but ... um, the larger audience does not. And frankly they're very interpretive. You know, something like: 'The quick brown fox, ah, cracked the rock.' Well, then you will explain what that means, and it's ... it's very interpretive and, ah, very difficult for an audience to grasp.

And so we began the show and, um, he began to do reversals on Ed Dames – *and they were all metaphors!*

And so we did that for half an hour. And at the bottom of the hour I went to David privately and I said: 'What Are You Doing, David! Remember I said: 'Good ... what I wanted was *clear reversals* on Ed Dames. And that's what you promised you'd do.'

He said: 'Yeah, yeah, I know. I'm sorry ... ah, we'll do clear reversals.'

So we went back on the air again, and I'll be damned if ... *here it comes again! Nothing but metaphors!*

And we came to another break. And I said: 'David, what are you doing!'

And he said: 'All right, all right, we'll straighten it out.' And we go back into the show and here come the metaphors again!

* * *

And that was the beginning of the schism with David Oates. And, ah, yes I was disturbed by it.

David Oates has now framed this as a 'freedom of speech' issue (!) He's saying Art Bell wanted to edit me! Art Bell wanted to silence me! Art Bell wanted to, ah, muzzle me about Ed Dames ... and nothing could be further from the truth!

I'm the one who asked him to reverse Ed Dames in the first place. And all I asked him to do was come up with clear, understandable reversals. Not metaphors – interpretive metaphors, but *clear reversals*. And obviously he was not going to do that.

Then he began making postings on the internet. Ah, just very, ah, vitriolic postings attacking me! And I thought: 'Well, okay, I'll let him do that. I'll just keep my mouth shut.' And I did – for months and months and months I kept my mouth shut. And the attacks came again and again and again.

Then he began doing reversals on *me* (!) and playing them on other shows! Ah, just unbelievable stuff! Even the President saying: 'I need Art Bell' or something – crazy stuff like this!

And he attacked me on other radio programs – still I kept my silence. I ... I don't like getting in these, ah, vitriolic exchanges with people – I just don't like it.

So it had nothing to do with restricting anybody's freedom of speech. I was the one who asked him to reverse Ed Dames. I simply wanted for the audience: *clear reversals*. And that's a programming kind of, ah, a decision because it's very, very difficult for an audience to interpret or to accept the interpretation of somebody on metaphors. It's something for a reverse speech classroom, not for the air. And that's exactly what I told David, and ... and he has now turned around and tried to make the case that, um, I muzzled him, I didn't want the truth out about Ed Dames, and noth- ... it could not be further from the truth.

But that's the way he's chosen to frame it. And he's been coming after me, ah, for a long time now. And I've just kept my mouth shut and, um, tried to think: 'Well, maybe it'll go away. Maybe they'll be a period of time that will pass, and this will stop?

Well, it didn't stop and to this very day – *it has not stopped!*

Ah, he's put a couple (2) of statements up on the internet about wanting to solve the problem. But along with that comes a continuing, ah, series of vitriolic messages that he will, um ... I even called him on a couple (2) of

them on the phone. I had a face-to-face. I ... I like talking to people face-to-face ... man-to-man.

And I've called him on a couple of these. And I've said: 'David, what are you doing? Why are you doing this?'

And he'd say things like: 'Oh well, this was a message that I wrote that it was only supposed to get out internally, but somehow it got out on the internet. I'm sorry. I'm retracting it.' And so forth and so on.

And it's just been one attack after another.

Ah, then David decided he was going to get his own radio program. And, in doing so, he began to collide with my webmaster, ah ... ah, Keith Rowland, who had been doing the webpage. And Keith said: 'Look, if you're going to get your own radio show and you're going to try to compete with Bell, ah, then it's going to be a conflict of interest for me and I'm going to have to transfer to another webmaster.' And so, ah, David Oates then began attacking, ah, Keith Rowland.

Then David Oates began attacking Richard Hoagland, who had been a very best friend of his. As you know, the two (2) of them had been very close and then the attacks began on Richard Hoagland. And so, that's kind of where things are today frankly.

Ah, Richard, is all of that about accurate?"

RCH: "Unfortunately, yes ... unfortunately."

AB: "Yeah. Um ..."

RCH: "Look, let me say something about David:

David I think is a *lost soul*. I think that he and Mr. [Robert A.M.] Stephens and Mr. [Paul] Dore, and others out there are involved in something much bigger than they've understood. I think that what this thing is doing ... this secret set of groups that are manipulating all of us and planning something pretty nasty. They are in ... in a last minute attempt to get us not to look at the real stuff – the hard data ..."

AB: "Um-hmm."

RCH: "... follow the trail that my friend doesn't want to follow because something very nasty will happen if he does.

That this force has involved all these other people for all their other agendas and David is one of the victims for his own failing and his, frankly, very short-term interests. He has foregone what started him on his journey, which was a search for the truth.”

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AB: “But the important thing that I want to get to before the end of this segment is, um, are we getting from David complete reversals or are we getting reversals that have been cut, clipped, added to, or otherwise altered?”

MB: “After October, unfortunately, the latter appears to be the case.”

AB: “All right. What evidence do we have of that? ... Michael?”

MB: “Well, um, in ... in the course of same sentence or the same speech ... the same phrases that [Secretary of Defense William] Cohen brought out at this press conference, there were some other reversals that were found by another researcher. One of them was ‘plan evil weather,’ which is one of the tips about what we eventually figured out about December the Seventh (7th).”

AB: “I recall that, yes.”

MB: “Um, and there were a few others in there, and these were found by another researcher, who sent them to Oates, who then played them on his, ah, Saturday night radio show.

Um, as I begin, you know, I listened to some of David’s appearances with other guests on this other show and ... and they ... they were really attacking Richard, really attacking Enterprise [Mission – RCH’s organization], and, you know, really distorting everything that had been presented both in print and on your show ...”

AB: “Um-hmm.”

MB: “... Art, um, in order to make their case.

And I really got infuriated and I ... I, you know, asked for time on the air to respond. And I was, you know, basically turned down. So the ... the claim that was put back there that we’d been offered chances to go on this other show is not correct. At all.”

AB: “All right.”

MB: “Um, but anyway in the course of that, ah, I began to think: ‘Well, there’s this other guy out here and maybe I should get in touch with him, because I’m not really trusting what I’m hearing from David anymore.’”

So when Paul Dore made an appearance on this program back on December the 8th, I ... I emailed, ah, this other researcher asking ...”

RCH: “We ... we can use his name. He’s given us permission to use his name.”

MB: “John Panella.”

AB: “John Panella. He’s a, ah, reverse speech, ah, hobbyist, ah, enthusiast ...”

MB: “Right, right.”

AB: “... researcher.”

MB: “And I emailed and asked him: ‘Would he do some reversals on Dore, because I didn’t buy Mr. Dore?’”

AB: “In other words, go over the same field [unintelligible – bad tape] figure out whether reversals were there?”

MB: “No. Actually go over material that David seemed to have no interest in going over.”

AB: “I see.”

MB: “He declared that Paul Dore was authentic in every way, shape, and form and was the victim of this whole thing – which he may still be, um ...”

RCH: “Without, Art, presenting one (1) reversal.”

MB: “Well, he did present one.”

RCH: “In other words, if you’re ... if you’re gonna try Ed Dames, you might as well try to do the same thing with all the other people that are part of a quote: ‘controversy.’”

AB: “Sure!”

RCH: “And what was absent from ... from David’s, you know, um, efforts from October on was any effort using his technology – which is a valid technology – to get to the truth.”

An absence of evidence ... an absence of inquiry.”

AB: “All right, but again, this is very specific. And I want specifics.”

MB: “Okay. Well, we’ll get to the specifics here. Actually John is the person to tell you the specifics.”

AB: “John Panella. ... But we have evidence on a website, is that correct?”

MB: “Okay, he found a reversal that ... that implicated – at least implied that ... that Paul Dore has something to do with what had been going on. I asked him to send that to David, because we said: ‘Let’s ... let’s test him. Let’s see if he’s really hearing the same things we’re hearing or what’s going on. Now ...”

AB: “All right. And the reversal said ... we can’t use the ‘f-word,’ but, um, it said *what?*”

MB: “It said: ‘Mister Bell ...’ I believe it said: ‘Mister Bell’ ... in this order: ‘Mister Bell, it’s December,’ or ‘the one it is December,’ um, ‘and I am the other bleeping ...”

AB: “Effing ... effing.”

MB: “... effing fib.”

AB: “I am the other effing fib.”

MB: “Right.”

AB: “So somebody ... so this John Panella sent this to David Oates?”

MB: “Right. The interesting thing about John is that we discussed bring in NASA with December 7, and ... and so their reversal. And he and I hear these things exactly the same, so, ah, you know, I felt like I was working with somebody who definitely was on top of the technology.”

RCH: “We might note that I have not talked to Mr. Panella. I have been simply emailed copies of the things. I have not communicated directly with Mr. Panella.”

AB: “Okay, but as ... here’s what I wanna to understand:

These ... these reversals were sent to David Oates?”

MB: “Yes. They were sent to David, and, um, he played them I believe a week ago Saturday night on his show. ...”

AB: “Yes.”

MB: “And he described them. He rephrased them to ... in a way that ... in other words, John – he always puts the text with it. What he [David Oates] they [the Panella reversals] said was I didn’t think anywhere close to what the reversal appeared to say. *And he did play a version that clipped a portion of the reversal out.*”

AB: “Oh?”

MB: “Now ... he puts it out. And I think that John at this point is the last person to bring on now to discuss that.”

AB: “I would like to. Ah, John Panella’s not available.”

MB: “Okay. I ... I ... I ... I ...”

AB: “I know the reversal’s on a website, so what portion was clipped out?”

MB: “Well, there was a portion of it ... it was sort of twisted around, so that it appeared that what Dore was saying that he was near this other ‘bleeping’ fib. Um, implying sort of that ... that this thing had been around him ... that it happened to him, as opposed to the actual reversal that John faced which ... which implicated an internal dialogue that said, you know: ‘I am this fib.’ I ...”

AB: “Now ... now that is *very serious (!)* That’s very serious and if reverse speech is a valid technology – *and I lean toward thinking that it is* after having done many interviews, um, it’s possible to take, let’s say two (2) hours of nearly anybody and come up with selected reversals that reveal an agenda on the part of the person, ah, collecting the reversals. And what you’re saying, apparently, is that you believe that’s what David Oates is doing.”

MB: “Um, yeah, and I’m not speaking for John on this – I think John should speak for himself. But what I’m saying is: I ... I think David ... you know, my impression is that Mr. Oates got it in his head that Paul Dore was innocent. And I think that’s what he’s ... subconsciously that’s the way he chose to interpret what he heard.”

