

1 JUDGE SIPPEL: -- suggest to you it better
2 be here.

3 MR. LYNCH: Outside of you sending federal
4 marshals and bringing him down here, I cannot take a
5 non-employee with a number of these -- you know -- Up
6 in Glens Falls, I wouldn't have -- I don't -- a problem
7 in the world.

8 But, again, on the two-way street here --

9 JUDGE SIPPEL: Well, wait, wait, wait just
10 a minute. Now, look, this is -- nobody's going to get
11 put up against a wall and get shot. You do what you
12 want to prove your case.

13 MR. LYNCH: Do what I can, not what I
14 want. If I -- what I wanted, I'd bring everybody down
15 here and have them talk. I'm not afraid of any of
16 these people, anybody, anywhere here --

17 JUDGE SIPPEL: Well --

18 MR. LYNCH: -- backing up what they're
19 saying; but I didn't put words in their mouth and they
20 are not FCC lawyers either. And they said what was
21 honestly in their mind.

22 JUDGE SIPPEL: Well, I'm not going to
23 argue with you and your arguing the wrong issue with me
24 anyway. I'm just telling you. And I wouldn't have to
25 do this. I mean, I could wait until September and rule

1 then. But I'm telling you right here up front that I'm
2 not going to let the affidavit of Clifford Grant come
3 into evidence without him being here to testify. And
4 I'm not going to take everybody and put them -- and --
5 everybody up to Glens Falls to take this testimony up
6 there.

7 MR. LYNCH: But can we get an
8 understanding whether or not there is going to be
9 testimony taken in Glens Falls so maybe we can work
10 together if Mr. Tillotson desperately wants to cross
11 examine a number of people who've written these things
12 and you've already gone on record saying that if that
13 has to happen we can take the testimony in Glens Falls.
14 Maybe we can work together for the interest of justice
15 or whatever the heck, but if we are going to go up
16 there in the first place, at his request, can't we
17 coordinate so we can take these other two or three
18 people in there?

19 JUDGE SIPPEL: Well, let's go down the
20 list and see.

21 I'm not going to respond to that
22 categorically yet because I don't know where we're
23 going to stand on the need for these public witnesses
24 or these non-party witnesses.

25 MR. TILLOTSON: Your Honor, I think it's

1 important for someone to point out to Mr. Lynch, since
2 he's a non-lawyer, what was pointed out to his counsel
3 by the Review Board when his counsel argued that they
4 were unable to get Mr. Abes (phonetic) to come -- the
5 site owner to come and testify -- that the FCC does
6 have subpoena power and Mr. Lynch can request a
7 subpoena to get a witness to come to Washington to
8 testify in his behalf. It doesn't require a federal
9 marshal to go there. Normally, when people are served
10 with subpoenas, they do appear.

11 JUDGE SIPPEL: Well, that's absolutely
12 true; but I'm not talking about -- I'm trying -- I
13 understand --

14 MR. TILLOTSON: I just wanted to make sure
15 that he understood that --

16 JUDGE SIPPEL: I -- it's -- well said, Mr.
17 Tillotson; but what we have here is the question that
18 still hasn't been resolved. And that is, you've got a
19 whole list of people here that you want cross examined.
20 And there's a lot of them that don't fall into this
21 category of employees or former employees, which I'm
22 putting in a different category.

23 MR. TILLOTSON: So far --

24 JUDGE SIPPEL: And these are just people
25 who are going to be testimonial witnesses -- basically,

1 isn't that correct?

2 MR. TILLOTSON: Correct. And we haven't
3 really focused -- I mean, we've gotten through a bunch
4 of them this morning who aren't going to appear because
5 their testimony's not being received.

6 JUDGE SIPPEL: That's correct.

7 MR. TILLOTSON: So until we go down and
8 finish going through each one those and determining
9 whether the testimony is relevant, I don't thin we even
10 address the issue of whether --

11 JUDGE SIPPEL: Well, all right. Then,
12 we're going to have to -- we're just going to have to
13 take -- we're going to have to take them one at a time.
14 We're going to have to take them one at a time.

