

1 Q So you recall the -- you recall the incident
2 that's discussed in your statement that involve you and Mr.
3 Luna and Mr. Owen?

4 A Yes.

5 Q Do you recall whether that incident took place on
6 the same day that the inspector came by the studio?

7 A No, I remember it as the next day, because I
8 remember we had to come in early that day.

9 Q Okay.

10 JUDGE STEINBERG: Let me ask. You remember an FCC
11 inspector coming to the studio?

12 THE WITNESS: In Dumont, yes.

13 JUDGE STEINBERG: Coming to Dumont. Let me just
14 use Dumont, of course.

15 THE WITNESS: Yes, that's fine.

16 JUDGE STEINBERG: And we're referring to the
17 studio later. And he came to Dumont. Do you remember the
18 guy's name?

19 THE WITNESS: Serge. I don't remember his last
20 name. I remember his first name is Serge.

21 JUDGE STEINBERG: And he came to Dumont. What did
22 he do when he was at Dumont, to the best of your
23 recollection?

24 THE WITNESS: He looked at the licenses upon the
25 wall for the different announcers. He asked -- he asked a

1 question or two and that was it. I mean, he couldn't have
2 been there for no more than a minute or two.

3 JUDGE STEINBERG: Okay.

4 MR. NAFTALIN: Thank you.

5 JUDGE STEINBERG: Did he go into the -- does
6 Dumont have studios where the announcers --

7 THE WITNESS: Yes, he went --

8 JUDGE STEINBERG: -- sit there and announce and do
9 what they have to do?

10 THE WITNESS: Yes, that's the studio. He went
11 into the air studio.

12 JUDGE STEINBERG: The air studio.

13 Are there other studios there?

14 THE WITNESS: There is a production studio, and
15 newsroom studio.

16 JUDGE STEINBERG: Okay. Now, the remote unit that
17 you've illustrated in the '95 portion of your statement,
18 where was that? Where was that located?

19 THE WITNESS: That was in the air studio.

20 JUDGE STEINBERG: In the air studio?

21 THE WITNESS: Yes.

22 JUDGE STEINBERG: And announcers are in the air
23 studio when they are doing broadcasts and the broadcasts
24 are, are they live or are they --

25 THE WITNESS: Most of the time it was live.

1 JUDGE STEINBERG: And when music is going out over
2 the air, what going on in the air studio?

3 THE WITNESS: Well, that's where the music would
4 be played, in the air studio

5 JUDGE STEINBERG: Okay. But is it common or usual
6 practice for people other than the on-air announcer to be
7 milling around the air studio?

8 THE WITNESS: Sure

9 JUDGE STEINBERG: While the music is going on, the
10 announcers are playing, sort of?

11 THE WITNESS: Sure, all the time. The engineers
12 are coming in, salespeople, other people to ask you
13 questions.

14 JUDGE STEINBERG: Okay. But you recall the FCC
15 inspector being there very, very briefly?

16 THE WITNESS: Yes.

17 JUDGE STEINBERG: And the incident that you
18 describe, I guess, it was at 247, yes, page 274, you don't
19 go into it in as much detail as some other people do, but
20 that, you recall that occurring the day after the FCC guy
21 was there?

22 (Pause.)

23 JUDGE STEINBERG: To the best of your knowledge?

24 THE WITNESS: Yes, to the best of my knowledge.

25 JUDGE STEINBERG: I mean, if the FCC guy was there

1 and he visited the air studio, and that's just about all he
2 did from your memory, all this -- all this stuff wasn't
3 going on with the TC-8 unit and number one button, number
4 five button, while the FCC guy was in the studio?

5 THE WITNESS: No, no. I'm almost positive because
6 he was in Monticello at the time.

7 JUDGE STEINBERG: At the time?

8 THE WITNESS: When we -- when we did that.

9 JUDGE STEINBERG: Okay.

10 BY MR. NAFTALIN:

11 Q Okay, when we go through your statement more
12 specifically, Mr. Gaghan, maybe your recollection will -- if
13 your recollection is refreshed, could you tell us so we can
14 get to, you know, the best memory that you have?

15 A Yeah.

16 JUDGE STEINBERG: Yes. Usually, sometimes what
17 happens is throughout the questioning somebody will ask you
18 something and you'll answer, and then later on you will
19 remember something a little differently --

20 THE WITNESS: Okay.

21 JUDGE STEINBERG: -- because of some other
22 question, and you want to correct something.

23 THE WITNESS: Okay.

24 JUDGE STEINBERG: You know, just tell us.

25 THE WITNESS: Sure.

1 MR. NAFTALIN: Right.

2 JUDGE STEINBERG: Because we want to get your best
3 recollection.

4 MR. NAFTALIN: We want to get to the best of your
5 memory to get to the best truth in this proceeding as
6 possible, and I wanted to just ask you a few general
7 questions. Then we're going to move right to the statement.