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AB: “All right. Another person who has been a more recent victim of attacks, ah, by David John Oates would be my webmaster, and I think most of you

know him, Keith Rowland. He's been my webmaster now for I don't know ... years. Ah, Keith, are you there? Ahh ... Keith?"

KR: "Yes, I'm here."

AB: "There you are!"

KR: "Yes."

AB: "Um, how ... how long have you been my webmaster?"

KR: "I'm not real good with time, but I imagine it's been probably four (4) years now or more."

AB: "Four (4) years ..."

KR: "It's been awhile."

AB: "Yep."

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AB: "Um, I wanted to give you an opportunity I guess, um, after all this time – and there's been a lotta water under London Bridge, ah, to say what 'chu know about all of this."

KR: "Yeah, I mean I really hate to pile on, but David is leaving us no choice in the matter. Um, I think Richard will attest to that during the early days of the squirmish that was going on, ah, Richard and I worked many hours on the phone with you and David trying to smooth things over and it just never would happen, because Richard and I both know that all you were asking for was David to stop sayin' mistruths [lies] about you and to kind of lay low for a while, and he would just refuse to do so.

And I ... I gotta give you credit for ... for holdin' back and not going public with any of this for quite a while. And I pretty much was trying to do the same. I was trying to stay out of it. Trying to patch things up. I mean we all did wanta get along, but David kept doing things that, ah, was preventing that from happening.

And, ah, more recently, ah, due to the numerous events that have occurred over the last month or so, ah, with you havin' to take a vacation for a while, coming back ..."

AB: "Right."

KR: "... David getting a show, blah, blah, blah ... um, as you had explained, um ... ah, a couple weeks before David was gonna go on the air with his own show, we had discussed the possibility that if ... if ... if he's on at the same time you are, there'd be conflict of interest and he should find somebody, that you know, to, ah ... ah, do a website for his program."

AB: "Right."

KR: "And, ah, so once he finally decided he was gonna do the program. Once we decided ... once we found out you were coming back, then, ah, we had about a week, ah, before Dave was gonna go on to find somebody to transfer the website to. Ah, I spent several days doing so. He spent several days lookin' for somebody. We finally got somebody. I worked for two (2) days with the new provider ..."

AB: "Sure."

KR: "... in getting the website moved over as smooth as possible. And I got, ah, email accounts transferred over there. All the website material I personally transferred to the new website ... so on ... so on. The new internet provider was more than, ah, you know, welcomed my help, and he got it transferred over. As a matter of fact, the website has been up a couple (2) days prior to, ah, airtime ..."

AB: "Right."

KR: "... of his program."

AB: "Right."

KR: "Um, then, ah, you know, about a couple (2) ... two (2) – three (3) weeks later, I'm getting, ah, emails from people jumpin' on me and my case about how I abandoned David and pulled the plug on his website. And that's, you know, not necessarily the proper characterization of what'd happened."

AB: "In other words, not the truth."

KR: "Heh, heh ... not the truth. Um, in so fact ... that, ah, even a few days ago I got an email from, um, a lady, who had placed an order with David for some products and ... and complained bitterly about how, ah, because of my action, she wasn't gonna get her Christmas presents for her family this year, um, because somebody at the David John Oates' office had told her that because I had basically abandoned David or pulled the plug, or ... or, you know, took down his website, that they lost her order (!) Keep in mind this is like six (6) weeks after the fact now."

And so I felt very perturbed that ... that David and his office staff are blaming me six (6) weeks after the fact of problems they're having over there with their new internet provider. And so I called them today and I talked to Jeff, and I said: 'Why are you saying these things about, ah, the situation? Where are you getting your information from?'

And he tells me: 'Well, this is what I'm hearing. This is what I've heard from, ah, the new internet provider.'

And I said: 'Well, this is interesting, because we had a very amicable relationship. Things transferred over smoothly. I got no feedback from the new provider of any problems whatsoever!'

So I called the new internet provider and sez (sic): 'Why are you saying these things to the David John Oates people about how I ... I was very mean and dropped the ball, and didn't give you everything you needed, and ... and was uncooperative in ... in setting up the ... transferring the website?'

And they're going: 'Oh, we didn't say that. We don't think you did anything wrong. Well, everything was fine with you as far as we're concerned.'

And I said: 'Well, David's telling you and telling me and telling his customers and everybody he's in contact with that I'm a bad guy here and caused you guys all kinds of grief and trouble. And now you're tellin' me that's not true, so ... I don't know ... where's this stuff coming from?'

I'm getting dragged in the middle of it here. Um, I've bent over backwards to help this ... make this transition very smooth and get the thing transferred over. If there's any problems six (6) weeks after the fact, it's outta my hands at this point. And I don't like being portrayed as being a bad guy in this because David was gettin' ... given plenty of time, we transferred the website in plenty of time, he was up and operational by airtime on Monday.'

Um, who would have thunk [sic] he would have only been on for one (1) night when I could have done and kept on doing his webpage 'cause he's really not in competition with you anymore, but ..."

AB: "No, you ... you ..."

KR: "... that's ... that's another comment."

AB: “You know that for months and months – I don’t even know how many months now – ah, David has been attacking me on radio programs, on the internet ... again and again and again and again, ah, to the point where a couple (2) of times I almost decided I was gonna respond and I just kept my mouth shut.”

KR: “Yeah, that’s true. Um, he would make a posting and then recant and pull it down, and by then of course it’s too late. Or he would make a comment on a radio program and then deny he ever said it until you go back and listen to it, and then he was: ‘Oh, well yeah, I guess I did say that. I’ll have to go back on another night and correct myself.’

The problem is that’s a favorite tactic of his is to make a statement and leave it out there long enough to do its harm, then come back and retract it. An’ you know and that ... and his press release he posts on his website – he tried to extend an olive branch to us is full of all kinds of mistruths [lies] about the situation. So, I don’t see how he’s helping the situation by trying to make amends here when he continues to not characterize the situation properly is the way I like to say it.”

AB: “Well, what began it all was the, ah, the Ed Dames reversals. And I think you know that, um, what I said about that is a correct characterization of the way it went.”

KR: “Yeah, you explained that to me, um, very shortly after the night of that program, and so I sorta knew what was going on before all this. And then it was like a month or so later, people started wondering about why David wasn’t on the program, and you still left the door open. And you were tellin’ people on the air, you know, when they would ask about him: ‘Well, you know, perhaps he’ll be on soon.’ And you kinda didn’t, you know, say anything. You didn’t let people know there was any problems behind the scene.”

AB: “And privately I was telling David: ‘Look, I don’t know why you’re attacking me, but, ah, if you wanta mend things up, just keep your mouth shut for a while and don’t, ah ... ah, don’t attack me – either, ah, on the internet or on other radio programs, and things will be okay.’

But he never did that.”

KR: “Um-hmm.

Well, he’s treading on dangerous waters here, because there’s a lot of things about, you know, that ... that I’m sure he doesn’t wanta have said on the internet about him!”

AB: "Well, I'm not goin' there, but ... (KR smirks, then laughs).

Thank you very much, Keith."

KR: "Okay. See you later."

AB: "Appreciate it. Take care.

That's Keith Rowland, ah, my webmaster."

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RCH: "The reason any of this is important other than to you and me and David, just as people – and ... and Keith, of course – is because in the last couple (2), three (3) days, it has become clear that there is the disturbing possibility that for whatever reason, David Oates is altering the data important in a much larger force."

AB: "I understand."

RCH: "This Paul Dore business and who he is really, and who is [Robert A.M.] Stephens really, and what is this all about?"

When a very good friend of mine thinks that if he goes public on your show, he has a life expectancy of less than a thunderstorm, there is a serious problem that serious people should try to address. And as I said to you this afternoon, I have been extraordinarily loyal to David. I feel very fondly toward him. *But you cannot muck around with this data.* Everyone's life could depend on telling the truth and telling it like it is."

AB: "Well I don't doubt the validity of reverse speech. I think there truly is something to it. I would not have brought David on as many times as I did, if I didn't!

Um, I think I pretty well made his public persona in the first place and I guess I was a little disappointed that somebody like that would turn on me. But I'm even more disappointed at the possibility that what I regard as a valid, um, scientific discipline – reverse speech – ah, is being tampered with.

And that is what you're saying, right?"

RCH: "That's unfortunately where the evidence is trending. And you need to talk to Panella directly and you need to listen to these reversals. And they need to compare what's on David's site with what's on Panella's site."

AB: "All right."

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RCH: "See what's important here is the integrity of the process."

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RCH: "Where I draw the line is where it impacts on the larger issues that concern two hundred and sixty million (260,000,000) Americans and six billion (6,000,000,000) people on this planet."

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RCH: "The other thing which is interesting is the pattern of deception around this."

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[Broadcast tape ended prematurely – JS].

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1999 05 27 Thursday Gerard P. Fox, Esq. Internet Defamation/Art's Secret

AB: "... You are in for a ride this morning.

As many of you know, I left the air unexpectedly some time ago, which caused a great furor. Ah, I'm not going to be able to tell you specifically the reason tonight that I left the air. You are going to learn a great deal about what has been going on in my life recently.

My guess would be that within the week or less – within a week or less – you will in fact know why I left the air. You will in fact know what the family crisis was that, ah, that caused me to take that drastic, precipitous step to leave the air. I now believe that will be public information within the week.

Ah, there however have been several things – fallout from that – that, ah, that has occurred in my life over the last many months, year and a half ... I don't know ... long time now ... too long.

It's been like a nightmare for me.

And tonight it's going to be laid out in front of you. And to lay it out I'm going to bring on my attorney. His name is Gerald P. Fox. I call him 'Gerry' and I think you can call him Gerry.

Gerry Fox graduated *magna cum laude* in 1985 from Georgetown University Law School. Formerly was associated with Covington & Burling in Washington, DC and Kaye, Scholer, Fierman, Hays and Handler in Los Angeles. Lead trial counsel in successful, high-profile cases brought by, you'll recall, the Isley Brothers, Tom Waits, and Anita Baker.

Ah, Gerry represents or ... is a partner ... a senior partner in Fox, Spillane ... actually Fox, Siegler & Spillane law firm in Los Angeles.

So, in a moment, we're going to begin to unwind a story for you. ... To tell the rest of you on the radio what is going on is our mission over the next hours. Stay right where you are."

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AB: "All right, listen, I wanta give you just a very slight preamble to what you're going to hear. As many of you know, ah, David John Oates, who, ah, is the founder of this reverse speech thing, used to be a guest on my program. In fact, I had him on the program many times and he ... I don't think he was very well known at all until he was on my program. And I had him on as a guest because I thought reverse speech was very entertaining. And in fact, it is!