15 You know, it's 25 of 4.

16 Let's start with Exhibit 9, 1. "Under
17 penalty of perjury, Ronald Perez (phonetic), the
18 Softball/Volley Ball Coordinator -- " What's the basis
19 for objection on this Exhibit?

20 MR. TILLOTSON: My objection, Your Honor,
21 is that it does not talk about programming on the radio
22 station, which is -- and it doesn't talk about Mr.
23 Lynch's good character or anything that would mitigate
24 Mr. Lynch. Therefore, it's not relevant to these
25 proceedings.

1 It talks about benefits that were done --
2 we don't know how, we don't know why -- and dollars
3 that were raised. And two of those were in 1992 --

4 MR. LYNCH: If raising \$56,000 for Easter
5 Seal Society isn't mitigating or if it isn't valuable,
6 I'm in the wrong business. I should probably get out
7 of it. I'm sorry. That line of argument doesn't
8 float. We did this. This man under penalty of perjury
9 gave us the compliment that we did this. I know what
10 went on there; but this money doesn't come out of
11 nowhere. If that isn't mitigating, then nothing is and
12 that's that.

13 JUDGE SIPPEL: Well, let me hear from Mr.
14 Schonman.

15 MR. SCHONMAN: Your Honor, I think this
16 document is acceptable for reputation and perhaps
17 mitigation.

18 MR. LYNCH: Thank you.

19 MR. SCHONMAN: It's -- for what it's
20 worth.

21 JUDGE SIPPEL: How reputation? What does
22 it say about anyone's reputation?

23 MR. SCHONMAN: The station's reputation in
24 the community.

25 JUDGE SIPPEL: Where does it say about the

1 station's reputation? It says that the station --

2 MR. LYNCH: It's an asset to all fund-
3 raising functions as well as to the disabled
4 population. Read it.

5 MR. SCHONMAN: Take it for what it's
6 worth.

7 MR. TILLOTSON: Well, see, as I see this
8 mitigation or -- extenuating -- the kind of evidence
9 that is meaningful is conduct of this particular
10 witness, not some broad generalities. I don't expect
11 that somebody's going to be able to mitigate a series
12 of -- by saying that they gave a lot to charity or that
13 they were very charitably oriented.

14 MR. LYNCH: But we ran our radio stations
15 to the public good, cutting to the --

16 JUDGE SIPPEL: Well, you had to do that.
17 Right? I mean --

18 MR. LYNCH: Well, that's not what --

19 JUDGE SIPPEL: You've got to run it for
20 the public good.

21 MR. LYNCH: It's been --

22 JUDGE SIPPEL: And the case law I go back
23 to -- and I cite this case law again -- where the
24 Commission has said that even programming --
25 meritorious programming does not mitigate serious

1 deliberate misconduct, such as misrepresentation.

2 Meritorious programming, you can't even do that.

3 MR. LYNCH: But the deliberate -- there's
4 no testimony anywhere whatsoever in front of you or
5 anybody at the FCC -- there's no testimony as far as
6 deliberacy, whatsoever. That's not been alleged. And
7 anybody who says it is a liar. There is no -- nothing.
8 This is not deliberate. Nothing I've done is
9 deliberate. Stupid, maybe. But there is no testimony
10 anywhere of any deliberacy and anyplace, whether it's
11 Skidelsky, whether it's here, Brandt or whatever, never
12 any -- never any willful, never any deliberate or has
13 there ever been. There's not one shred. There's not
14 one witness anybody can bring who can say that, 'cause
15 it wasn't --

16 JUDGE SIPPEL: Well, the findings of
17 Skidelsky will have to just be for themselves.

18 MR. SCHONMAN: Your Honor, might I
19 inquire, are these monies sums that the station gave to
20 the Easter Seal or money that they raised?

21 MR. LYNCH: This is over a four- to six-
22 week period. What we do is we -- challenges. We get
23 teams from various places out there, just fun teams for
24 each one of these things, softball and volleyball. And
25 these teams have to raise a certain amount of money and

1 then we get prizes from somebody else. And these teams
2 play -- you know -- volley ball. And the money is
3 donated through that vehicle. They get tee shirts and
4 Pepsi Cola and things like this. But we're the ones
5 who get the teams to sign up and a number of things
6 that we end up doing that. We have a younger audience
7 and they do play volley ball. They do play basketball
8 or -- you know -- go to winter carnivals or balloon
9 festivals or things.

