

1 Q And Mr. Swan never conveyed to you why he wanted  
2 to communicate?

3 A He didn't say he was going to communicate.

4 Q And when you're giving the format, didn't you say  
5 that -- wasn't your license the -- the renewal of your  
6 license the subject of that format?

7 A It was used as a description of a way that  
8 somebody could communicate with someone in the Government  
9 concerning a particular issue. But it was not a direct  
10 solicitation of Mr. Swan to do anything nor did he do  
11 anything.

12 Q So what you're telling me then is Mr. Swan --  
13 you're talking to Mr. Swan on the radio. And he tells you,  
14 look, I'm interested in talking to a -- or in getting in  
15 touch with a congressman. And you say, oh, fine, here's his  
16 name -- here's the congressman's name, Victor -- I can't  
17 remember the delegate's name.

18 A Frazer.

19 Q Frazer. And this is his name; he's a great guy.  
20 Here's the address; here's the phone number. And if you  
21 want to communicate with that -- with that congressman, this  
22 is the format of -- of the communications you would use.  
23 And part of that format was if -- if -- if he felt that you  
24 were using your radio properly, your license should be  
25 renewed. Isn't that correct?

1 MR. COLBY: Objection to the question. No  
2 predicate. There's nothing in the transcript that indicates  
3 that Mr. Swan said something like that.

4 MR. REIDELER: Well, we're trying to find out what  
5 Mr. Swan did -- did say. That's -- that's the -- part of  
6 the question. I'm confused how this conversation came up  
7 and why Mr. Schoenbohm felt it was necessary to use his  
8 license renewal as a description of a format that should be  
9 written --

10 JUDGE LUTON: The objection's overruled. Ask your  
11 question again.

12 BY MR. REIDELER:

13 Q My question was -- Your Honor, it's been so long,  
14 I've sort of forgotten the question here.

15 JUDGE LUTON: It was a long question.

16 BY MR. REIDELER:

17 Q My question is how did the conversation of  
18 communicating with the congressman come -- come to the fore?

19 MR. COLBY: Which congressman?

20 MR. REIDELER: Well, the delegate, whatever he is.

21 MR. COLBY: The delegate, okay.

22 MR. REIDELER: The delegate.

23 THE WITNESS: The -- the conversation was in  
24 response to a question on how to write -- or how to seek  
25 assistance when you have a grievance with the Government.

1 And I think that's quite clear from the transcript, we were  
2 talking about a whole wide range of areas of grievances with  
3 the Government. And at that time, I was so very, very proud  
4 of the fact that I had been selected or believed to -- I was  
5 going to go to work for Congressman Frazer, that I was so  
6 happy to provide this information as my job as a staffer in  
7 constituent services where I worked in addition with my job  
8 with the Government.

9 BY MR. REIDELER:

10 Q Now, was -- was Mr. Swan's license at issue at  
11 that time?

12 A No, it was not.

13 Q And did Mr. Swan tell you what his grievance was?

14 A No, he did not.

15 Q But he said he had a grievance, is that correct?

16 A No. We were just discussing how to communicate  
17 issues properly with people in Government based on what the  
18 requirements of the law were.

19 Q And --

20 A And -- and, Mr. Reideler, there is a period of  
21 time that I understand that ex parte rules are in effect.  
22 There is also a period of time when they are not in effect.  
23 And there was no -- there was no indication of asking or  
24 soliciting him please do this now and do that and do it in  
25 this way. None of that took place. And it's quite clear

1 from the transcript.

2 Q Now, I don't understand what you said. You  
3 realize sometimes when ex parte rules are in place and when  
4 they're not. What do you mean by that answer?

5 A Well, I -- I would presume that if there is a --  
6 not a matter before the Commission, that people are allowed  
7 to discuss their -- their concerns with the Government.