And despite the fact there are problems with the messenger, I think that, ah, reverse speech remains an interesting, ah, perhaps, science. Perhaps not. And, ah, my view on that has not changed.

However, after one particular program with Ed Dames in which, um ... ah, Mr. Oates had, ah, come on and done a number of reversals – *metaphoric* reversals ... Now, metaphoric reversals are kind of different. Ah, they are not clear reversals.

A lot of you will not even know what I'm talking about because it's been so long since he's been on, but occasionally in forward speech, there is a reverse speech intelligence imparted that would appear to be congruent or sometimes incongruent with what is said, ah, in forward speech.

It's a very interesting thing to listen to, and of course when you get a clear reversal that everybody can hear and understand, why it ... it's ... it's particularly interesting and informative.

Now, there's another aspect – a deeper aspect – to reverse speech, which is, ah, metaphoric. Ah, for example, ah: 'The quick brown fox jumped over the ... the log.' And from that you might construct I suppose whatever you imagine that to *mean*."

And on one (1) particular program David Oates was doing reversals on Ed Dames – I had actually asked him to do reversals on Ed Dames. *And I didn't care how they came out!* Ah, I didn't care if it ... **if it showed Ed Dames to be a complete fraud!**

Which I don't believe him [Ed Dames] to be, of course ... but I don't care, you know? Let the chips fall where they may! That's the way I've always done my program.

But as the program progressed, David began playing increasing numbers of ... of metaphors, and I had asked him not to do that *specifically*. In other words, if you had clear reversals, play them and let the chips fall where they may.

During a break I would stop and I would ask David: 'Please David, ah, we talked about this. Please don't play the metaphors. Play the clear reversals. And then he would go right back to the metaphors again.

And this just, ah ... ah, continued. Ah, and I would go back during the break and I'd finally say: **'What the hell are you doin'?' (!) Come on, we agreed 'clear reversals.'**

And so the show ended, ah with no, ah, difficulty on the air. However, as a result of that program, I did not invite David back to the show. Following that there were a series of attacks on me by David, ah, that appeared on the internet, that were said on other radio programs ... And I once even called David and said: 'Look, David, ah, why are you ... why are you doing this?'

And he would say: 'Well, I wrote that message and I didn't mean for it to get out. *And it got out, you know, it just got out somehow.* And I'm sorry and I'm putting the message off ... or whatever.

And it got to sort of a frustrating point, ah, where I finally just said: 'That's it!' You know ... 'That's it! Just stop attacking me. Let a period of time go by and all will be well!'

And all could have been well, but for some reason David chose to continue to attack me. And so obviously he has not been on the program since.

Then enter Robert A.M. Stephens, who came on my program ostensibly to, ah, debate Richard C. Hoagland. Many of you will have heard that. And it was a farce. It was, um, obviously I believe, ah, on the part of Mr. Stephens intended to end the way it did ... with his being tossed off the show.

In other words, there was an agenda from the very beginning. I think he wanted to be tossed off and he certainly got his wish. He's going to get his wish, ah, in other regards as well as will David.

However, before we even get to that case, there's something you don't know about. And this I think is where I bring my attorney in, ah, Gerry Fox. Ah, Gerry and I have been working together now for ... how long, Gerry?"

GF: "Ah, well, ah, since a little after December 9th, 1997 I think, ah, to be exact."

AB: "Okay. Um, I guess it would be appropriate, ah, for me again to mention that there was a ... a terrible – and you can confirm this in some ... in some way for me, Gerry – a terrible tragedy, ah, that occurred in my family."

GF: "Absolutely!"

AB: "To ... to a family member, ah, something really horrible. And, ah, that what we are going to talk about tonight to some degree is fallout from that, ah, occurrence. Um, is that fair to say?"

GF: "Ah, it's certainly our position that it is, in fact, fallout from that occurrence ..."

AB: "Um-hmm."

GF: "... as unfortunate as that may be."

AB: "Um-hmm."

Um, can you, ah, just to give the audience, ah, an idea and I believe that probably all of this is going to be public, ah, within a week, ah, would you agree?"

GF: "Ah, yes."

AB: "Um-hmm. So, we'll let the public decide for themselves when they hear about it. Um, I'm going to choose, ah, to prevent embarrassment for my family and, ah ... um, stress for my family ... I'm not going to be the one to do this. I've always maintained that from the start, and, ah, it will continue to be the case. But it will be known soon enough.

Anyway, following that terrible, terrible thing that occurred, I guess I would ask you at that point to pick up where our relationship began and why it began."

GF: "Ah, certainly, Art."

Ah, shortly after December 9th, 1997, I was introduced to Art. Unfortunately not, ah ... ah, for the reasons that I would have liked to have been introduced to him, because of the content of his show or because of his wide listening audience. I was introduced to Art because he was victimized in a way that unfortunately has become all too common, given the internet and the information highway it provides. And also other forms of broadcasting that are not as commercial or everyday, such as short-wave radio.

And specifically, on or about December 9th in 1997, a gentleman by the name of David Hinkson was a guest on a, ah, short-wave radio show hosted by an ex-FBI agent by the name of Ted Gunderson, who many of you may or may not know of.

Ah, Mr. Gunderson was, ah, touting his radio show broadcast over a radio station in Nashville, Tennessee, which is known by the call letters WWCR, which is in Davidson County, Tennessee, and actually reaches a worldwide audience.”

AB: “Right.”

GF: “During the radio show Gunderson and Hinkson engaged in a discussion which essentially, ah, on its face most clearly stated, ah, through innuendo and direct statements that Mr. Bell had been indicted for a crime and Mr. Bell had bribed officials to dismiss and cover up the indictment. And that the crime for which Mr. Bell had been indicted involved *child molestation*.”

I have to pause here. I’ve been practicing law for about fourteen (14) years and I’ve handled my share of defamation cases. In a defamation case probably the worst possible form of defamation or the worst possible forms would involve allegations that a person has been convicted of a crime or a felony, allegations that someone paid a bribe or somehow was involved in some form of illegal behavior, in some kind of a, ah, interplay with the government (which is a bribe), and most clearly – I think we saw this in the Michael Jackson situation – to suggest that somebody is a child molester ...”

AB: “Hmpf.”

GF: “... is probably the most cruel, most oppressive, and the most mean-spirited form of defamation possible.”

AB: “Yes, I ... I can’t ... and I said this to you at the time we first met, *I cannot imagine being accused of something more horrible than molesting a child!*”

GF: “Neither can I, Art. And I think probably most of the people in our listening audience would agree. Especially those of us who are parents, which I am and you are.”

AB: “Yes ... yes.”

GF: “Our affiliation began by asking for a retraction. Ah, there was in part a retraction, but I would state strongly that the retraction was not satisfactory. It did not suggest, ah, that the, ah, the gentlemen involved – Mr. Hinkson and Mr. Gunderson – were taking ownership and accountability for what they had done. It certainly did not answer the question that I think all of us are going to continue to search for, which is – *why would two (2) individuals get on the airwaves and make this type of a statement about Mr. Bell, **which is not true?***”

We have provided our own ... conducted our own investigation to confirm what Mr. Bell has said – and which we know to be true – which is that *these statements are utterly and completely false, and cannot be proven!*

And you have to actually ask yourself, again, why a person would say these things (?), *because they clearly don't fall into the category of mere accident.*

For example ...”

AB: “No, as the ... as the program in question progressed, the, um, the talk show host (Gunderson), ah, could have at any moment stopped the dialogue. Or had he had a ... a little button push as I have right here, I could have ‘covered’ the dialogue and, ah, gone in a whole, new direction and prevented that discussion from airing. Ah, but instead that did not occur in this case, and the talk show host continued to in ... in discussion purposely with his guest (Hinkson) on this subject of Art Bell being a child molester in – I believe he said: ‘indicted for child molestation and then paid to cover-up an indictment in, ah, Pahrump, Nevada ... Nye County, Nevada,’ where I live ... and that was the tenor of the conversation. Correct?”

GF: “Well ... well what was **absolutely shocking** was to see a person, who was hosting a radio program, ah, hear this type of an attack on a person without knowing whether any of it was true or false, or ... or potentially knowing it was false. And ... and instead of shutting down the discussion, which would have been the reasonably prudent thing to do and which almost anybody else who’s had experience in the broadcast industry, ah, would agree should have been done.

Instead, I think it's a fair characterization, ah, to suggest that Mr. Hinkson actually was egged on by Mr. Gunderson (!) and that there was some form of instigation taking place. And, ah, the transcript will certainly be made available ... in fact, it is available to the public. Ah, it's an exhibit to the lawsuit that's filed in Nashville, in Davidson County, and, ah, people can read that transcript for themselves."

AB: "Oh, they can? (!) Now ... now you see, I didn't know that. So, again, this is in ... is in Nashville?"

GF: "Yes it is."

AB: "In ... in Davidson County?"

GF: "Yes it is."

AB: "All right. Ah, a lot of people ... I think I actually slipped and mentioned on the air that I had made a quick trip in and out of Nashville. And that was when depositions in this case were being taken. So, I was in fact in Nashville, but I didn't know that there was a public record of the entire transcript. That's amazing!"

GF: "Yes, of ... of the transcripts of the broadcast. So, you know, as I like to say: 'The proof is in the pudding.' Ah, as us lawyers say: 'The document speaks for itself.'

Unfortunately in this instance, ah, the document does speak for itself – or the transcript does. Ah, and again, the point that I'm getting to is: *This is not an ordinary act of defamation by any stretch.* Ah, this is not a situation where somebody said a single fact about a person that was wrong and harmful to their reputation. This was a string of defamatory remarks, ah, put together in a way **that if taken as true by the listening audience would cause them to have a ... a tremendously negative reaction ... immediately about the person with respect to whom the statements were made (!)**

AB: "And of course, in fact, ah, that did occur. And I began to get calls. In fact, ah, I believe there was an exhortation on the show, ah, by one of the parties to call Art Bell and ask him if he's been indicted for child molestation.

Um, ah, is that correct?"

GF: "That's correct."

* * *

AB: "Gerry Fox is my attorney, ah, from the law firm called Fox, Siegler & Spillane in Los Angeles. And you're only hearing the very tip of the iceberg right now."

* * *

AB: "From the high desert, this is Art Bell and this is Coast to Coast AM."

* * *

AB: "Here is Gerry Fox. Gerry, welcome back."

GF: "Ah, thank you, Art."

