

1 A No, it was not.

2 Q Was it Ms. Covington or you who determined what  
3 should be put in the category Responsive Programming?

4 A I was the one who compiled the document, so it was  
5 my determination.

6 Q And did you discuss that with Ms. Covington at all?

7 A I discussed with her what the meetings were about,  
8 who she met with, what was discussed at those meetings, where  
9 they took place and what, if any, programming resulted from  
10 those meetings.

11 Q Now, I take it Ms. Covington was a Board member of  
12 the Family and Children's Services of Maryland?

13 A Yes, she was.

14 Q So this was a meeting that she was having in  
15 connection with her activity?

16 A It was a volunteer organization, yes.

17 Q Now, I'd like you to skip over to SH3-0229.

18 JUDGE SIPPEL: This is -- this seems to be -- Mr.  
19 Kleiner is the contact person. Are you going to try -- are  
20 you going to move his calendar in at this time? It's only  
21 been marked.

22 MS. SCHMELTZER: Yeah. Well, let me -- can I just  
23 ask a couple of questions first, please?

24 JUDGE SIPPEL: All right.

25 BY MS. SCHMELTZER:

1 Q This lists that station contact person as you and  
2 Mr. Kleiner? Is that correct? This is 0229, the Maryland  
3 Chamber of Commerce.

4 A That's correct.

5 Q Okay. And this is dated June 4, 1991 and I think  
6 if, if you look at your -- at Mr., at Mr. Kleiner's calendar  
7 -- do you have that?

8 JUDGE SIPPEL: Which number is that?

9 MS. SCHMELTZER: That's Four Jacks Exhibit --

10 JUDGE SIPPEL: 16?

11 MS. SCHMELTZER: -- 16.

12 WITNESS: Yes.

13 BY MS. SCHMELTZER:

14 Q That says -- Mr. Kleiner's calendar says, "4:00  
15 p.m., Chris Costello, MDCOC."

16 A That's correct.

17 Q Is that correct? And if you look at your calendar  
18 for June 4 which is Four Jacks Exhibit 12 --

19 A Yes.

20 Q -- it says, "4:00 p.m., Chris Costello, Maryland  
21 Chamber of Commerce."

22 A That's correct.

23 Q Was that all the information that was written down  
24 that you had as a basis for preparing this exhibit?

25 A Yes, it was.

1 Q So -- and neither calendar reflects any issues that  
2 were identified, do they?

3 A No.

4 Q Now, you've listed here as issue identified,  
5 "Channel 2 Sponsorship of September 12, Minority Business  
6 Meeting." Was that an ascertained community issue in June of  
7 1991?

8 A Minority business was a minority issue for an  
9 ascertained issue.

10 Q But was channel 2's sponsorship of an organization  
11 an ascertained community issue?

12 A The phrasing -- the exact phrasing that was there  
13 was not an ascertained issue. However, the minority, minority  
14 issues were an ascertained issue in the community.

15 Q Now, I'd like you to look at the next page, SH3-  
16 0230, and that one says the contact person  
17 Covington/Kleiner/Barr? Is that correct?

18 A That's correct.

19 Q And the organization listed is National Conference  
20 of Christians and Jews. The date is June 5th. The type of  
21 contact is a reception at the Engineer's Club in Baltimore.  
22 Is that correct?

23 A That's correct.

24 Q And the issue identified is Brotherhood/Sisterhood  
25 Essay Poster Contest Reception Sponsored by WMAR. Is that the

1 | issue?

2 |       A     The issue was race relations.

3 |       Q     Did you put race relations down here as the issue?

4 |       A     No, I did not.

5 |           MR. HOWARD: Your Honor, objection.

6 |           MS. SCHMELTZER: Was Brotherhood --

7 |           JUDGE SIPPEL: Wait a minute.

8 |           MR. HOWARD: The document speaks for itself with  
9 | respect to what was put down. She'd already asked, in fact,  
10 | what it said.

11 |           JUDGE SIPPEL: Well --

12 |           MR. HOWARD: The witness identified what the issue  
13 | was.

14 |           JUDGE SIPPEL: Well, there's -- the witness said  
15 | race relations and the document says Brotherhood/Sisterhood,  
16 | etc., so there seems to be -- it may be explainable, but there  
17 | seems to be an inconsistency or one of these statements is  
18 | missing something, so on cross-examination I'll permit it.  
19 | Can you explain that?