8 Q But your renewal was before the Commission at that  
9 time.

10 A That's correct. And the ex parte rules did apply.  
11 And I learned that.

12 Q And but Mr. Swan had his own grievance, isn't that  
13 correct?

14 A I don't know.

15 Q But you said, well, if you have a grievance,  
16 here's how I would do it if I were to write the congressman?

17 A The word -- I think if -- if one has a  
18 disagreement with the Government, this is how you  
19 communicate with your elected representative.

20 Q And you chose to use -- is there a reason why you  
21 chose to use yourself as an example of this format?

22 A Because I -- I would imagine if Mr. Swan would  
23 write his congressman, it would be much more effective if he  
24 has a problem with the Government then writing the delegate  
25 from the Virgin Islands. What I know of the system, that if

1 a letter is received in any congressional office, it is sent  
2 to the congressman of that particular district.

3 Q But that doesn't answer the question. My question  
4 is why -- why you used your situation as an example for the  
5 format of the letter that -- that Mr. Swan should have --

6 A When a person has --

7 MR. COLBY: Just a moment. I object that a proper  
8 predicate hasn't yet been established, that Schoenbohm used  
9 his situation as the basis for the format. I don't object  
10 if that's established, but it needs to be established before  
11 that question can be asked.

12 BY MR. REIDELER:

13 Q Well, let's go back to the transcript of the  
14 conversation.

15 MR. COLBY: Much better.

16 BY MR. REIDELER:

17 Q Now, your call sign is KV4FZ, isn't that correct?

18 A It is.

19 Q And wasn't K -- KV4FZ the topic of the  
20 conversation regarding the format?

21 A Could you refer me to the part in the transcript  
22 where --

23 Q Well, I'm looking at the judges opinion where he  
24 quotes the -- the statement. The question is -- the  
25 question is, Mr. Schoenbohm, KV4FZ is your call sign.

1 A That is correct.

2 Q Now, do you recall when you spoke to Mr. -- Mr.  
3 Swan, when you gave him the example of the format, whether  
4 or not you used that call sign?

5 A Yes, I believe I did.

6 Q And so you were in fact using yourself as an  
7 example, isn't that correct?

8 A I believe that's correct.

9 Q And -- and it's your -- it's your position that  
10 this was not a backhand request for help, is that correct?

11 A No, it's not.

12 Q You weren't encouraging him to write politicians  
13 on your behalf?

14 A No, I was not.

15 Q I'm a little confused in your -- your direct  
16 testimony, you -- you state, and I'll quote it here, "I did  
17 not know at that time that ex parte rules also prohibit me  
18 from encouraging other people to write politicians on my  
19 behalf." Now, what do you -- what do you mean by that  
20 statement?

21 A That what I was doing would be -- would be grasped  
22 upon as such a serious offense because it was certainly not  
23 my intent -- communicating at that time with Mr. Swan has  
24 started a barrage of letters to disrupt this particular  
25 proceeding because I knew that was wrong. But it was a --

1 certainly in looking back on it, it was a foolish use of  
2 words on my behalf.

3 Q So, again, your statements at that time, you  
4 didn't know you were prohibited from encouraging other  
5 people. The implication would be that --

6 A I wasn't encouraging him.

7 Q -- it's okay to encourage other people.

8 A Well, that was not what I was trying to do. I was  
9 not encouraging other people. I was talking to Mr. Swan.  
10 And as I explained before, I was not even encouraging him to  
11 do anything except within the corners of the particular  
12 description.

13 Q Then why did you make the statement at the time  
14 that the ex parte rule was -- I did not know at the time  
15 that the ex parte rule was -- also prohibited me from  
16 encouraging other people to write politicians on my behalf?

17 A Because if I had known at that time that that  
18 would have been taken so seriously, I certainly would have  
19 never done that -- made anything -- made any references  
20 close to that on the air because they would have been  
21 subject to the misunderstanding that we're having no.