AB: "All right. Ahh, so we are talking about the, ah, the Gunderson-Hinkson business and the broadcast on WWCR and, ah, perhaps other, ah, broadcast outlets as well, that, ah, dubbed me as a *child molester*, somebody who had paid off to have an indictment squashed here where I live in Pahrump in Nye County. And we, ah, filed a lawsuit. You, on my behalf, filed a lawsuit, correct?"

GF: "Correct."

AB: "Ah, where does that lawsuit stand? What have we done and, ah, where are we goin'?"

GF: "Well, the lawsuit is, ah, probably about four (4) or five (5) months from trial. Ah, as you well know, ah, the commitment in this case is to bring to task those who have defamed you. And I ... I think it takes a courageous person with a tremendous amount of commitment, ah, to react and respond.

Ah, many ... many a person would either be afraid to or may not have the resources. Ah, and this is what's so frightening about this type of, ah, defamation ... character assassination. Ah, but the goal in this case is to bring, ah, those individuals before a jury of their peers and have them answer the question that we've raised tonight which is:

Why would any human being with any sense of decency make these type of absolutely scandalous statements without any factual support about another human being?"

AB: "All right, well, here's an issue that some would question and, ah, we of course dealt with. I obviously am a public figure. I'm heard by millions of people. I'm on, ah, four hundred and eighty-seven (487) radio stations now. And, so I'm a public figure.

And public figures are a little different than private individuals ... in what way, Gerry?"

GF: "Well, as the law's developed, I ... the standard for bringing a suit successfully as a ... as a public figure is different than ... than a private individual."

AB: "In other words, I've got to put up with more, right?"

GF: "Well, there's a certain, ah, amount of grief that you'll have to tolerate that goes with the territory, I assume, if you are in the public eye."

AB: "If somebody says: 'Art Bell talks about UFOs – he's a nutcase!' – which I get all the time, that's standard ... you know, it goes with the job."

GF: "And then one also might say there's an exception for opinions, so ... ah, clearly people in the audience are entitled to have an opinion and remember what we have here is a ... a need to balance an individual right under the First Amendment to engage in free speech with an individual's right of privacy.

I really believe that defamation law is married to the concept of privacy which is to be free from ... I guess I feel character assassination is very close to an invasion of the home. The home in a broader sense in that this is your persona, your reputation in the community.

And so these are the two (2) interests that we're balancing. A person's right to be free from, ah, character assassination that would deprive them the opportunity to live peacefully in a community, ah, with a very sacred and important right of free speech.

And so with our public figures, we ... our ...our ... our ... our courts and our legislature have suggested that if you inject yourself into the public eye on a point that's being controverted or debated, you're going to have to show that if the person made a statement that is false about you, that they did it with actual malice and intent to injure you."

AB: "Um-hmm.

GF: "Now having said that, ah, one who might be a public figure – with a few exceptions – is rarely a public figure for all purposes. And certainly the position we're taking in Nashville is that: 'Well, Art Bell is a public figure in the sense that you have the show and a tremendous audience throughout the world ...'"

AB: "Um-hmm."

GF: "... a very devoted audience – you are not in the public eye or a participant in a debate with respect to an issue having to do with these types of behavior that have been attributed to you. And, um, as I said, ah, the goal of the lawsuit is to have an answer to the question, which was begged by the presentation – the irresponsible presentation over those airwaves – of facts that were absolutely not true and which were scandalously false.

And, ah, I would say that in five (5) or six (6) months, Mr. Hinkson and Mr. Gunderson, and the radio station that broadcast those remarks or allowed them to be broadcast, ah, will have to have an answer. I suspect they don't have a very good one."

AB: "Um, a radio station – and I ... I know about this because I've been on radio all my adult life – has a responsibility for what it broadcasts, does it not?"

GF: "Yes it does. And in fact, from state to state, ah, the statutes may differ. It really boils down to, if I could generalize, the requirement that if you are a broadcaster, that you – in addition to complying with the requirements of the FCC [Federal Communications Commission] as a licensee – ..."

AB: "Um-hmm."

GF: "... that you exercise some form of due care.

You just can't slap a broadcast up, beam it all over the world, collect the money, ah, from your advertisers or sponsors, or the people paying for the airtime, and say: 'Gee, shucks, Mr. Bell. I'm sorry that somebody who was paying us money to use our airwaves said horrendously scandalous things about you.' The radio station or the broadcaster is going to have to show – certainly under the law of Tennessee – that they were acting consistent with the custom and practice of that industry in terms of policing its own airwaves."

AB: "Um-hmm.

Um, in the, ah, in the discovery that people could read in Davidson County, ah, Tennessee, ah, there would be a broad discussion whether or not ... of what was done, whether there was due diligence, what facilities for protection there were, and what the standards and practices, ah, at that particular, ah, radio station were with regard to their broadcast. Not just the one about me, but all of their broadcasts, isn't that so?"

GF: “Absolutely! There are depositions that have been taken and, ah, discovery responses. Ah, in short, ah, not much of anything was done. As you know, Art, there was no delay switch in this particular instance ...”

AB: “Right.”

GF: “... which, ah, is certainly our contention in that suit is below industry custom and practice, and we have an expert who will testify to that.

But, um, to give you just an example of the *shocking lack* of accountability and responsibility, the General Manager for that radio station testified that they had had instances of inviting guests on their airwaves, who were speaking in languages – specifically German – that no one at the radio station understood. No one at the radio station had any idea of what they were saying, and it later turned out that this person was making remarks over the airwaves that were racist and somewhat militant in content. And there’s quite a ... a to-do about that.”

AB: “*How could they possibly broadcast somebody speaking in a language that nobody there understood?* In other words, they would not have any possibility of understanding whether horrible defamations or horrible declarations were being made. They would have no way of even knowing, because nobody spoke German.”

GF: “Well again, this is another one of those answers that the defendants in that case are gonna have to provide and which I doubt [in] my opinion is what they’re going to be able to provide at the time of trial. And mind you, it’s our contention ... it’s our contention I would stress that the evidence we’ve uncovered is that this ...this radio station is part of a ... a *cult* that exists in this world – not just this country – of disseminating hateful information – and in the radio world it would be called ‘Hate Radio.’ And I think many of us have read articles about this. And ... and these people live on the borders of our communication network. They don’t ... and they show up in prime time TV and prime time news broadcasts, but they ... they tend to feed off of mediums such as short-wave radio or as we’ll soon get to, the internet.”

AB: “Um-hmm.”

GF: “And ... and actually the situation that we’re discussing tonight is very indicative of a problem that lies really at the heart of many of the problems that we’re seeing in this country, including I would argue the situations that are happening at the high schools with these young children, who I believe have been corrupted by this type of hateful militant thinking.

And, ah, it's certainly going to be our contention in that case in Nashville as we take it to the ... to the fine, ah, ladies and gentlemen of that community and put forth your claim, ah, that this station is a ... is a **bottom feeder**, if you will. A ... a ... a station that disseminates this type of hateful, hateful information and hateful, ah ... ah ... ah ... ah ... ah, I can't describe any other way ... other way of saying *hateful*. Ah, hateful in tone, hateful in ... in ... in purpose. And, ah, of course you were, ah ... ah, swept up in and ... and hurt and damaged by a ... a specific incident of that type of hate radio."

* * *

AB: "Um, I'm curious from a personal point of view, Gerry, that through, ah discovery, through trial, *is there much hope that I will understand why this was done to me?*

Do you think there's a chance I will understand that before it's all over?"

GF: "Well, Art, you know one of the things that we wanta do ... of course there's a certain aspect of ... of our discussions as you and I both know are privileged and we won't be sharing that ... you know, until the appropriate time with the public.

But I can say this: I am personally committed, along with my firm and along with others who support you, ah, to investigate the question that we've raised tonight – and we will get an answer. We will get an answer.

And I think at that time, Art, there is a possibility for beginning to understand."

AB: "Okay.

Gerry, let's talk a little bit, ah, about free speech itself. It is our most precious right I think as regarded by most ... generally as our most precious right.

What does free speech mean? I've heard the old thing about you can't go shout: 'Fire!' in a movie theatre. That's not free speech, but otherwise, what is free speech?"

GF: "Well, I'm gonna try not to get too lawyerly here ... because, ah, I, myself, get a little annoyed when lawyers throw legalese around.

Free speech ... in ... in this country, the ... the idea, the notion is that there's going to be a balance between government's ability to regulate us as individuals and our own set of individual rights. And what we consider to be one of our most fundamental rights is our ... our ability to speak up

and protest to state ... to state that we are for or against the Republican Party, for or against the Democratic Party, for or against the President with respect to a situation of public importance.”

AB: “Sure.”

GF: “We ... for or against a particular type of religion. And ... and ... 'n' that is really if you ... if you wanta boil it down to a core, what free speech is all about, because as we know, you can get on a plane and fly and land in several other countries, you can't ... you can't necessarily speak against the government. There are certain types of religion that if you belong to that religious group, you may get persecuted.

And ... and in this country as long as you are *not* making statements that are false and derogatory about another person, you can speak your mind.”

AB: “Actually ev- ... even in this country, you really even have the right to speak false and defamatory things about somebody. In other words, there is no such thing, um, as *prior restraint*.

In other words, let's say that I knew a newspaper article was gonna come out about me. That I would go to a judge and have it stopped. The judge would not stop it. He would say: 'No, that is prior restraint. If you're going to take an action, you've got to take it *after* this article is published.'

Isn't that about right?”

GF: “With very few exceptions, that is ... that is absolutely right.

The remedy is to prove after the fact that the statement was false, that there was some failure to exercise due care or some negligence, failure to check facts before the statement was made, and in the case of a public figure, if in fact the statement is within the zone of ... of the public figure's arena, ah, then you have to prove some form of malice and of course, a certain type of injury. So there are requirements, and at the end of the day what you would secure – provided there is an ability to secure judgment – ah, you would ... you would secure money damages.

Ah, now there is some case law suggesting that after a defamatory remark or statement has been judged or decreed 'defamatory,' you can prevent the republication or rebroadcasting of that statement. But even there, that's, ah, that's not a 'slam dunk.'”

AB: “Not a 'slam dunk.' In other words, in most cases our freedom of speech is *nearly complete*.

But then there's another word that comes in after the speech is made and that is *accountability*."

GF: "Right."

AB: "If you're a newspaper, ah, and you print something that is false and malicious and injurious to somebody, then you are going to be held accountable in a court of law ... most likely. If you are a radio station or a television station and you do that, you are going to be held accountable in a court of law, most likely.

Now we have something new in the world called the internet. And, ah, as somebody once said: 'You can be a dog on the internet.' In other words, you can post anonymously anything you want! You can say anything horrible as it may be, ah, about anybody you ... you want. Is that correct?"