20 |           WITNESS: Yes, I can. When I was preparing this  
21 | document it was, it was my understanding that counsel was  
22 | asking me for information with respect to what had taken  
23 | place, whether it was a meeting or it was a reception or what  
24 | might have taken place. I did not at the time that I was  
25 | putting this together always indicate a specific issue because

1 I -- I presume I did that because in my mind it was very  
2 clear. That perhaps was not the right way to do it, but that  
3 is how I went about doing it. I know that the  
4 Brotherhood/Sisterhood Essay Poster Contest was conducted in  
5 Baltimore during the first and second quarters of 1991  
6 specifically to help promote better race relations among black  
7 and white children and teenagers. And I should have been more  
8 forthcoming in identifying that, but because I had worked so  
9 closely with it, it was in my mind the easiest way to explain  
10 what was -- what the meeting was about, and that's how I chose  
11 to do all of these exhibits.

12 BY MS. SCHMELTZER:

13 Q So all -- are you saying that all -- in all of these  
14 exhibits the, the issue that's identified here may not be the  
15 issue?

16 A What I'm saying is that in many of these exhibits  
17 the issue may need me to clarify. I may need to clarify  
18 exactly what the -- you know, if you're going to get down to  
19 what a one word issue is, I may have to clarify it because  
20 what I was really trying to do was explain what, what the,  
21 what the impetus was or what the, what the actual contact  
22 within which the thing was held.

23 Q And you're going to clarify it based on your  
24 recollection two years later?

25 A As I just said, when I look at this I know because

1 we sponsored the Brotherhood/Sisterhood Contest for several  
2 years in a row. I know what that contest is and I know why it  
3 was conducted, and I know the purpose for which it was  
4 conducted and it was conducted, as I said, to help improve  
5 race relations between black and white children in Baltimore.

6 Q Now, do you know how long this reception lasted on  
7 June 5, 1991?

8 A I don't, I don't recall the exact time.

9 Q Was that a cocktail reception?

10 A It was --

11 MR. ZAUNER: I'm going to object. Whether it was  
12 cocktail reception or not, who cares?

13 JUDGE SIPPEL: Mr. Zauner's getting impatient.

14 BY MS. SCHMELTZER:

15 Q Ms. Barr, did you make notes of any leaders that you  
16 might have spoken to during this reception?

17 A I did not.

18 MR. HOWARD: Your Honor, that's asked and answered I  
19 don't know how many times.

20 MS. SCHMELTZER: No, that was not asked.

21 MR. HOWARD: Whether there were, whether there were  
22 notes kept of ascertainment contacts has been asked 10 or 15  
23 times.

24 JUDGE SIPPEL: The question was -- but the witness  
25 has already responded to the question. I have a question

1 before you go on and that is on Mr. Kleiner's calendar,  
2 Exhibit 16, I am missing from June 4 to June 8. That is I  
3 have no pages for June 4 and June 8 and yet the pagination  
4 that's been assigned to this document seems that --

5 MS. SCHMELTZER: Your Honor, they are there. It's  
6 -- part of this is the way these things reproduce. Where it  
7 says June 3 up at the top, June 3 would be the left-hand  
8 column, June 4 would be the middle column and June 5 would be  
9 the right-hand column, and as you go further on you'll see  
10 that that's the way it's constructed. It says to June 3 at  
11 the --

12 JUDGE SIPPEL: Well, I see it better on the next  
13 page because it -- the headings at the top are clear, but I  
14 can't -- there's no headings on -- on page 000134 it's a total  
15 blank for me.

16 MS. SCHMELTZER: We're not missing a page because  
17 these are all in order so this is exactly the way it was  
18 turned over to us. We were -- I mean, we received copies in  
19 discovery, but I -- maybe Mr. Howard and I could get together  
20 at break and just straighten that out for you.

21 MR. HOWARD: Yeah. You might note that Sundays are  
22 put down in the bottom corner on the page rather than getting  
23 a, a whole column. Does that -- I'm not sure what the problem  
24 is, Your Honor, but that, that caused me some confusion for  
25 awhile.

1 JUDGE SIPPEL: Well, I think that -- the explanation  
2 that I've got so far, I see the, the flow anyway. It's just a  
3 question -- see, there's some pages -- for example, on 134  
4 it's just -- the photocopy just came through as a black bar  
5 across the top. All right. I can, I can -- I think based on  
6 the explanations I can work with it.