22 Q Now, is this an implicit confession that you in  
23 fact -- you encouraged Mr. Swan --

24 A No, it is not an implicit confession at all. It's  
25 -- it's that it was poor judgement on my behalf to use the

1 words that I did. Knowing what I know today, obviously, I  
2 would have not done that that way if I would have known that  
3 that could be interpreted as a solicitation.

4 Q So, again, just to recap, you were -- Mr. Swan was  
5 curious about how he could communicate a grievance to the  
6 Government. You -- I don't understand why you explained to  
7 him that you couldn't communicate --

8 A That was my knowledge of -- of the prohibition at  
9 the time, that I couldn't --

10 Q But -- but --

11 A -- request --

12 Q The question I have is if Mr. Swan has a  
13 grievance, why were you prohibited from -- from saying  
14 anything. That's what I don't understand.

15 A Because the ex parte rules applied.

16 Q But you don't know what Mr. Swan's grievance was.

17 A No.

18 Q So how did that -- how did the ex parte rules  
19 apply to you when Mr. Swan has a grievance that you don't  
20 know what the grievance is?

21 A I don't understand your question.

22 Q My question is I don't understand why you're  
23 concerned about the ex parte rules -- you can explain to Mr.  
24 Swan the ex parte rules when it doesn't look like they come  
25 into play at all according to your rendition of the facts.

1           A     My explanation of the ex parte rules is that, in  
2 fact, they did come into play. And that was my knowledge  
3 from the day that that was stated, prohibited me from doing  
4 anything that was described as --

5           Q     So in other words, Mr. Swans conversation  
6 concerned your renewal, isn't that correct?

7           A     Part -- portions of it did.

8           Q     And his -- his desire to contact somebody in  
9 Congress was in -- to help you out, isn't that correct --

10          A     I don't know that. I don't know the answer --

11          Q     -- or to come to your aid --

12          A     I don't know the answer.

13          Q     -- to render some sort of assistance?

14          A     No, not -- as I said before, not directly.

15          Q     What do you mean, not directly? I don't  
16 understand this direct or indirect. I'm confused on that  
17 one.

18          A     The intent was not to have Mr. Swan do anything.  
19 It was not a request of Mr. Swan. It was a descriptive  
20 circumstance. And although I admit it was a wrong use of  
21 words at the time and it looks terrible, that was not my  
22 intent. And I -- I don't know what more I can tell you.  
23 That was not my intent to start a violation process going  
24 with Mr. Swan.

25          Q     So if by telling Mr. Swan what the ex parte rules

1 are, in other words, that you -- you were prohibited from  
2 seeking congressional assistance but apparently he wasn't;  
3 and if he were to seek congressional assistance, this is the  
4 sort of format he could use, and you gave an example of your  
5 license renewal proceeding, you were not violating the ex  
6 parte rule, is that correct?

7 A It has been explained to me that this conversation  
8 can be interpreted as soliciting someone else to do  
9 something on your behalf. And that's where we are today.  
10 And all I can say is that was not my intent at the time.  
11 And it was a poor choice of words on my behalf. And I'm  
12 sure those words have gotten me into trouble. But it was  
13 not really my intention to have Mr. Swan do anything, nor  
14 did he do anything.

15 Q In other words, what you're saying is your intent  
16 was to tell Mr. Swan how to -- how to convey a grievance --

17 MR. COLBY: Your Honor --

18 MR. REIDELER: -- and then show him how to do it?

19 MR. COLBY: Your Honor, this question has been  
20 asked and answered several times.

21 JUDGE LUTON: One more time. Ask him the question  
22 again. Overruled.

23 BY MR. REIDELER:

24 Q In other words, what you were doing with Mr. --  
25 Mr. Swan was telling him if he had a grievance, how to

1 convey that grievance to a congressman, delegate, whatever -

2 -

3 A Essentially, yes.

4 Q -- somebody in -- in power. And then you were  
5 telling him how he should craft that grievance to convey it  
6 to --

7 A I personalized --

8 Q -- the person --

9 A -- I personalized the example by writing myself  
10 into it which was a mistake, which was a terrible mistake.

11 Q So in other words, you told him what he could do  
12 and how to do it.

13 A Right. And I personalized it by putting myself  
14 into the scenario. And that's where we are today.

15 Q And it -- it's not too clear why you personalized  
16 yourself in this. Why did you feel it necessary to use  
17 yourself as an example?