GF: "Well, Art, I'd like to actually ... I'll read to our listening audience a quotation from a very important case, ah, called *Blumenthal v. Drudge* – and many people may know of this case.

Ah, and specifically in that case ... and it was all about who should be held accountable if there has been defamation over the internet.

And the court writes – and I've ... I've ... I have this passage actually blown up and it's in my office, because I think this is a nub of an issue that our society has to wrestle with. And the quote is: '*The internet has no gatekeepers, no publishers, or editors controlling the distribution of information.*'

And that ... that's an important distinction to make, because this sets the internet apart from other means or mediums of broadcasting. In fact, Congress has created an almost virtual immunity for internet providers – people who provide ..."

AB: "These are the people who would give you your account and you would dial up ... they're the people you would dial up to get on the internet?"

GF: "Correct."

AB: "So the providers ... providers have been given near immunity then?"

GF: "Correct. You know, the idea being that this is ... if you read the cases, what the courts have said is that the internet in many ways is ... is a great champion of free speech because with, ah, television or commercial radio

or a newspaper, ah, not anybody and everybody can actually have access to those mediums of communication.”

AB: “Um-hmm.”

GF: “So the idea ... the positive attribute of the internet is that John Doe sitting at home, um, behind maybe an outdated computer, but a computer nonetheless, can communicate with millions of people from the safety and privacy of his own home. And his communication requires minimal investment, minimal time, and once it’s written ... once he writes whatever he wants to write – or she does – that message is disseminated to a mass audience literally with the touch of a button and potentially throughout the world.

And ... and for many people – in fact, maybe possibly everyone – this is ... this ... this wraps itself around free speech, because now ... now ... now we have the average person being able to weigh in and make a statement. I think that is a positive aspect to the internet.”

AB: “Oh, yes!”

GF: “However, the problem ... if you could imagine ... if we all went out on the freeways tomorrow and there were no police and you could drive as fast as you wanted, you could take a left or a right turn wherever you wanted, no stop signs, no red and green lights – we’d have accidents constantly.”

AB: “Lots of dead bodies.”

GF: “The information highway is very similar by analogy. And right now we have sort of a ... a ... a private type of police. And that would be me (!) ... and people like me – lawyers (AB laughs) – who are hired to bring very expensive defamation suits to track down the person who, you know, took a turn at ninety (90) miles an hour knowing they were going to crash into somebody.

And there are no true gatekeepers on the internet. And there’s something about the internet that causes a person to feel almost free from accountability. It ... it has something to do I believe with the impersonal nature of communicating over the internet. You know, if you write a newspaper, people will know where ... where to find you.”

AB: “Yeah, but if you’re just a keyboard in the privacy of your own home, it seems a little different, doesn’t it?”

GF: “Ah, well, that’s certainly what we’re ... we’re seeing. And of course, remember if you’re more sophisticated in the use of a computer you may

be able to remain anonymous. In fact, you could potentially divert, ah, the victim and cause them to think that somebody else sitting five (5) states away from you is actually the person who's perpetrating the crime or the wrongful act. *And ... and this is very troubling (!) – at least I believe.*"

AB: "All right."

* * *

AB: "So you now know what occurred in Nashville and what is being done about it. But unfortunately I wish I could say that is the end of the story. It really is just the beginning.

Just wait till you hear what's coming next!

From the high desert with Gerry Fox of Fox, Siegler & Spillane, I'm Art Bell. And this is Coast to Coast AM."

* * *

AB: "All right, once again from Los Angeles, California, here is Gerard Fox ... Gerry Fox.

And, ah, Gerry, welcome back!"

GF: "Thank you, Art."

AB: "All right. Ah, it is, ah, a little more than curious to me that what happened in Nashville is followed up now by what has occurred, ah, most recently. And I don't know how you want to lay this story out, Gerry, but you're the lawyer, so I'll let you lay it out." (AB grins).

GF: "Well, let's try to stick with the facts ..."

AB: "I gave ... I gave of course the preamble ..."

GF: "Yeah."

AB: "... with David Oates and the Robert Stephens business at the, ah, the beginning of the last hour so that it would be easier to digest for the audience now."

GF: "Well, let me ... let me, ah, paraphrase from the complaint that was filed today in the Los Angeles Superior Court downtown, which is now pending before Judge Kapie [sic?]. And this is a lawsuit, of course, Art, as you know, you have filed against David John Oates and Robert Stephens.

And specifically, on Mr. Oates April 3rd, radio program, he invited Mr. Stephens as a guest. During that radio broadcast Mr. Stephens stated that approximately twenty (20) years ago, you, Art Bell, had been arrested and served time for trafficking in various aspects of pornography, that you had made pornographic videotapes, and that the entire story had been confirmed by – and this is a quote – ‘a consortium, a syndication of private’ – end quote – investigators, who had located an original article in the Monterey Herald confirming the story.”

AB: “Um-hmm.”

GF: “Now again, I want to be quick and to point out that *all of these ‘facts’ are untrue*. Independent investigation has proven these facts to be untrue. The Monterey Herald has confirmed that these ‘facts’ are untrue. And again ...”

AB: “In fact, I actually also, ah, went to the, ah, Monterey County [CA] clerk’s office and requested any arrest record from 1970 thru 1980 for me. And of course, they wrote back – and we have that document, which is up on the internet on my website, along with a complete copy of the lawsuit that you filed at the end of the day, I believe, yesterday now ...”

GF: “Yes.”

AB: “... ah, correct?”

GF: “Correct.”

AB: “All that by the way, folks, is on my website at www.artbell.com. You can read all the specifics up there.

Ah, however continue, ah, Gerry.”

GF: “Now Mr. Oates and Stephens, ah, were not content with ... with these statements, *which again are false* ...and, Art, I’ll eventually let you describe exactly what’s appeared on the internet, because of course, you’ve unfortunately had to read these statements. ...”

AB: “Well, at the end of that April 3rd broadcast, you may recall John Oates said, ah, that he intended the following day to get a link up on his website, so that everybody could jump over to this new website, which was just going up by Robert Stephens, to put all of this supposed investigative, ah ... ah, material on ... on the internet.

And, in fact, ah, Mr. Stephens did put up a website with all of this investigative ... *supposed* investigative material, ah, which is kind of curious. And people can read it on ... on the internet on my website ...

But as they charge me with having produced this ... I think it said that I produced pornography in off-hours with Filipino women at a local television station in Monterey. You know, after hours ... that kind of thing.

And interestingly, the documents themselves ... it says: 'Well, we were unable to find any record of, um, any arrest at the Monterey Herald.' It actually says this in the investigation. It also says, ah, if I recall correctly that 'we were unable to find any arrest record of Mr. Bell,' but then I believe it says: 'But these things, um, can be changed or they're, ah, they become ... what's the right word, ah, Gerry?'

GF: "Expunged."

AB: "Expunged, or whatever it is, over a period of time."

Ah, in fact, of course, the Monterey County clerk's office wrote back and said: 'We have records that go that far back, ah, before 1970 and *there's nothing!*'

So, ah, all of the people – there was actually people's names – of course, I did live in that area. There were people's names and phone numbers that were included in this ... in these allegations and obviously attorneys called these people, and, ah, they all denied that anything like that had ever occurred. *And that's because it had never occurred.*

I felt sorry for my former colleagues, who were subjected no doubt to an endless bombardment themselves (!), um, trying to find out, ah, with investigators trying to find out whether these things could possibly be true! And so I feel sorry for them.

And at any rate, um, all of this was widely then distributed on 'ye olde internet.' Correct?"

GF: "Correct."

And not a ... a scant item here or there. Um, I have been appalled in a way I have not been before and I'm not shy when it comes to these things. I've seen quite a bit in my career as a lawyer and people are welcome to log on.

Ah, but what has been put forth on the internat [sic ... mispronounced] ... internet is nothing short of ... and again, in my opinion, and viewers are

welcome to, ah, as long as ... as well as the press, ah, delve in and review this stuff themselves. *It is utterly disgraceful.*

And, ah, no human being should be required ... absolutely no human being should be required to, ah, have to carry that burden.

Ah, the lawsuit that was filed today states with great specificity, ah, the uses of the internet that were wrongful and unlawful – and I don't wanta take up the ... the half hour that I would have to spend going over the specifics of this – but it is ... it is really tragic.

And of course, Art, the question that I ... I think that anyone would ask themselves is: 'Why this child pornography? Why the child molestation?' I mean, why not, ah, we see Gunderson and Hinkson in one (1) instance and then now Oates and Stephens picking up on Gunderson and Hinkson in a malicious way, ah, to ... to injure you, to ... to cause you great distress ..."

AB: "Um-hmm, that's no question."

GF: "They could ... they could of course ... and your family, by the way. They could ... one might ask: 'Well, why not ... why not if they're just slinging a hose [?], not checking their facts and trying to harm, why not ... well, why not an allegation that you're dealing in drugs?"

Why not an allegation that you're, um, running a house of prostitution?"

Why ... why do they keep coming back? Why do we see this pattern of child molestation?"

AB: "I don't know."

GF: "That is ... well, but that is the answer within the week the listening audience will know and will understand."

AB: "Yes."

GF: "And once you know that answer, ladies and gentlemen, who are listening, you will then understand that these statements aren't just your typical malicious statements. They are statements that were intended to hurt and maim in a way that will shock and dismay you. And ... and it will ... it will then appear I believe to you utterly incredible that this gentleman who is on the air, ah, entertaining you has even been able to function. And I ... I can't go beyond that right now, as Art knows, but, ah, there is a reason that these people, who are very unaccountable and who are hurting and

maining Mr. Bell by making accusations repeatedly that are false, ah, have continued to harp on this set of defamatory statements.”

AB: “Even, ah, associates of mine, Gerry, my webmaster Keith Rowland, ah, who was thought to be posting on certain websites – which he, by the way, *was not* – um, was accused by these parties of being himself a child molester in a posting, wasn’t he?”

GF: “Ah, we ... we have mentioned that in the lawsuit as well.

Again, I think that the safest thing for us to say, ah, is ... is for people to go and take a look at the complaint. Of course that’s very specific and, ah, there’s a mention made of that ... of that instance.”

* * *

AB: “And I, by the way, make no bones about it. I am, ah, to a large degree an entertainer and I’ve never said otherwise. That is what I do.

And to come on the air and prepare to do that every night, ah, is a pretty significant job. And you’ve gotta be in a frame of mind, ah, to be able to do it. And when you are dealing with people who are calling you *a child molester, a pornographer*, and so forth and so on, you’re not in a frame of mind to do anything except to defend yourself as best you can.