10 But, no, this -- we don't touch the money
11 in this. We just sign the people up, cause it to be
12 raised.

13 JUDGE SIPPEL: Well, does this tie in with
14 your -- more with your programming --

15 MR. LYNCH: Yes, Your Honor.

16 JUDGE SIPPEL: This is what you say it
17 does anyway.

18 And what could you possibly learn on cross
19 examination, Mr. Tillotson?

20 MR. TILLOTSON: I'm not asking to cross
21 examine this person, Your Honor. I don't think this
22 was even listed; if it was --

23 MR. LYNCH: It was.

24 MR. TILLOTSON: I did list it. Well --

25 MR. LYNCH: Everybody --

1 JUDGE SIPPET: You said you listed a lot
2 of people here because you didn't know exactly how this
3 whole thing was --

4 MR. TILLOTSON: You're correct. I listed
5 them as cross examination and what I could possibly
6 learn on cross examination, Your Honor, is to what
7 extent -- for example, was it just Y-96 or is this
8 WWSC, assuming this is in here for programming.

9 Now, if it's in here for meritorious
10 programming, the renewal expectancy that WYLR did this,
11 I certainly would want to know if -- since everything
12 we've heard is that these two stations operate
13 together, how much of this effort was WWSC? How much
14 was WYLR? How many announcements were run? What can
15 you tell me about this as to how this was raised?

16 But, more importantly, I don't see how
17 it's relevant to programming because it doesn't tell us
18 -- this doesn't tell us that it was programs and on
19 what station or how many programs. This only tells us
20 that somehow dollars were raised.

21 Mr. Lynch has now told us that somehow the
22 dollars raised in connection with somebody lining up
23 sports teams and promote something on something -- It
24 doesn't tell us what you need to know. You need to
25 know -- for renewal expectancy that a program ran. The

1 program addressed this issue. It ran this many hours,
2 the many minutes, this time period. It doesn't tell us
3 that.

4 JUDGE SIPPEL: All right. You're going to
5 lose your voice.

6 I think what you're going to is really
7 weight on this.

8 MR. TILLOTSON: Well --

9 JUDGE SIPPEL: I'm going to receive this
10 into evidence.

11 MR. LYNCH: Your Honor.

12 JUDGE SIPPEL: 9, 1 is okay.

13 MR. LYNCH: Ten seconds or less, may I
14 point out the programming, the number of PSAs is on
15 Exhibit 6, page 18, already. This is just, basically -
16 - I don't know which way to come. If I swear to
17 something, they call me a liar and there's no support.
18 So I'm trying to get somebody to support what we've
19 already put in. We actually did this.

20 JUDGE SIPPEL: Well, the difficulty, as I
21 say, is that you're putting these things in and these
22 people are not here to be cross examined on -- that's
23 part of the problem. But -- as I say -- the limited
24 purposes for this -- I'm not too much worried about
25 that.

1 MR. LYNCH: Thank you, Your Honor.

2 JUDGE SIPPEL: But we've got other things
3 that are going to be more important.

4 Now, what about this person, Thomas Wade?
5 Who is he?

6 MR. LYNCH: Native Glens Falls -- he's
7 currently County Supervisor. He's been actively
8 politically 20 to 30 years.

9 JUDGE SIPPEL: Well, what do we want with
10 -- what's your views on that?

11 Let me start with Mr. Schonman on this
12 one.

13 MR. SCHONMAN: Your Honor, I have no
14 objection to this coming in.

15 JUDGE SIPPEL: Okay.

16 Mr. Tillotson --

17 MR. TILLOTSON: I object to it because it
18 mixes WWSC and WYLR. It doesn't provide any specific.
19 It doesn't provide us with anything that -- about what
20 Mr. Lynch did or the stations did, and it's a shirt-
21 sleeve approach to making a better community, doesn't
22 tell you that he did something -- their contributions
23 alleged, their unswerving support from the -- Is that
24 the radio station? Is it WYLR? Is it WWSC? Is it
25 Christopher Lynch personally? We do not know from this

1 document. I would say it shouldn't come in for those
2 reasons.