7 MS. SCHMELTZER: Okay. Your Honor, perhaps this  
8 would be a good time to move Mr. Kleiner's calendar into  
9 evidence.

10 JUDGE SIPPEL: Is there any objection?

11 MR. HOWARD: Only for relevance, Your Honor, and why  
12 do we need to have that in --

13 JUDGE SIPPEL: Why -- what is it that you're trying  
14 to establish here? I'd like to hear another proffer of  
15 relevance.

16 MS. SCHMELTZER: I'm trying to establish that the  
17 only thing that was done contemporaneously in -- between May  
18 30 and September 3, 1991 were these calendars that simply  
19 showed a name and sometimes an organization.

20 MR. HOWARD: Your Honor, I think that's been  
21 established.

22 JUDGE SIPPEL: It has been established. This is --  
23 the methodology with respect to how this Exhibit E was  
24 prepared and how the issues were ascertained has been gone  
25 over so many times both in the written testimony and in the

1 cross-examination of this witness. And any one entry may have  
2 a -- any one entry of an issue may have a little twist to it  
3 in terms of how it was done mechanically, but that doesn't  
4 detract from the evidence in and of itself and you do have a  
5 point. You're making a substantial point of the fact that  
6 none of this was written out, that there was not a record  
7 keeping -- in your -- from your position you don't see  
8 adequate record keeping with respect to it but, putting that  
9 question aside, to go down this in this detail at this stage  
10 of the game just, to me, doesn't seem to make much sense  
11 because the finding that you could ask for is going to be  
12 basically what you're going to establish by going down this in  
13 this minute detail, that is methodology. That's really what  
14 we're talking about. I'll -- I know what your proffer is. If  
15 you have specific questions with respect to the witness  
16 Kleiner on his calendar, I'll permit you to seek to  
17 reintroduce it again, but for the, for the present time, the  
18 present needs shown, I don't find it to be -- I really don't  
19 find it to be -- even if it were relevant under the Federal  
20 Rules of Evidence, the rule book just says that relevant  
21 evidence can be excluded if it's -- if it really is just  
22 cumulative or more confusing. I'm going to -- I am not going  
23 to permit it to be introduced at this time. When Mr. Kleiner  
24 takes the stand you may want to approach it differently.

25 MS. SCHMELTZER: Okay.

1 JUDGE SIPPEL: So for the time being Exhibit 16 is  
2 rejected.

3 (The document that was previously  
4 marked for identification as Four  
5 Jacks Exhibit No. 16 was rejected.)

6 BY MS. SCHMELTZER:

7 Q Now, returning your attention, Ms. Barr, to SH3-0230

8 --

9 A Could I -- I'm sorry. Could I --

10 WITNESS: Your Honor, is it possible just to --

11 MS. SCHMELTZER: Well, there's no, no question.

12 JUDGE SIPPEL: Well --

13 WITNESS: No. I just wanted to see if we could take

14 a --

15 JUDGE SIPPEL: Just a moment. It's -- yeah. Do you  
16 want to -- you want to take a recess?

17 WITNESS: I'd just like to use the ladies room.

18 JUDGE SIPPEL: It's quarter-of-eleven and we're  
19 going to take our morning break. We'll be back by two minutes  
20 after 11:00.

21 (Whereupon, a short recess was taken from 10:45 a.m.  
22 until 11:02.)

23 JUDGE SIPPEL: We're on the record. You're under  
24 oath.

25 BY MS. SCHMELTZER:

1 Q Ms. Barr, we were on SH3-0230. I just have one more  
2 question on that. The responsive program that you listed is  
3 coverage of a contest? Is that correct?

4 A It was the coverage of that night's reception on the  
5 news.

6 Q And the PSAs that you ran, those were run from  
7 February through March 1991?

8 A That's correct. They promoted --

9 Q So they were run before Scripps Howard became the  
10 licensee of the station? Is that correct?

11 A That's correct. The contest was held in February of  
12 -- February/March of 1991.

13 Q The contest was held in February/March and the PSAs  
14 ran in February/March 1991?

15 A Yes, and then the winners were acknowledged in June  
16 of 1991.

17 Q I understand. Let me refer you back for a moment to  
18 SH3-0227, the second page. There's a contact person listed  
19 there, Fran Thompkins.