18 A That is just my style. I try to use on my talk  
19 shows a personal example of life that I've been through.  
20 And I somehow write myself into the story.

21 Q But at that time, you were fully aware of the ex  
22 party rules.

23 A Not fully aware. I was -- as I said before, if I  
24 would have known that -- that the remarks that I made, that  
25 the choice of words was bad and it -- it's regrettable.

1 Q Well, let's back up a minute. At that time --

2 A But it was not my intent to -- to create this --

3 Q But let's back up a minute. At that time, you had  
4 been previously advised by counsel what the ex parte rules  
5 were.

6 A Not as to the solicitation end of it. If I would  
7 have known that even talking about somebody else doing  
8 something in this manner, I would have never done it.

9 Q And that's your answer? That's your position on  
10 this issue?

11 A That is correct.

12 Q Well, I guess we've got to go on to the next  
13 issue.

14 JUDGE LUTON: I think we ought to take a recess  
15 here.

16 MR. REIDELER: That's a good idea, Your Honor.

17 JUDGE LUTON: Let's recess for 15 minutes. We'll  
18 come back at 11:50.

19 (Whereupon, a brief recess was taken.)

20 JUDGE LUTON: Now let's continue with the cross  
21 examination.

22 MR. REIDELER: Thank you, Your Honor.

23 BY MR. REIDELER:

24 Q Mr. Schoenbohm, are you familiar with the  
25 transcript of Joint Exhibit 1?

1 A Yes. The deposition transcript?

2 Q The transcript of --

3 JUDGE LUTON: That's a stipulation.

4 BY MR. REIDELER:

5 Q Yes, the stipulation -- this is the April 5th --  
6 what was the date?

7 JUDGE LUTON: 1987 and subsequent dates.

8 BY MR. REIDELER:

9 Q 1987 and subsequent dates. This is the  
10 conversation about the Ackley radio system.

11 A Oh, yes. Yes.

12 Q So you're familiar with that transcript?

13 A I am.

14 Q Now, the transcript shows you making calls to  
15 customers on what you referred to as an illegal cellular  
16 system, isn't that correct?

17 A No, it is not. I refer to it as an illegal  
18 trunking system, or a YB system; not cellular.

19 Q But by your lights, it was an illegal system,  
20 isn't that correct?

21 A There were aspects of this system that I felt were  
22 illegal, correct.

23 Q And the system was run by a man named Ackley, is  
24 that correct?

25 A That's correct.

1 Q And were you engaged in an effort to shut the  
2 system down?

3 A I was engaged in the effort to expose to the FCC  
4 that there were aspects of the system that were blatantly  
5 illegal.

6 Q And -- and what was the -- why did you want to  
7 expose the system? Wasn't it ultimately to shut the system  
8 down?

9 A No.

10 Q Take it off the air?

11 A No. Not to shut it down. No, that was not my  
12 intent.

13 Q Well, when you decided to expose the system then.  
14 Is that what you were saying you were doing? You were  
15 exposing the unauthorized aspects of the system?

16 A That's correct.

17 Q Now, before you decided to -- to expose these  
18 aspects, were you advised by the FCC that these operations  
19 were not proper?

20 A I had some communication with the FCC regarding  
21 the operation of a YB trunk system. I had also because we -  
22 - I say the radio station I worked for at the time -- were a  
23 user and a customer of that system. There were certain  
24 things that we were doing at the radio station that could  
25 have been considered illegal such as using it for remote

1 pick-up. My understanding of the FCC rules, Part 73, was  
2 that using a trunk system as a replacement for remote pick-  
3 up was a violation of the FCC rules.