3 If it does come in, I should say I
4 certainly have the right to cross examine the man to
5 find out the specifics as to was it Mr. Lynch, was it
6 the radio station and what's his basis for saying all
7 these wonderful things?

8 MR. SCHONMAN: And you've noticed him.

9 MR. TILLOTSON: And I've noticed him.

10 MR. LYNCH: I agree with Mr. Tillotson.
11 He should cross examine this gentleman. And I look
12 forward to seeing him in Glens Falls.

13 It specifically, again, refers back to a
14 number of things which have already been in evidence in
15 Exhibit 6, specifically Veteran organizations, under
16 privileged, Operation Santa Claus, a number of other
17 different things.

18 And, again, I don't try to put words in
19 these people's mouths. And they just -- this is his
20 honest gut feeling. Here's an imminent person --

21 JUDGE SIPPEL: All right. I hear you.

22 Now, let me ask you this question: If we
23 do set this person down for cross examination, what's
24 your position in terms of where this testimony should
25 be taken?

1 MR. TILLOTSON: I would think we ought to
2 do them by speaker phone, probably wouldn't take more
3 than 15 minutes, so we could find out these things.
4 What did he really know?

5 JUDGE SIPPEL: Okay.

6 MR. LYNCH: If speaker phone is acceptable
7 for getting people from Glens Falls --

8 JUDGE SIPPEL: No, no, no, not everybody.
9 No, we're taking these one at a time.

10 MR. LYNCH: Well, I -- I don't --

11 JUDGE SIPPEL: Okay. For Thomas Wade, he
12 comes in. He's cross examined by speaker phone. And
13 that's up to you to get him available.

14 What are you shaking your head for?

15 MR. LYNCH: He's a county supervisor. I
16 don't when he'd be available or how I'd do it. If we
17 could set up a specific time, I could almost guarantee
18 he'd be available; but, perhaps, we can --

19 JUDGE SIPPEL: Well --

20 MR. LYNCH: -- exactly how to do it.

21 MR. TILLOTSON: He gets a subpoena. The
22 subpoena -- a specific time.

23 MR. LYNCH: Or just give me a specific
24 time --

25 JUDGE SIPPEL: Well, we can work out --

1 work out a schedule. It's going to be during the week
2 of September 1st. I mean, I don't know why you can't -
3 - you're shaking your head and you're throwing your
4 arms up in the air. I don't know why you can't work
5 out something that if you say, "Look, I need you during
6 the week of September 1st."

7 MR. LYNCH: That's what --

8 JUDGE SIPPEL: Well, look --

9 MR. LYNCH: I'm going to have a County
10 Supervisor sit by a phone for an entire week? That's
11 not real.

12 JUDGE SIPPEL: No. Oh -- that's --

13 MR. LYNCH: Give me a specific time --

14 JUDGE SIPPEL: -- you're not -- Look, I'm
15 not here to give you a specific time in response to
16 this. I'm going to strike this thing right now and
17 move right on. I'm telling you right here and now,
18 we're going to try and work out some principles with
19 these people. It's up to you to work with them.

20 MR. LYNCH: Okay.

21 JUDGE SIPPEL: And I'm telling you when
22 we're going to have testimony in this case during the
23 week of September 1st.

24 I don't expect anybody to sit by a
25 telephone for the whole week. I expect you to have

1 them lined up and you can tell me when they're
2 available, what's the most convenient time to this
3 gentleman.