20 A Yes.

21 Q How did you obtain the name of that contact person?

22 A From Janet Covington.

23 Q Was this from her notes?

24 A This was from her notes and -- yes, and from  
25 conversations with her.

1 Q I'd like to refer you, if I may, to what was marked  
2 for identification as Four Jacks Exhibit 18, the second page.

3 A Yes.

4 Q And that says -- it's actually -- it's the second  
5 page of the exhibit, but it has page 3 on it because the first  
6 page of the exhibit is 2.

7 A Right.

8 Q That does not reflect a contact person?

9 A That's correct. This was an earlier incarnation of  
10 this.

11 Q Does that -- but I thought that this --

12 JUDGE SIPPEL: Whoa, whoa. Let's, let's -- you have  
13 two this's in your answer.

14 WITNESS: I'm sorry.

15 JUDGE SIPPEL: You mean -- you're saying -- you're  
16 referring to what's been marked as 18?

17 WITNESS: 18 was an earlier incarnation of Exhibit  
18 E.

19 JUDGE SIPPEL: And your question is with respect to  
20 the gap?

21 MS. SCHMELTZER: With respect to the gap.

22 MR. HOWARD: Your Honor, I object to this. It's the  
23 same line of inquiry that we've been objecting and was  
24 sustained to before. It's clear that the original document,  
25 the document that was produced this morning, is the material

1 | that came from Janet Covington's notes. The supplementary  
2 | material that was put in was -- it has been testified to, came  
3 | from the conversations that Ms. Barr had with Ms. Covington  
4 | about those notes to fill in the additional information.  
5 | Thus, this exploration is going over exactly the same material  
6 | that we had, and I believe you had ruled, we had covered in  
7 | full and --

8 | JUDGE SIPPEL: Well, my ruling was that if you  
9 | showed -- if there was an inconsistency shown --

10 | MS. SCHMELTZER: And we're saying that this is an  
11 | inconsistency.

12 | JUDGE SIPPEL: Well, there's a gap but, as she  
13 | explained, there were, there were numbers of ways in which she  
14 | completed, as she put it, the reincarnation of Exhibit E, so  
15 | the only thing that you're going to find out is where she got  
16 | the name Fran Thompkins from. I don't --

17 | MS. SCHMELTZER: Well, she just testified that she  
18 | got the name from Ms. Covington's notes.

19 | MR. HOWARD: That's not true, Your Honor. The  
20 | witness testified --

21 | JUDGE SIPPEL: No, no, no.

22 | MR. HOWARD: -- that she got notes and conversation.

23 | JUDGE SIPPEL: No, no. This is it. I mean, it's  
24 | -- look, we know what we're dealing with here, Ms. Schmeltzer,  
25 | and to go down this line by line is going to add more

1 | confusion than it's going to add parity to what we have. Now,  
2 | I understand what your concerns are and I've given you a very  
3 | specific avenue to approach any, any -- that any mistreatment  
4 | of, of information. I've given you a remedy for that, but  
5 | this is not the way to approach it. I'm going to sustain the  
6 | objection and I'm going to go by my previous ruling.

7 | MS. SCHMELTZER: Well, is it your ruling, Your  
8 | Honor, that where contact persons are missing that we can't go  
9 | into that on -- between Four Jacks Exhibit 18 and Attachment  
10 | E?

11 | MR. HOWARD: Your Honor?

12 | JUDGE SIPPEL: You are not to use 18 for that  
13 | purpose. Now, you can ask with respect to -- you've got it on  
14 | page 2227 who the contact person was. It was Ms. Covington.  
15 | Well, I'm sorry. That's not the --

16 | MS. SCHMELTZER: No.

17 | JUDGE SIPPEL: -- station contact person.

18 | MS. SCHMELTZER: Right, right. I'm referring to the  
19 | community --

20 | JUDGE SIPPEL: Was Ms. Covington.

21 | MS. SCHMELTZER: -- leader contact.

22 | JUDGE SIPPEL: And you can certainly ask her what  
23 | her source was for Fran Thompkins in light of the hiatus, in  
24 | light of the absence of that name in 18 if that's the basis  
25 | for your question, but I'm not going to go back into 18. I

1 don't want 18 being filled in because it's not received into  
2 evidence. So you've already got the answer to Fran Thompkins?  
3 Isn't that correct?