4 Q But were you advised by anybody in the Commission,  
5 any person that this operation was not proper?

6 A I -- no, not specifically on that particular  
7 issue.

8 Q Thank you. Were you asked by the FCC to take the  
9 measures depicted in this transcript?

10 A No.

11 Q Did you seek prior authority from the FCC before  
12 you decided to enforce its rules?

13 A Mr. Reideler, I wasn't enforcing the rule. I was  
14 merely demonstrating to people in the communications  
15 industry that I was associated with that this operation was  
16 not operating properly.

17 Q Now, did you review the terms and conditions of  
18 Mr. Ackley's operation before you took these steps?

19 A I never saw his -- the terms and conditions of his  
20 operation, no.

21 Q I'm sorry. I should have said authorization  
22 rather than operation.

23 A I have never seen that.

24 Q So you didn't know whether any waivers had been  
25 granted to Mr. Ackley, isn't that correct?

1 A No, I did not.

2 Q You just assumed that the operation was improper,  
3 isn't that correct?

4 A The FCC rules clearly state that the use of the  
5 trunk system for remote pick-up is a -- is not proper and it  
6 is illegal.

7 Q So in other words, you assumed that it was illegal  
8 -- that the operation was illegal?

9 A Well, I -- let me clearly answer that because we  
10 were a licensee using Mr. Ackley's system under the GMRS  
11 provisions of YB. I think that's the code that you use for  
12 that system. And we were told that we could use this  
13 system for remote pick-ups, sending a newsman into the field  
14 and doing a story over the system. Whereas in a cellular  
15 system that can be done, under a trunk system, it cannot be  
16 done. And that is clearly stated or was at that time in  
17 1987, clearly stated in the rules as being a prohibited  
18 practice.

19 Q So in other words, your answer is, yes, you  
20 assumed that the operation was improper?

21 A There were aspects of it that were improper.

22 Q Now, how did you obtain the phone numbers that you  
23 used in this transcript?

24 A Well, one of the phone numbers was one that we  
25 used that was assigned to us in order to gain access to our

1 radio telephones that we were provided under that system.  
2 And others were advertised by various merchants, either  
3 newspaper or the yellow pages. I don't recall which, but  
4 maybe a combination of both, which said that if you wanted  
5 to contact a particular marina in Tortolla, you dial this  
6 number.

7 And on its face, that appeared to me as an attempt  
8 by Mr. Ackley to run an international common carrier from  
9 the United States to a foreign country. And my knowledge,  
10 my limited knowledge at the time was that in order to run a  
11 common carrier service -- I had also done some work at the  
12 time for cable and wireless -- or for the Government of  
13 Tortolla -- not directly for cable and wireless, but their  
14 authority.

15 And they had objected -- they had filed an  
16 objection with this particular operation taking place the  
17 way it was being done because the purpose was -- and the  
18 customers told me -- the ones that I had contacted that they  
19 would be allowed to use a domestic United States telephone  
20 service --

21 Q Excuse me, Mr. Schoenbohm.

22 A -- from a foreign country.

23 Q I don't think you're really answering the  
24 question. My question was -- the first question was where  
25 you obtained these numbers. And your answer was, well, one

1 of them was your number. And then your next answer was,  
2 well, and additional numbers we got out of advertisements.

3 A Right.

4 Q Now, were there other numbers used besides the one  
5 -- your number and the numbers out of advertisements?

6 A That's correct.

7 Q And where did you obtain these numbers?

8 A It appeared to me that there were a block of  
9 numbers that had been issued. I believe I had talked to  
10 somebody in the phone company that said that 50 numbers had  
11 been designated for Mr. Ackley's use.

12 Q And so these numbers were the additional numbers  
13 besides those numbers?

14 A I don't believe so.

15 Q But these numbers -- block of numbers you got from  
16 the phone company, the -- you didn't get -- these were not  
17 in the phone directory that you were aware of?