4 MR. LYNCH: That's excellent. I'm sorry.
5 I misunderstood. That should be no problem whatsoever.

6 JUDGE SIPPEL: Now, let's move on to
7 Kenneth Parker.

8 MR. TILLOTSON: The document is so vague,
9 general and lacking in specificity it's not of any
10 evidentiary value.

11 JUDGE SIPPEL: Okay.

12 MR. TILLOTSON: Oh, it's also a 1991, Your
13 Honor, not connected with this proceeding.

14 JUDGE SIPPEL: Mr. Schonman.

15 MR. SCHONMAN: I have the same problems,
16 Your Honor.

17 JUDGE SIPPEL: This is '91?

18 MR. SCHONMAN: '90.

19 JUDGE SIPPEL: Where is --

20 MR. TILLOTSON: -- 1990, the bottom of the
21 --

22 JUDGE SIPPEL: Oh, I see. Yes, it was --
23 Yes. It was subscribed to in September of 1990. Well,
24 that's within the relevant --

25 MR. TILLOTSON: No, Your Honor, the

1 problem was -- is earlier that this document was not
2 one -- it was gotten in connection with this proceeding
3 --

4 JUDGE SIPPEL: Oh, where was this document
5 used?

6 MR. LYNCH: This was for Judge Kuhlman's
7 proceeding.

8 JUDGE SIPPEL: I'm going to reject that.
9 Okay. 9, 4 is the affidavit of Mr.
10 Dusenbery. Now, he's the one that has to come in in
11 person. I'm not going to do a telephone with him. All
12 right? And when he comes in, I rule that this is
13 conditionally received. But he has to come in and
14 actually sponsor it, meaning, he has to get on the
15 stand and he has to say that he signed this, he signed
16 it on this date and that it represents accurately what
17 his testimony is and then he's open to cross
18 examination.

19 MR. LYNCH: And I assume you can work with
20 us as far as getting a specific time if he's traveling
21 down here with Mr. Jacobson.

22 JUDGE SIPPEL: Absolutely.

23 MR. LYNCH: Fine.

24 JUDGE SIPPEL: Absolutely.

25 MR. LYNCH: Superb.

1 JUDGE SIPPEL: We don't inconvenience
2 witnesses any more than is absolutely necessary.

3 9, 16 is the affidavit of Maggie Downie,
4 Community Director.

5 MR. SCHONMAN: Do you mean 9, 6?

6 JUDGE SIPPEL: I'm sorry. It's 9, 6, yes.
7 All right. Is there objection to this?

8 MR. SCHONMAN: None, Your Honor.

9 MR. TILLOTSON: And my objection is the
10 lack of specificity as to the when and the where and
11 how many. It's nice generalities, how important -- but
12 it doesn't give us the type of specifics that one would
13 like to have in order --

14 JUDGE SIPPEL: Well, I think there are
15 some -- I'm inclined to let this come in for the
16 generalities. It's the type of person that I don't see
17 any purpose to cross examine --

18 MR. TILLOTSON: I would agree --

19 JUDGE SIPPEL: But --

20 MR. TILLOTSON: Once you've ruled that it
21 comes in, I would agree with you -- I would withdraw my
22 request --

23 JUDGE SIPPEL: So Maggie Downie is okay.
24 I don't even think -- yes, you did have --

25 MR. TILLOTSON: I did, because we took

1 every one that was under penalty of perjury.

2 JUDGE SIPPEL: Now, Thomas Jacobson. He's
3 an employee; so he's -- I will receive this subject to
4 him being here to authenticate it and to sponsor it;
5 and then he's up for cross examination.

6 MR. SCHONMAN: Your Honor, I'd like to
7 address a point on page 2 of -- Well, it would be page
8 8 of this Exhibit?

9 JUDGE SIPPEL: 9, 8? 9, 8?

10 MR. SCHONMAN: 9, 8. The last paragraph,
11 I object on hearsay grounds. I would move to strike
12 that paragraph. The second page of the Jacobson
13 document.

14 JUDGE SIPPEL: Yes, it's Exhibit -- the
15 Exhibit number is Exhibit 9 on page 8.

16 MR. LYNCH: So you can strike that later
17 when Mr. Jacobson's on the stand.

18 JUDGE SIPPEL: Well, it's going to be
19 stricken now, so that he doesn't have to think too much
20 about it on his way down. He might just as well know
21 what it's going to look like.