4 MS. SCHMELTZER: Right.

5 JUDGE SIPPEL: All right. That's -- you asked the  
6 question and you've got the answer.

7 BY MS. SCHMELTZER:

8 Q Now, let me refer you to SH3-0231, Ms. Barr.

9 A Okay.

10 Q The issue identified was the need to promote  
11 upcoming Olympic gymnastic trials in Baltimore?

12 A That's correct.

13 Q And the responsive programming was sports and news  
14 stories?

15 A That ran throughout the end of 1991 up to and  
16 through the trials which were the summer of 1992.

17 Q And so some of that programming ran in 1991?

18 MR. HOWARD: Excuse me, Your Honor. I ask that --  
19 you sustained an objection before of mine that counsel had not  
20 read the entire responsive programming and I'd ask that that  
21 ruling be followed by counsel in asking her questions.

22 JUDGE SIPPEL: I'll sustain the objection and I'm  
23 going to instruct counsel to be sure that this witness has  
24 completed her answer before you follow up with another  
25 question.

1 MS. SCHMELTZER: Well, Your Honor, I think it's  
2 going to burden the record if I read a long description of  
3 responsive programming which is in the record anyway.

4 MR. HOWARD: Your Honor, it's hardly a burden to the  
5 record to have it identified that it was discussing the  
6 economic impact of Maryland. That's exactly the -- that's the  
7 kind of relevant information that this evidence contains and  
8 she's deleting that and putting in the other.

9 MR. ZAUNER: This can be resolved by just having the  
10 witness read the description.

11 JUDGE SIPPEL: Well, or the description doesn't  
12 necessarily have to be read. You can just refer the witness  
13 to the responsive programming on that page without having,  
14 without having to paraphrase it.

15 MS. SCHMELTZER: That's fine. That's fine.

16 BY MS. SCHMELTZER:

17 Q Referring you to the responsive programming, was  
18 some of that programming run beyond September 3, 1991, Ms.  
19 Barr?

20 A Yes, it was.

21 Q Now, I'd like to refer you to SH3-0232. The station  
22 contact person is listed as Kleiner/Covington?

23 A Yes.

24 Q And this is -- the issue identified is Annual  
25 Meeting Presented with First Annual Media Award for

1 Television.

2 A Yes.

3 Q The coverage is --

4 MR. HOWARD: Your Honor, I object to this line of  
5 questioning as just reading into the record what's already in  
6 the record.

7 JUDGE SIPPEL: Well, what is it that you're trying  
8 to establish here?

9 MS. SCHMELTZER: Well, I'd like to know if --

10 BY MS. SCHMELTZER:

11 Q Let me ask you this. Was this, was this an  
12 ascertained community issue in 1991?

13 A Issues of minority concern was an ascertained issue.

14 Q The responsive programming was coverage on 11:00  
15 news of ceremony and award?

16 A Yes.

17 Q Was that an award that was received by --

18 JUDGE SIPPEL: Well, it was awarded June 5, 1991.  
19 Again, if you're going to quote it, let's quote it completely.

20 MS. SCHMELTZER: June 5, 1991. That's correct.

21 BY MS. SCHMELTZER:

22 Q Was that an award received by WMAR-TV?

23 A Yes, it was.

24 Q Was that based on things that WMAR-TV had done prior  
25 to May 30, 1991?

1           A     It was based on WMAR-TV's ongoing coverage of  
2 minority concerns.

3           Q     And that included under Gillette stewardship?

4           A     Since the award was given on June 5th it would be  
5 logical that it had taken place over a period of time and that  
6 that period of time would have included the time prior to May  
7 30, 1991.

8           Q     Did you know that you were going to get the award  
9 prior to June 5, 1991?

10          A     I don't know because I didn't attend this meeting.

11                 JUDGE SIPPEL: Are you suggesting that this was an  
12 improper entry because of the circumstances that you've just,  
13 that you've just developed through cross-examination?

14                 MS. SCHMELTZER: That's correct.

15                 JUDGE SIPPEL: Well, it's an event that -- this,  
16 this renewal applicant has a very, very short window within  
17 which to show the evidence that's traditionally relevant to  
18 the renewal expectancy. It seems as -- almost inevitable in a  
19 situation like this you're going to find circumstances such as  
20 you've just pointed out are going to occur. Now, I mean, my  
21 -- now, the point I'm trying to get at is you spend a lot of  
22 time cross-examining or going through this record piecemeal to  
23 point that out to me seems to be a waste of time. Now, you've  
24 got some -- you can -- you've got illustrious examples of that  
25 happening.