18 A Not -- not in -- as a block, no.

19 Q And you don't even know if any those numbers were  
20 in the phone directory, isn't that correct?

21 A I believe some of them were.

22 Q On what do you base this belief?

23 A Because they were from the same block and they  
24 were referenced to particular merchants that used those  
25 numbers.

1 Q And how do you know they were referenced to these  
2 merchants?

3 A Because they were in the advertisements that those  
4 merchants used to --

5 Q I'm talking about numbers that weren't in the  
6 advertisements, but the numbers you got from the phone  
7 company.

8 A They were part of a block of numbers -- a group of  
9 numbers. I believe there were 50 in all told that were  
10 designated by the phone company.

11 Q So my point, there were some numbers that were not  
12 to your knowledge listed in the phone directory or listed in  
13 advertisements.

14 A Yes, yes.

15 Q And didn't you demonstrate over the air how to  
16 select from random the numbers within that -- within this  
17 range of numbers that you were given?

18 A I demonstrated by calling these numbers that --  
19 that the conditions that existed that I felt were illegal  
20 would in fact occur.

21 Q Now, if a phone number is not made available to  
22 the public, I mean it's not -- isn't it only accessible by  
23 an access code, in other words, an access device?

24 A No.

25 Q Well, how -- well, if the number's not listed,

1 then what is it? Isn't there a secret code to contact the  
2 person --

3 A There's nothing secret about it. If you dial the  
4 number and somebody answers, you say who is this. And they  
5 say this is the West End Marina in Tortolla, that's pretty  
6 conclusive that that particular customer has got a service  
7 to a foreign country.

8 Q But what if the customer is not a commercial  
9 establishment? What if the customer is a private citizen  
10 who chose not to have his number listed? You would need  
11 some sort of a code to call that person, isn't that correct?

12 A No.

13 Q You couldn't get the number out of a phone book,  
14 could you?

15 A Well, I don't believe any of these numbers were  
16 unlisted numbers that I know of. I wasn't aware that they  
17 were.

18 Q How would you know whether they were or they  
19 weren't?

20 A Well, if you called up the particular merchant and  
21 asked for information to give you their number and they gave  
22 it to you, it certainly wouldn't be unlisted, would it?

23 Q Yes, but there were certain peoples that --  
24 certain parties were not -- not merchants, isn't that  
25 correct?

1           A     I -- I don't know for sure. I don't believe that  
2     any -- my contact with any individual that was not in  
3     business that would use this service. I believe that they  
4     were all commercial customers to my knowledge.

5           Q     To your knowledge, but there could have been other  
6     private parties --

7           A     There could have, yes.

8           Q     -- who did not want their number listed, isn't  
9     that correct?

10          A     I don't know what their desire was one way or the  
11     other.

12          Q     Is it safe to assume that if someone has --  
13     doesn't have their number listed, that they -- they don't  
14     want people calling them up except by people who they give  
15     their number to?

16                 MR. COLBY: Your Honor, may I inquire the  
17     relevance of this? What difference does it make? I have an  
18     unlisted number, but -- but telemarketers call all the  
19     while.

20                 MR. REIDELER: Your Honor, the issue is here  
21     whether or not Mr. Schoenbohm uses his radio to show people  
22     how to gain access codes. My position is that if a number  
23     is unlisted, it -- you essentially need an access code to  
24     reach that number.

25                 MR. COLBY: Not to reach my unlisted number you

1 don't. I have telemarketers call me every single evening,  
2 sometimes two or three times. And they get it simply by  
3 dialing 1 plus. That's what they do.

4 JUDGE LUTON: The objection is overruled.

5 THE WITNESS: Repeat your question, Mr. Reideler.

6 BY MR. REIDELER:

7 Q Well, I think the question has been answered.

8 Well, the question -- the question -- excuse me, the  
9 question was if somebody does not list their number, isn't  
10 it safe to assume that they do not want to be called?