And so obviously, um ... ah, my schedule has been temporarily rearranged to allow for that to occur.

And that ... that’s what’s been going on ...”

* * *

GF: “... clearly the lawsuit that was filed today, ah, contends and alleges that ... there isn’t a loose association between what Mr. Oates and Mr. Stephens have done in tandem.

But there is an allegation, and we intend again to try to, ah, convince the fine ladies and gentlemen of Los Angeles County ...”

AB: “Um-hmm.

GF: “That there is a conspiracy, not just between Oates and Stephens – we have included [John] Doe defendants, and I’m not at liberty to speak as to who they are ...”

AB: “But there ... there will be other names?”

GF: “We are ... right behind them.”

AB: "Um-hmm."

GF: "And, ah, here's something for the ... first of all, Art, you know, you may want the audience to know – we have notebooks, and it's sad to say, volumes of notebooks with emails and letters from people who have been inquiring about the truth of these allegations."

AB: "Right."

GF: "And ... and Art, you have had to spend hours beyond description ..."

AB: "Most of my days, Gerry ..."

GF: "... dealing with people who are calling up, saying: 'Is this true? Are you a child molester?'"

AB: "Right."

GF: "I mean, for the people in the audience, you can reduce it to your own life. You have a husband, you have a wife, you love them very much. They have a job. They're somewhat successful. You're happy.

Someone in your local community, who has an axe to grind with your husband, gets on the internet – and in this day and age, you can be assured most of your neighbors whether they ... wherever they're living, will probably have access to it in some form or capacity. And this person, who has an axe to grind, says about your loved one: 'They are a child molester, they paid a government official to cover up a criminal indictment for child molestation, and they are a vile human being.'

Can you imagine as you go to the shopping center in your local community or the library, or the bookstore ... or to get gas (!) – how upside-down your world would be?

Now broaden that on a scale to eight million (8,000,000) people who are listening, who ... who ... who are a part of your life if you're Art Bell. And that is the sheer, crushing burden that ... that my client has had to tolerate.

Not because he did anything wrong, not because there's any truth to these allegations, but because there were four (4) people, who were allowed access to a ... to a certain medium of communication in this largely unregulated ...

And I'm ... I'm often ... when I've been thinking about this situation, Art, and I think I've mentioned this to you:

If you remember the scene in *The Wizard of Oz*, where you've got the, ah, the mean Wizard, who's behind that huge device ..."

AB: "Yes!"

GF: "... and he scares the living daylights out of Dorothy, the Tin Man, and the Scarecrow."

AB: "Yes."

GF: "That's how I see these people. And of course just in the end of that saga, the person has ... you know, the Wizard had to come out from behind his machine – ['Pay no attention to the man behind the curtain.' – JS], and we saw him for who he really was."

AB: "And that is the in- ... that is what the lawsuit or legal action, ah, in- ... intends to do or tries to do is to bring the Wizard out from behind the curtain, right?"

GF: "That's absolutely right!

There is a tremendous debate going on, both on Capitol Hill and in our state legislatures, about how do we regulate the internet, in particular the internet, without stepping on the toes of free speech.

And, ah, I ... I suspect – and of course this has been written in many an opinion – that we're going to see some form of regulation. And, ah ... ah, sometimes regulation can be a good thing, sometimes it can be a bad thing."

AB: "Irresponsibility always seems to bring laws or regulation. And nobody ... I'm ... I'm an advocate of free speech. I couldn't be moreso, but, um, like newspapers and television stations – if you in essence broadcast something on the internet, then there should be accountability for that. In other words you ought not be able to run in and shout out 'Fire!' and, um ... and then, ah, simply have no accountability for it, ah, as people get trapped tryin' to get out of the theatre.

If you do that in the internet, ah, or on the internet, then you really are not exercising free speech as we have defined it this evening, have you?"

GF: "Well, not as it was envisioned.

And Art, of course the troubling factor here is, for someone such as yourself, who has the loyal support of not just your network, but the people who listen, you ... you can come to an attorney like myself and you can self-police – and we will self-police this – there will be a conclusion. And these people will be held accountable.”

AB: “For a lot of people who can’t do that, there is no solution is there?”

GF: “Well, that’s ... that’s what I was about to get to.

I’m sure as we’re talking tonight there are thousands and thousands of people, who are nodding their head up and down ...”

AB: “Who have been maligned!”

GF: “Absolutely!”

AB: “Right.

Gerry, Gerry, hold tight! We’re at the bottom of the hour. Time goes by very quickly, I will *not* add, while you’re having fun.

I’m Art Bell. This is ... [tape cuts off: Coast to Coast AM].”

* * *

AB: “Gerry Fox, ah, you’re back on the air. And we left off ... this is what I’m doing: I’m responding to these horrible things with you, an attorney, and you’re an attorney ... you know, attorneys are not cheap!” (AB chuckles).

GF: “That’s right. At least most ... most of us, ah ... ah ... ah, of course, I have a few plumbers now are chargin’ me about as much as I charge, so we’re not alone!”

(AB and GF both laugh).

AB: “Ah, however, Gerry, where we were going is the average person ... ah, oh somebody who might frequent, ah, internet chat rooms or whatever. The average person, ah, who would be defamed in the way that I have been defamed, ah, or even to a lesser degree – what recourse does that guy or gal have?”

GF: “Well, the really blunt answer is ... is not much. If ... if in fact the activity, ah, is, ah, some form of obscenity or stalking or harassment, then there are federal criminal statutes. And again, they’d have to actually try, and the line is so long now to the local law enforcement officials, who are

actually studying internet, ah, behavior that's wrongful, that even there it's ... it's ... it's doubtful you're gonna get a swift response.

And ... and if you're talking about civil recourse, unless you can find a lawyer or group of people who are gonna represent you *pro bono* [free of charge] or possibly on a contingent fee basis – and that's very hard to convince a law firm to do, because of the uncertainty of ... of bringing a lawsuit against a group of ... of, ah, persons, who may be camouflaged under some kind of an internet scheme.”

AB: “Right.”

GF: “It really is ... it is, ah ... ah, *you may be left with absolutely no recourse*. And they would suffer the same burden that we're talking about tonight in their local community and feel absolutely, ah, helpless ... to respond.”

AB: (sighs). “Um, so for those people, there is going to have to be some kind of charge. And I know this screech goes up whenever you talk about any sort of regulation, ah, of the internet or any sort of change in the internet whatsoever.

And I don't want much of a change in the internet! All I really want is **accountability**. That's the word! Not censorship. Not, ah, abridgment of freedom of speech, but accountability as it is seen in practice by broadcast media, ah, newspapers, or anything else.

In other words, write anything you want, but you know, somehow have your name on it, so that if you have slandered somebody and ruined somebody's good name, you can be held accountable.”

GF: “You know, Art, I was thinking the other day, again with the analogy being to the highways we actually drive on, I could envision a situation where some day, ah, *to be on the internet, you'd actually have to have some form of license (!)* And if you conducted various acts over the internet that were wrongful – just like you after a certain number of points would lose your license, ah, there may be ... there may ultimately be, you know, the equivalent of *'internet police,'* who ... who are checking out activity on the internet.

But ... but there ultimately ... and that might sound bizarre or just too, too way out there, but there's gonna have to be some form of regulation, because it's struck me that we have now, ah, and most people are aware of the Children's Online Privacy Protection Act, which was passed by ... by ... by Congress. And there of course, ah, very quickly people moved to protect their children from certain types of behavior over the internet.”

AB: "Of course."

GF: "But ... but Art, isn't the first thing we teach our children to **tell the truth?**"

AB: "Of course."

GF: "So there have ..."

AB: "*But ... but ... but then unfortunately the first example we give them is, ah, **how to lie.***" (AB laughs).

GF: "And ... well, and ... and of course, you know, well, it's very difficult to ... to ... to teach a child not to ... to lie ..."

AB: "Yes."

GF: "... if in fact what they see is ... is that over the internet people can be deferred [defamed?] and ... and there is no accountability."

AB: "That's right.

That's exactly correct!

So, um, by the way these defamatory, ah, statements that were on the internet, ah, didn't stop, did they?"

GF: "Aw, there ... well, I'll make a bold prediction here, Art, ah, they may very well be continuing through tomorrow and the next day, and the next day until ... until, ah, these defendants, ah, have the rude awakening of, ah, showing up in a courtroom and seeing a jury and a judge, and ... and have to come out from behind those computers."

AB: "Well, all I know is, ah, it can make a person's life, ah, nearly unlivable. And, ah, that's been the case with my life over this, ah, period of time, and I'm glad now that the audience at least has some sense, though there are so many details involved in all this, that they would almost have to read the complaint in its entirety. And even then, they're not going to get some of the testimony of witnesses that we have, and that is for the protection of those witnesses – is that correct?"

GF: "That ... that's correct. They ... but ... but as things unfold, they'll ... they'll certainly learn more. And again, if you were to put the pieces of the puzzle together, you'd start with the lawsuit in Nashville, and you would read that complaint. And it's very specific.

You would then take a look at the lawsuit filed here in Los Angeles, ah, and I'm gonna suggest that there ... there will be within the week a third piece of the puzzle. You put these three (3) pieces of the puzzle together, ah, go knock on the doors of, ah, WNQM, WWCR, Mr. Gunderson, ah, Mr. Hinkson, Mr. Oates, Mr. Stephens, and you'll have your answers."

AB: "Boy, do I want answers, Gerry! Boy, do I want answers!"

* * *

Aud: "It's really sickening what depths people go to to harm others. But really, truthfully there's one shining light in all of this much, if you will, Art. I know it's hard to ... to believe that, but um, as much as we complain about the good old US of A, we have the courts!"

AB: "That's right!"

Aud: "And we're real people, like you and me, um, that are gonna decide on this.

And truthfully, Art, there are so many people that don't even believe this for an instant, that listen to you and know you. Um, in Texas we have a saying – and I don't know if you ... can have ... you have to 'beep' one word of it, but it's: 'Payback's a bitch.'"

AB: "I don't have to 'beep' that."

Aud: "Okay.

But you know (exhales), that's all I've gotta say ... is that when the people listen to this, um: 'Payback's a bitch.'

And the reason why it's happening to you, Art, is you reach a lot of people. And ..."

AB: "Okay."

Aud: "... I think ... I think you know that."

AB: "Um ... I ... you're absolutely right! Ah, thank you very much."