1 MS. SCHMELTZER: I'm -- I don't intend to go through  
2 every page of this exhibit. I just want to get some  
3 representative examples.

4 MR. HOWARD: Could we ask how many examples she  
5 intends to offer?

6 JUDGE SIPPEL: Well, can we do it before -- can we  
7 finish --

8 MS. SCHMELTZER: Oh, yeah. I think we can --

9 JUDGE SIPPEL: -- before lunchtime?

10 MS. SCHMELTZER: Yeah. If I don't get too many  
11 objections, I'm sure I can finish before lunchtime.

12 JUDGE SIPPEL: All right.

13 MR. HOWARD: And I'd like to also note, Your Honor,  
14 that to the extent that she raises questions about it, then on  
15 redirect we will be -- if it raises an issue that needs to be  
16 -- that will require that we go back to the witness on  
17 redirect, too, and it's just a burdensome time for us all to  
18 spend on matters that are in the record that can be argued --

19 JUDGE SIPPEL: I am not -- I will tell you very  
20 candidly I am not happy the way this cross-examination is  
21 going and I'm -- it's now quarter-after-eleven and my main  
22 concern is I'd like to get this witness off the stand as soon  
23 as we can. You've got, you've got -- you said you've got a  
24 few more illustrations that you want to get in. Just remember  
25 what the ground rules are.

1 MS. SCHMELTZER: Right.

2 JUDGE SIPPEL: And let's try to avoid objections as  
3 best we can. Go ahead. Ask your next question.

4 BY MS. SCHMELTZER:

5 Q If you would turn to SH3-0235, Ms. Barr? Now, that  
6 was the group of people as the contact persons?

7 A Yes.

8 Q And I take it that this was in -- that this event  
9 was in your calendar and Mr. Kleiner's calendar? Is that  
10 correct?

11 A And Ms. Velleggia's. It's -- actually that's -- I  
12 think it was in my calendar and in Mr. Kleiner's calendar  
13 only.

14 Q It was in Ms. Velleggia's?

15 A Well, in Ms. Covington's notes.

16 Q It was not in Ms. Velleggia's calendar?

17 A No, and I can explain that. Ms. Velleggia bought a  
18 new calendar and did not start using it until sometime later  
19 on in the month of June or beginning of July. I don't know  
20 why she did that. She just chose to buy a new calendar and  
21 that's what she had when she went back to it. That's why  
22 there are no entries in her calendar for the beginning part of  
23 June.

24 Q There are no entries in her calendar until June  
25 25th? Is that correct? Now, who is Mr. Burke or --

1 JUDGE SIPPEL: Wait a minute. We don't even have an  
2 answer to that question.

3 BY MS. SCHMELTZER:

4 Q There are no entries in Ms. Velleggia's calendar  
5 until June 25th?

6 A The first entry's on June 24th.

7 Q Okay. Thank you. Who is Burke?

8 A That is Beverly Burke. She's the 6:00 anchor at  
9 WMAR-TV.

10 Q And did she give you any written information?

11 A No, she did not.

12 Q Now, this -- the issue identified is Humanitarian  
13 Awards Dinner Sponsored by Channel 2?

14 A That's what's identified there.

15 Q Was that an ascertained community issue in 1991?

16 A The issue, the issue was in reference to low cost  
17 fuel and, and the problems that arise for people who do not  
18 have sufficient income to pay for fuel, fuel for their homes.

19 Q Is that issue identified anywhere on your exhibit?

20 A No. It is, it is -- again, as I said earlier, it is  
21 implied because of my understanding of what the Fuel Fund is  
22 and its relationship to central Maryland. It is not  
23 specifically identified.

24 Q And this was a dinner at Martin's West that was  
25 sponsored by WMAR-TV?

1           A     Among others. We were not the only sponsor.

2           Q     Did anyone write down their contacts with community  
3 leaders that occurred at that dinner?

4           MR. HOWARD: Objection.

5           WITNESS: No, they did not.

6           MR. HOWARD: Your Honor, it's been asked and  
7 answered too many time.

8           JUDGE SIPPEL: Well, I think we have a general --  
9 there is testimony in the record that will establish the  
10 general proposition that there were many things that were not  
11 written down in the ascertainment process.