11 A Not in this particular system because this is not  
12 individual subscribers to those numbers.

13 Q How do you know that, Mr. Schoenbohm?

14 A Because the block of numbers was subscribed to by  
15 the company, one whole company; not individuals. The user  
16 didn't subscribe to the number.

17 Q Well, now, that's different than to what you just  
18 testified. You -- a moment ago you testified that the  
19 telephone company gave you a block of numbers.

20 A They did.

21 Q And these numbers were assigned to --

22 A Were set aside to Mr. Ackley.

23 Q Mr. Ackley. Who is providing telephone service to

24 --

25 A Radio service.

1 Q Radio service, all right.

2 A Radio service.

3 Q But was it then being used as a telephone?

4 A It was being used as two-way communication, mobile  
5 communication to gain a means that people can call somebody  
6 on the radio by dialing a number.

7 Q And how do you know that some of those people,  
8 some of those customers of Mr. Ackley did not list their  
9 numbers?

10 A Because those people weren't the subscribers to  
11 the numbers. The people who had the numbers were only the  
12 licensees of GMRS radios, that those radios were called when  
13 a number was dialed. They had no option to decide whether  
14 or not it was an unlisted number because they were not the  
15 subscribers.

16 Q Well, now you were calling individuals, were you  
17 not -- calling up people on the telephone --

18 A That's correct.

19 Q -- and they -- they had some sort of a phone  
20 number, isn't that correct? You had to have some sort of  
21 access device to get to them.

22 A No, they had a radio, a two-way radio that  
23 responded to the call. And I think that was the -- the  
24 conversation was that every time a number was dialed, a  
25 transmitter would come on the air. And I questioned whether

1 that was legal or not to indiscriminantly without the  
2 intercession of an operator cause a transmitter to transmit  
3 out what somebody was sending through a telephone.

4 Q Now, did all the numbers that were in that block  
5 work when you called them?

6 A I -- I don't know if they all worked. I don't  
7 believe that they did. I think some didn't answer or some  
8 were busy. I'm not sure. And I don't believe I called all  
9 the numbers in the block. I don't -- I think it was just a  
10 demonstration of what I thought was something that was wrong  
11 that was taking place.

12 Q In other words, you had to try different numbers  
13 to find out if it --

14 A Within that block.

15 Q And you don't think that these -- these numbers  
16 were an access code; they were something else?

17 A They were local telephone numbers. They were five  
18 digit local numbers. In '87, we dialed only five digits.

19 Q But you don't know if these numbers were listed,  
20 do you? You don't know if these people --

21 A No, I don't.

22 Q -- wanted to be called, were consented to be  
23 called. So you were invading their privacy, isn't that  
24 correct?

25 A I don't believe I invaded their privacy.

1 MR. COLBY: Objection. That's arguing with the  
2 Witness.

3 JUDGE LUTON: Sustained.

4 BY MR. REIDELER:

5 Q And weren't you really showing the listeners over  
6 the radio how to get these phone numbers by using this --  
7 your radio?

8 A It wasn't a matter of getting the phone numbers.  
9 We already knew what the block was. It was a matter of  
10 describing to two other people in the communications-related  
11 industry in the Virgin Islands that something was wrong with  
12 the way this was being operated.

13 Q But you're showing them how to obtain these  
14 numbers by using -- well, pianoing --

15 A No, the numbers --

16 Q -- I guess is the term that was used.

17 A -- the block of numbers had already been obtained.  
18 That wasn't the problem. It was just to describe that when  
19 a phone call was made, a transmitter came on the air. And  
20 that's very, very clear from the -- from the transcript.

21 Q Now, every time you call one of Mr. Ackley's  
22 subscribers, that subscriber was charged 40 cents for the  
23 call, isn't that correct?

24 A I didn't know for sure, but that was conjecture  
25 that he would try to -- he would try to charge them for a