* * *

AB: "Look, I do know that. I ... I know that when you reach the top of what you're doing, um, people shoot at you because you're the biggest target. And I don't mind being shot at. I've been shot at all my life ... metaphorically. Ah, heaven forbid, I use that word – but I have been. In

other words, people shoot at me and I don't mind. I'm here to be shot at, ah, *vocally*, um ... and I don't mind. But I don't think that that includes, ah, the kind of bullets that have been coming at me – child molestation, ah, being accused of being a ... arrested and, ah ... ah, done time for pornography, and all this kind of stuff.

Um, it's ... it's insane ... it's insane to the point that ... how do you know ... and I ... and I ... I talk from ... at various times about conspiracies here on the radio, of various sorts. But one can see a pattern emerging from all of this.

And this has been going on now Gerry since the beginning of the national thing ... actually prior to that even ... for a *long time!* I mean, we're talkin' about a couple (2) of years of this kind of thing flying at me."

GF: "Absolutely, Art, as you and I both know, ah ... it is our contention in that there is a ... um ... ah, there is a consortium, ah, of players – if you will – that, ah, that are behind this. Ah, we're not far behind them.

Ah, if you're some 'joe' out there and you're part of that consortium, ah, we'll be there soon (!)"

AB: "Hah-hah."

* * *

Aud: "... the radio station you're speaking of, ah, might be, ah, controlled either 1) by the government or [2]) an evil entity that may want to ..."

AB: "Well, if it ... in fact, it is of course *evil*. I mean, what you heard described as the standard and practice is, ah, in itself, ah, in a runaway way a kind of evil. And that's what we're going after, isn't it, Gerry?

And that's what the courts and attorneys like yourself ..."

GF: "Well, Art, actually very interesting point, I think we skipped over, is the radio station that broadcast around the world these defamatory remarks about you, ah, advertises itself as a ... as a 'Christian' radio network."

AB: "Christian."

GF: "Ah, that's a little ironic actually."

AB: "Um ... um, I'll reserve comment, but you're absolutely correct. They do, ah, build themselves in that manner, and yet, um, the line-up of the, ah, the broadcasts that they make, ah ... actually I ... I think they are predominantly a radio station that blocks out time. In the broadcast

industry that means: You, Joe Blow, uh, go in with, ah, dollars in your hand and you buy airtime, and you just broadcast wherever you want. Somethin' like that, right?"

GF: "Yeah, I mean, I ... I ... I ... I think through our case we've found that they do in fact have, ah, legitimate Christian radio programming."

AB: "Of course."

GF: "But, ah, unfortunately and sadly, Mr. Gunderson, who bought a block of time, ah, I ... I think it's fair to say that it's our contention that ... that his show drifted far from the values at least I know relate to Christianity."

AB: "And Mr. Gunderson is an ex-FBI agent, isn't he?"

GF: "Ah, that he holds himself out as one and, ah ... ah, has, ah, testified under oath that, ah, he was with the FBI for a very long period of time."

AB: (whispers under his breath): "*Incredible!*"

* * *

Aud: "How do you maintain your sanity through all this?"

AB: "Ah ... (laughs), um, that's a really good question!

How do I maintain my sanity through this?

Well, to some degree I haven't. I mean, basic sanity perhaps, but the ability to come on the air every night and broadcast has been compromised. I mean, there are nights – you just can't know – there are nights when I ... I'm looking at coming on the air and discussing and doing what I love, and I'm just not mentally capable of doing it. Because I'm immersed in all of this ... **it's a nightmare!** *It's an absolute ... it's ... it's a nightmare bigger than you can believe!* And bigger than you'd know even as a result of what we broadcast tonight. Ah, frankly the biggest part of the nightmare we haven't told you about tonight. So ..."

Aud: "When's ... when's that coming down? When are we going to hear about that part again?"

AB: "I ... I ... look, I'm not, ah ... as I've said many times: 'I'm not a prophet.' So I can't know when this other information is going to break about what I ... this horrible thing that occurred to my family. But I think it's ..."

Aud: "Was it a threat or an actual operation?"

AB: “Um, I really ...”

Aud: “Okay. I ... I ... I appreciate that.”

AB: “Ah, I can only tell you indications ... indicators are that I think that news will probably be out within the week.”

Aud: “Well, they can’t kill ya, right?” [Ask Alan Berg – JS].

AB: “I beg your pardon.”

Aud: “They can’t kill ya, so they’re ... they’re ... they’re discredit ... discrediting you, right?”

AB: “Well, ah, it’s funny that you should bring that up. Ah, because Gerry, ah, there have been ... as ... as part of this, there have been physical threats, haven’t there?”

GF: “Well, we have, ah, testimonials, ah, that people are afraid for your safety. And that, ah ... ah, various forms of threats have been made.

Again, um, you know, you ... you have resources fortunately, but, ah, I can assure the listening audience that, ah, you have a supportive network and a law firm that’s capable of securing restraining orders and ... and mobilizing the ... the protective net that ... that you need. But ... but who wants to live under those circumstances?”

AB: “Then again, I’m fortunate. Um, you know I ... I live most of my life, Gerry, as a ... just a radio guy. And radio guys pretty much live paycheck to paycheck – or less – slowly fall behind. And I have the good fortune of having become a success and have some additional resources, so that I can have people like yourself and people who are, ah ... take care of security and that sort of thing.

But God, Gerry, the average person out there under these circumstances – being stalked, for example – and I know you specialize in ... in that area of law – *stalking*. *What in God’s name do they do? (!)*”

* * *

GF: “You know the answer right now is for a lot of people – and I am sure of this This internet, which is such a ... It’s like everything – with the good comes the bad, ah, we’re ... things are swinging around a bit, where there are ... there is a tremendous public outcry [!] for forms of protection for the ‘average joe.’”

* * *

AB: “Back now to, ah, Gerry Fox. Ah, Gerry, thanks for staying on.”

GF: “No problem, Art.”

AB: “Um, Gerry, before we proceed ... there’s so many people on the lines waiting to ask or say something ... whatever it is, I’m not screening these calls.”

* * *

GF: “The ultimate question that we are going to get the answers to is *why* ...”

AB: “Why.”

GF: “... *this consortium*, ah, [is] victimizing you in this way? And that’s ... if somebody has information that relates to that, ah, and they’re serious and understand the seriousness of the subject matter, by all means, ah, they should call us.”

* * *

GF: “Ah, in terms of the ultimate answer to this specific odyssey, Art, as you know, ah, neither you nor this firm, or anyone part of our team harbors any animosity towards, ah, Mr. Oates or Mr. Stephens or Mr. Gunderson or Mr. Hinkson. Ah, we don’t have time in our day for that and we have no reason to. Ah, what we are outraged by is not the individual, but the conduct and the defamatory statements, and of course, to a certain extent the defendants in these case(s) hold the key to the, ah, to the answer to your question, if these gentlemen were forthcoming and made full public retractions and ... and let us know what in God’s name motivated them to make these malicious statements and why? That would certainly be a step in the right direction, ah, and it could end this odyssey much quicker.

If they require me to, I will bring them into a courtroom and prove these statements are false, and to impeach their character with evidence that’s admissible in a courtroom, and put them before a jury of their peers to be examined and have their motives examined.

I will do that! And that will not happen slowly. Justice doesn’t move fast – but it does move – and we will get there!

And it will not be two (2) or three (3) years from now. It will be sooner than that.”

AB: “Well, that’s some comfort!”

* * *

AB: "... I have been *bombarded*, ah, both on the air and off. I ... I do have a button I can push to erase the last seven (7) seconds. And obviously if somebody's, ah, calling up and telling me I'm a child molester or a pornographer, or something like that, I push that button and I take them out.

So, ah, it's been an unfortunate, um, fact of my life now for altogether too long. And, ah ... and I'm ... I'm sorry for the – ah, I guess I should apologize to my audience for the ... the way I'm sure they feel jerked around, Gerry, ah, by all that's been happening. And I just haven't been able to talk about it, ah, dating back to the tragedy that occurred in my family through these two (2) horrible, horrible things that I've been going through, my audience probably feels like I've been jerking them around, you know, with being gone and then with being here fewer hours. And I felt that I've been burdened with this intense need to explain to these people I feel so close to why this has all been happening. And that's why this show is so important to me this morning."

GF: "Well, Art, you know the reality is that you've been forced to live in the shadow of a great and egregious *lie*."

AB: "And, ah, that's not easily done, Ger [sic]."

* * *

Aud: "My question is about Keith, um, your webmaster."

AB: "Yes."

Aud: "How is he dealing with it?"

AB: "Well ... ah, poor Keith. Ah, wonderful Keith. Um, Keith has been supportive of me throughout all of this. And I guess Keith was chosen as a target by these people, because he is associated with me.

And there have been postings, ah, calling him a child molester, and how do you think he would deal with it? Not very well.

Ah, Keith is a devout Christian and to be, ah, to be called a 'child molester' no matter what your faith is in my estimation the lowest thing that anybody can be called. I ... I mean, I ... it's just the worst thing you can say of ... That and maybe what Hitler did – mass genocide – I don't know.

We're all in this nation protective of our children – God knows I'm protective of mine! – and, ah, and ... and when ... when you're accused of doing such a horrid thing, it's ... it doesn't ... *in my mind, it doesn't get any worse!*

So how's Keith doing? He's holding up, but ... how would you be doing?"

Aud: "Thank you.

It's just amazing!"

AB: "Well, I wish, ah ... thank you. I wish I could say that tonight and what you're hearing is the worst of the news, but it is not. And that, ah, that rest of that news will, ah, will I'm sure be public shortly. I have always maintained that I will not be the one to ... to break this news and hurt my own family – I will not do that.

Ah, nevertheless because of legal processes that are underway ... is that a fair way to say it, Gerry?"

GF: "Yes it is."

AB: "It will become ... it will become public. And, um, I just don't know how I'm going to deal with it when that occurs. I ... I ... I ... and, um, ... anyway."

* * *

AB: "The last thing I want to invite on any of us is more government regulation. My God, we've got too much now. And ... and so I don't know what the answer is. I ... I have no idea what the answer is.

I don't want ... you know, you mentioned the internet police – I ... I don't want the internet policed.

I want accountability. I want ..."

GF: Correct. There's a ... there's a significant difference between restraint and accountability.

Restraint focuses on, ah, well as the word would say – '*restraining*.' And once you get into restraint, now you're getting into subjective decisions about what should be restrained.

Accountability, basically its core says – if you've done something wrong, stand up and take responsibility for it. Be accountable. Be accountable for what you publish. Be accountable for what you broadcast. Be accountable for what you say!

If you want to stand tall in the well and make an accusation that's a serious disease – have your facts to back it up."

AB: "And if you don't, be prepared to, ah, defend yourself in a court of law."