12           BY MS. SCHMELTZER:

13           Q     And if you will look at the responsive programming.  
14 You say, "Coverage of dinner on 11:00 p.m. news, June 6,  
15 1991." That was the responsive programming. "And PSAs as  
16 indicated on page 2."

17           A     That's correct.

18           Q     Can you refer me to page 2? Where is page 2?

19           A     Page 0226.

20           Q     Okay.

21           A     There's a public service announcement that aired  
22 from May 1st through June 6th.

23           Q     So some of those public, some of those public  
24 service announcements aired in the period preceding Scripps  
25 Howard's stewardship in the station?

1           A     That's correct.

2                    JUDGE SIPPEL:  What was that cross-reference again?

3  Page --

4                    MR. ZAUNER:  0226, Your Honor.

5                    JUDGE SIPPEL:  0226.

6                    MS. SCHMELTZER:  That's correct.

7                    BY MS. SCHMELTZER:

8           Q     I'd like to refer you to SH3-0239.  And that lists  
9 five people as the station's contact persons, Barr, Covington,  
10 Howard, McDowell and Velleggia.  Would you identify Mr. or Ms.  
11 Howard and Mr. or Ms. McDowell?

12           A     Yes.  Howard is Susan Howard.  She was in charge of  
13 special projects in the Sales Department at that time.  And  
14 Michelle McDowell was at that time -- I'm hesitating because  
15 her position changed and I don't recall exactly when it  
16 changed.  She is currently the Local Sales Manager at the  
17 station.  She may at that time have been an account executive  
18 in the Sales Department.

19           Q     Now, am I correct that these are not people that you  
20 previously named as doing ascertainment interviews?

21           A     Every -- everyone in the station was encouraged to  
22 be involved in community activities, so when I knew that  
23 someone was involved in an ascertainment situation I included  
24 them in as the contact person.

25           Q     Well, I'd just like you to look at paragraph 23 of

1 | your testimony which talks about the individual ascertainment  
2 | interviews.

3 |       A     What page?

4 |       Q     Paragraph 23.  It's page SH3-10.

5 |       A     Yes.

6 |       Q     Howard and McDowell were not included in that group,  
7 | are they?

8 |       A     No, but --

9 |           MR. HOWARD:  Objection, Your Honor.  It's  
10 | mischaracterizing the testimony to state that that was a  
11 | limitation on the group of people who had the job to ascertain  
12 | community issues.

13 |           MS. SCHMELTZER:  I'm just asking if Howard or  
14 | McDowell were included in that --

15 |           WITNESS:  Well, they were included in the --

16 |           JUDGE SIPPEL:  Wait a minute.  Wait a minute.  We  
17 | have an objection.  Hold it just a minute.  Well, I'll --  
18 | again, I really have a hard time understanding what it is that  
19 | you're trying to develop with this line, but you may ask the  
20 | question do they appear in the listed -- list of names in  
21 | paragraph 23.  However, it's -- the rest of the paragraph  
22 | clarifies -- it clarifies the absence of those names.  So,  
23 | again, I don't understand where it is that you're taking the  
24 | witness on this.

25 |           BY MS. SCHMELTZER:

1 Q Do they appear in that list of names in paragraph  
2 23?

3 A They do not.

4 Q Were Howard or McDowell heads of departments?

5 A As I said, Michelle McDowell's currently the Local  
6 Sales Manager and, as such, is a management personnel at the  
7 station. I don't recall exactly when she was promoted to that  
8 position.

9 Q Was she -- do you know whether she was a department  
10 head in 1991?

11 A No, she was not a department head in 1991.

12 Q Now, the issue identified here is Annual Luncheon to  
13 Promote Patriotism, Honor Good Students from all over the  
14 United States?

15 A That's correct.

16 Q Was that a -- an ascertained community issue in  
17 1991?

18 A The ascertained issue was education in general.

19 Q Is that listed anywhere here?

20 A Well, when you -- again, it's implied in the sense  
21 that we were honoring good students.

22 Q Let me skip over to SH3-0241.

23 JUDGE SIPPEL: Well, I'm going to ask the witness  
24 -- I'm going to give the witness now an opportunity. I mean,  
25 she did testify in direct response to your question that these