22 I'll grant that motion and strike the last
23 paragraph.

24 MR. SCHONMAN: Thank you, Your Honor.

25 JUDGE SIPPEL: As with Mr. Dusenbery, this

1 is Mr. Jacobson's statement under perjury is
2 conditionally received, subject to cross examination
3 here in Washington.

4 All right. Now, we have Marilyn Cohen.
5 Marilyn Cohen is also down on your list. Mr.
6 Tillotson, there are objections here to Mrs. Cohen?

7 MR. TILLOTSON: Well, again, I would
8 object -- the reasons as to the others on the fact that
9 it's this comingling of WWSC and WYLR and it's all very
10 vague and general, things like, "They're very caring
11 stations and they do things," and so on without telling
12 us specifics. And so I don't see how it can be
13 received as relevant evidence to the renewal expectancy
14 programming because it doesn't tell us what programming
15 WYLR did. And I don't see that there's anything in
16 here that really goes to mitigation or character. It's
17 sort of nice things that someone says; but there's
18 nothing that you can -- nothing specific about the
19 character of Mr. Lynch or his contribution to the
20 community as an individual.

21 JUDGE SIPPEL: Okay. Mr. Schonman.

22 MR. SCHONMAN: Your Honor, the Bureau has
23 no objection. I think it can come in for the same
24 reason that the Maggie Downie affidavit came in.

25 JUDGE SIPPEL: I'll receive it under those

1 limitations. When I say "limitations," I mean the
2 weight to be ascribed to this is --

3 MR. TILLOTSON: On this one I would not
4 withdraw my request for cross examination --

5 JUDGE SIPPEL: You want cross --

6 MR. TILLOTSON: -- because I'd like to
7 find out, to the extent that you can, to tell us,
8 insofar -- well, I guess the question is -- you know --
9 if this is coming in to have something to do with the
10 fact that the radio station gets a renewal expectancy
11 for programming, I want the right to cross examine and
12 see if we can distinguish as to which of these radio
13 stations did whatever she's praising them for.

14 MR. LYNCH: This comes in more as
15 mitigating. It's -- you know -- nobody in the
16 community works as hard for a charity, nobody in the
17 community produces the type of dollars. We raised
18 \$30,000 in 12 hours this last spring. And it's just
19 mitigating. It goes to the core of the whole thing.
20 You're going to be deciding this thing -- if you go
21 back to 1934 -- who will best serve the community. And
22 if you think somebody named Lawrence Brandt, who isn't
23 even going to work in the radio station can do a better
24 job than I, everything aside, I'm dead already. But
25 this is definitely mitigating.

1 JUDGE SIPPEL: Mitigating for the purposes
2 of what -- Skidelsky -- is that what you said?

3 MR. LYNCH: Precisely. Maybe --

4 JUDGE SIPPEL: Well --

5 MR. LYNCH: -- I'm a horrible person; but
6 if I'm a horrible person, I'm doing this for my
7 community.

8 JUDGE SIPPEL: Well, it is offered under
9 oath; and if Mr. Tillotson wants to persist with --
10 it'll be done by telephone.

11 MR. LYNCH: Okay. I would love to have
12 her testify. Again, as far as WLR programming per se,
13 I don't know what she could or couldn't testify to; but
14 as far as mitigating and the function of the mingled
15 stations --

16 JUDGE SIPPEL: Yes. All right. Let's not
17 keep repeating --

18 MR. TILLOTSON: Your Honor, maybe I could
19 have some clarification, because I guess -- Are we
20 holding that the fact that the radio stations ran PSAs
21 that raised money can be mitigating, because as I
22 understand it, the Review Board says -- and that's what
23 Mr. Lynch is arguing that this is here for, that
24 Normandy Broadcasting, through two radio stations, did
25 things on the air, raised money for a particular

1 charity, and he's offering that for mitigation. And
2 PSAs that raise money are programming. And the Review
3 Board has held that programming -- meritorious
4 programming -- is not mitigating. So I think if that's
5 the purpose of this we ought to save everybody some
6 time and simply strike the Exhibit, unless there's
7 something more that I'm missing --

8 JUDGE SIPPEL: Okay. It's late in the
9 afternoon. Run that by me one more time, Mr. Lynch.
10 Mrs. Cohen, what do we want to hear from her for? You
11 did say mitigation.