GF: "That's correct."

AB: "Um, the civilized way to do it."

* * *

Aud: "Hi, Art. Um, I ... this is the first time I've ever called you. I've listened to you for a long time."

AB: "Welcome to the program then."

Aud: "Pardon me?"

AB: "I said: 'Welcome to the program!'"

Aud: "Well, thank you!"

And I ... I know it's been said before ... I don't mean to sound trite – it comes from my heart: Ah, I know ... I understand this has been a terrible thing and I called to let ... let you know that people do understand. And it's not an easy thing for you to publicly come out and tell people about."

AB: "No."

Aud: "People are very much behind you. Um, I think that, um, this may not be a consolation to you, but I think that these idiots made a very big mistake! Because their claims are so outrageous that it's very easy to see that this is a hateful act. And this may be the very thing that kills them."

AB: "Well, you know ... thank you, ma'am. I ... I would also like to add – Gerry, ah, maybe you oughta say something. I'm not the only person by a long shot nor is Keith Rowland, who has been hurt by these people over a period now of years. There are other people, ah, who have been harmed, who are afraid, who may be in ... in actual physical danger as a result of all this. True?"

GF: "We have ... we have, ah, sat down and talked to as many people as we, ah, have been able to and we ... we've talked to a number of people who have firsthand knowledge and have given us, ah, testimonials that are very, ah, concerning. Ah, and who ... and these testimonials make clear these people, ah, have suffered ... ah, they've provided accounts of how they've suffered, ah ... ah ... ah, *horribly!* Ahh, so no ... I mean, obviously as we've talked about, Art, ah, you're not alone, because, ah, the stories of people who are being terrorized or victimized over the internet, ah, are legion now, unfortunately."

AB: "Well, as we did, um, investigation and discovery in the ... in the Oates/ Stephens, ah, lawsuit that's just now filed, we came upon a lot of other people, who supplied us with evidence. And, ah, testimonials or signed, ah, ..."

GF: "Affidavits."

AB: "Affidavits. That's the word – thank you. Um, of what they had been going through with these same people for quite a long period of time, now correct?"

GF: "Yes, these statements, ah, they'll speak for themselves. They'll be made available also to the public at the appropriate time. They're ... they're very powerful and, um, but yes, absolutely they're a good half-dozen (6) people, who are attached to this on the victim side, who have come forward and, ah, have something to say about it.

And I don't like to put words in someone's mouth. Ah, they've signed sworn statements ..."

AB: "*These are brave people!*"

GF: "Well, they're people, Art, who ... who care about you and care about, ah, making sure that at the end of the day the right thing is done. And they're very ... they're people that I certainly admire, because there's, ah, they don't have to get involved in standing up for you and for themselves, and they've ... they've done that with some ... it is courageous."

AB: "Some very gutsy people."

* * *

Aud: "Um, listen, Art, I was just wonderin' ... Why would David Oates bite the hand that fed him? 'Cause you put him [on the map] ... you made him famous!

Why would he do something like this to you?"

AB: "Um ..."

Aud: "It doesn't make sense, you know?"

AB: "It is, ah, it's the same question, sir, that I've been asking for a very long time right now."

Aud: “And you know, he’s like ruined your reputation. Even if you win this, there’s always going to be like people with doubt in their mind, sayin’ may- ... maybe he did this, you know?”

AB: “Yeah, that ... that’s a ... a really, really, really good point. Um, Gerry ... that is a good point.

In other words, no matter how you clear your name, ah, once somebody slams something into this, ah, on you like this, um, some of it sticks, doesn’t it?”

In other words, no matter what ‘chu do?”

GF: “Well, that’s ah, that’s ... in fact the point of a defamation suit is that there’s always that cloud of uncertainty. Ah, in law school we’re taught, ah, if ya ask the question in trial of a witness, and you say: ‘You beat your wife, sir, don’t you?’

Well, even if there’s absolutely no truth to it, for the rest of that trial the jury’s gonna walk out of that room, and they’re gonna take a look back at that person. There’s a certain insinuation in a type of allegation, that if you make it, you leave, ah, the listening audience pregnant forever with just that little question. Um, and that is really the ... the irretractable portion of a defamatory remark.”

AB: “So really even with the best we have – and you’re one of the best – in our courts, in our system, ah, in the end you’re still left with some people who will always have some sort of lingering doubt no matter how, ah, clear the evidence and clear the judgment or verdict is.”

GF: “Well, Art, we’re ... we’re ... we’re committed to go to court. We could secure a ... a, ah, a verdict that is, ah, covered in the press. Ah, and, ah, the majority of people are going to know what we already know, which is these are false statements made with a malicious motive.

However, you could be on a cruise, ah, years from now with your family and, ah, off the Greek isles, and somebody who, ah, picked this up on the internet or over short-wave radio, ah, who didn’t follow the court proceedings, ah, could walk by you as you’re sitting in a chair and ... and give you a look or come up and ... and ... and ... you would forever – *forever* – be plagued by this ...”

AB: “Yeah.”

GF: “... uncertainty.”

AB: "It's ... it's kind ... it's one of those things that, ah, it's like an 'urban legend.' It bounces around on the internet, ah, no matter how many times it's knocked down, it just keeps bouncing around ... so, there's damage done that can really never be, ah, really can never be changed."

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Aud: "This is a horrible burden for you to go through. And, um, I hate to see it. But, um, I think what they're tryin' to do is really destroy you, because this position is basically an undefensible position.

Ah, even hardcore prisoners hate child molesters."

AB: "That's a fact."

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AB: So these are things that you say when you want to ..."

Aud: "... really hurt somebody."

AB: "Yeah."

Aud: "Yeah. ... Yeah, and that's ... that's ... That's not good."

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Aud: "Art, listen, I don't wanta hurt your feelings by asking this question, but I really feel I have to. Because if I don't, I'm afraid that the media tomorrow is going to raise this question."

AB: "No, go ahead."

Aud: "So what I'm looking for from both you and Gerry Fox, um, an unequivocal assurance that this lawsuit is absolutely on the up-and-up."

AB: "Hmpf. You have it from me.

You're damn right it's on the up-and-up!

Ah, Gerry?"

GF: "Yeah, well I can tell you ..."

Aud: "Cause you could be disbarred, right?"

GF: "Well, heh-heh, well no I couldn't be disbarred because the reality is that our ... our law firm would never file a lawsuit that it did not ... it did not believe in, that it did not research. Ah, we're ... we're fine lawyers. Ah, we

stand by our reputation. And, ah ... ah, I can attest to Mr. Bell, who, ah ... ah, we've come to know. Ah, this lawsuit's not just on the up-and-up, um ...

Aud: "Well, you see I ... I trust Art implicitly and I listen to his program all the time, and I think he's absolutely wonderful!

But unfortunately there are these East Coast media wags, who for ... whatever reason – I think they're personally and professionally jealous of Art – that that is a question that's gonna come up: *Is this a publicity stunt?*"

AB: "Oh, hell no!"

GF: "Um, ma'am, with all due respect ..."

Aud: "Yeah, who ... who would bring up something like this as a publicity stunt? I know, I know ..."

GF: "Well, also ..."

Aud: "... but still there will be people who will ask that question unfortunately."

GF: "Within the next week, I'm fairly, um, fairly confident that anyone with any ... any ... a modicum of common sense will understand and appreciate that there's ... that this is very much a serious matter – extremely serious – to be taken seriously. And that, ah ... ah, the lawsuit's not just on the up-and-up, ah, it is a lawsuit that will be taken through to a conclusion if need be."

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Aud: "Oh, and also, Gerry, one (1) question I did have: Ah, now I got this information off the internet, so who knows if it's correct!"

AB: (laughs).

Aud: "But, ah, I understand this Oates character is not a U.S. citizen, that he's from Australia. Is any of this action ... let's say if he's found liable, you know, ah, liable for all of this, can he be deported because of this?"

GF: "I don't have ..."

Aud: "If he is, in fact, an Australian citizen?"

AB: "I ... I think it is a fact that he's an Australian citizen – I'm not sure. Ah, and I don't know what the answer to that question is ... Gerry?"

GF: "Yeah, I think it's a little beyond the scope. Um, ah, again, I ... I stated a while ago: Mr Bell ... and I know our firm does not ... you know, Mr. Oates – the person – is ... is ... is not someone that anyone on this side of the fence harbors animosity towards. Whether he's an Australian citizen or a U.S. citizen, deportation is ... is ... is ... that's not what we're ... what this is about.

Mr. Oates has made a set of statements that are not true. We know them not to be true. We want him to come forward publicly and retract those statements. If he won't do that, fortunately we have a court process. He'll be sworn under oath, we'll prove they're not true, and a jury will address this wrongful conduct."

AB: "In the case of Mr. Oates, um, ah, aside from whatever statements he may have made, he had a radio show on which he allowed Robert Stephens to make these initial allegations and then linked to them in support of them."

Aud: "Right."

AB: "So ..."

Aud: "Art, I just wanted to let you know that, ah, I have a lot of friends that listen to your program, and we just support you all the way and we think you're great!"

AB: "Very kind of you."

Aud: "So thank you for your time, gentlemen."

AB: "Thank you and Good Night."

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AB: "Um, and I ... I really again, I ... I wanta say I'm a really, really, really staunch supporter of free speech. And I don't want the audience to regard this as an invitation for all kinds of government intrusion into the internet.

But some form of accountability ... you go up there and you write a message about somebody, ah, it oughta be *from you – signed by you* – a number by you. Something or another. You mentioned licensing. Some way or another that people will know who you are when you've written a message defaming them.

I ... I don't know of any other way to say it. And I don't know really of the cure for this, but I'm ... I'm leery of regulation too. It's the last thing I want, but ... God, what else are we gonna do? (!)"

* * *

AB: "And so I don't wanta be confused, ah, you [GF] confused or me confused with somebody who's, um, trying to destroy the internet. *I don't want that to happen!*

I want accountability without destruction of this valuable, important medium."

* * *

GF: "It's a ... it's a sad day in this world when a man who, ah, has worked as hard as you have to get where you have, ah, at the end of the day has to be burdened with this.

Ah, and again, I'm gonna end where I began, which is, ah, the ... the simple beauty of a defamation case in some ways – if there is any beauty in it – is that at the end of the day the only defense that a defendant can put forth really – after a series of technical defenses that would not apply here – is *Truth! And this case will come down to the Truth.*

And Art, you and I know where the Truth lies."

AB: "Yes we do."

* * *

AB: "Good morning, everybody. I am Art Bell. And that was my attorney Gerry Fox, who's a tremendous person and who has been through, ah, hell and back with me over all of this."

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