12 MR. LYNCH: The programming -- but the
13 effects of what we do in the community, mitigate. We
14 do enormous things, we do them all year, both radio
15 stations, and we have as long as I've been down there.
16 You know, even if I made a couple of mistakes on
17 paperwork, in mitigation, I have done fabulous things
18 for my community. And even with the things that are in
19 or out or around in circles, I hope to God you can see
20 that we run more than a schlock operation either AM or
21 FM. But that -- you know -- if I am guilty, then I'll
22 deny it to the day of my death -- things that came out
23 in Kuhlman's -- Judge Kuhlman's court. It's -- you
24 know -- these are the first three things I've ever been
25 guilty of in my entire life.

1 And, in the meanwhile, I've been doing
2 some amazing things that have saved lives and --

3 JUDGE SIPPEL: But -- you know -- you're
4 talking again in such broad -- I can't -- it's so broad
5 that -- what you're telling me is so broad I can't
6 absorb it. It's almost like it's out in space
7 someplace -- about specific things. Talk about
8 specific things and I'm going to insist that you talk
9 about specific things. What you did for Marilyn Cohen
10 is -- What did you do? Did you help her raise money
11 through your public -- through your PSAs?

12 MR. LYNCH: And through live remotes at
13 various things and --

14 JUDGE SIPPEL: -- broadcasting.

15 MR. LYNCH: Pardon? Yes, Your Honor.
16 Again --

17 JUDGE SIPPEL: She benefited from your
18 broadcasting because she was able to raise money.

19 MR. LYNCH: Yes, Your Honor.

20 JUDGE SIPPEL: Well, doesn't that --

21 MR. LYNCH: A number of different other
22 things over and above that; but that's a part of it.

23 JUDGE SIPPEL: Well, yes, but now you're
24 back into generalities again. What do you mean "a
25 number of -- "

1 MR. LYNCH: One of the major things that
2 I've done for her school is let the people in the
3 community know what goes on and how it goes on. Her
4 caseload is going up. She's been able to help people
5 that didn't know that she even existed, especially out
6 in some of the hinterlands.

7 JUDGE SIPPEL: But those are public
8 service announcements.

9 MR. LYNCH: It's a mixture of public
10 service -- the specific that I'm claiming is two weeks
11 of public service announcements for about five or six
12 years and a four-hour remote back in -- I believe --
13 1987. Again, the specifics are in Exhibit 6. Those
14 are the only specifics as far as programming for what I
15 understand that I am or can take credit for or ask for
16 credit for.

17 These ones here are to the beneficial
18 nature of WYLR in the community, and, secondarily, to
19 the character of Christopher Lynch in running them to
20 the community good.

21 I'm not taking any programming benefit
22 from this lady's statement. I am trying to prove that
23 we have done some great things and there are major
24 community leaders who think that what we do is very
25 important for the Glens Falls region and that I'm

1 actually a fairly decent guy, rather than a liar and a
2 cheat and a thief -- in mitigation.

3 JUDGE SIPPEL: You keep -- Well --

4 MR. LYNCH: That's my only defense. You
5 know, if I made these and we can't revisit them, fine.
6 We can save a trial. But how else could I mitigate?

7 JUDGE SIPPEL: All right. Well, so far,
8 this is in and you've got here for a telephone cross
9 examination.

10 MR. LYNCH: Thank you.

11 JUDGE SIPPEL: How about Mr. Lawless? Is
12 Mr. Lawless down? Yes, you do have him down.
13 Executive Director of Alcohol Abuse. Is this the same
14 -- is he going to --

15 MR. TILLOTSON: The same kind of problem,
16 and, again --

17 JUDGE SIPPEL: Same problem as with Mrs.
18 Cohen?

19 MR. TILLOTSON: And, again, it's
20 programming. There's -- you see --

21 JUDGE SIPPEL: Well, let me hear from --

22 MR. TILLOTSON: Yes.

23 JUDGE SIPPEL: I know what you're going to
24 say.

25 MR. TILLOTSON: -- every word he's going