8 THE WITNESS: Okay.

9 MR. NAFTALIN: And I want to take you through many
10 of the details of it. And when we do that, maybe, you
11 know, a door will open up and something will come to mind.
12 Please say so if that happens.

13 BY MR. NAFTALIN:

14 Q And again, before we get to the statement itself,
15 let me just -- in terms of the incident itself, to set the
16 scene, you're in the on-air studio at Dumont, correct?

17 A Yes.

18 Q And there are three people in the studio, you, Mr.
19 Luna and Mr. Owen; is that correct?

20 A Yes.

21 Q Now, the FCC inspector had nothing to do with the
22 actual incident itself while you're involved in Dumont; he
23 wasn't there?

24 A No.

25 Q And Mr. Luna was at the studio's control board; is

1 that correct?

2 A Yes.

3 Q You were at the remote controls for the Fort Lee
4 translator, correct?

5 A Yes.

6 Q And Mr. Owen was over, was at the remote controls
7 for the Monticello station transmitter; is that right?

8 A Yes.

9 Q Okay. And then Mr. Luna, was he at the control
10 board, and he's holding a telephone into his ear so he could
11 be speaking to Mr. Turro; is that right?

12 A Yes.

13 Q Okay. And the length of the incident itself was a
14 matter of a couple of minutes, something like that?

15 A Yeah, about that.

16 Q Do you remember if it was -- which part of the
17 day, whatever day that was that it occurred?

18 A Yeah.

19 Q Morning, night?

20 A No.

21 Q You don't remember?

22 A It was -- it was -- I know it wasn't at night. We
23 can rule out night.

24 Q So it was daytime?

25 A Yeah.

1 Q Okay, that's as close as you can remember,
2 daytime?

3 A Yes.

4 Q And was the -- did the same group of remote
5 controls in the Dumont studio control both the Fort Lee
6 translator and the Monticello station, to your recollection?

7 A Not the same group. It was different controls.

8 Q One second. I know it's been awhile, so hang on
9 one second.

10 Mr. Gaghan, I would like to show you your
11 deposition transcript. You gave a deposition in this
12 case --

13 A Yes.

14 Q -- in July of this year, didn't you, sir?

15 A Yes.

16 Q And do you recall that? I'm sure you recall that
17 with less than fondness, but there it was.

18 I would like to give you a copy.

19 MR. NAFTALIN: Or does someone have an extra copy.
20 I have one -- I would give my copy to the Judge. It's not
21 marked up, if there is a copy for Mr. Gaghan.

22 JUDGE STEINBERG: Give it to Mr. Gaghan.

23 MR. NAFTALIN: Okay.

24 BY MR. NAFTALIN:

25 Q Mr. Gaghan, I would like to give you a copy of it,

1 and just have you read a brief part of it and see if it
2 refreshes your recollection.

3 Mr. Gaghan, I'm showing you page 99 of your
4 deposition transcript, and if you would read from line 3 to
5 line 22.

6 A Sure.

7 JUDGE STEINBERG: You can just read it yourself.

8 MR. NAFTALIN: You can read it to yourself. Don't
9 read it into the record.

10 THE WITNESS: Okay.

11 (Witness reviews document.)

12 THE WITNESS: Okay.

13 BY MR. NAFTALIN:

14 Q Does that change your previous answer at all?

15 A Yeah, what I meant to say was you had the one
16 switch, the TC-8, and the other -- which controlled the
17 signal, and the other controlled the transmitter. That's
18 what I meant on two separate things. One was the switch
19 unit. The other one was just for the transmitter.

20 Q Well, Mr. Gaghan, I'm confused because on page 99
21 of your transcript I asked you, "The same control unit that
22 we were just discussing, the one you sketched," so that's
23 the one on the first page of your August 10, 1995,
24 statement, "was that also the control unit that allowed you
25 to switch signaling to Fort Lee?" And you said, "Yes."

1 A Yes.

2 Q Now, previously you had identified a control unit
3 for Monticello. Are you saying now that there were two of
4 those units or one of those units? I'm sorry.

5 A See, what you are failing to understand is the
6 fact that the one controlled the TC-8 was the one where you
7 could switch back and forth.

8 Q Switch what back and forth?

9 A The audio, either number one or number five. The
10 other unit, which I would like for you to understand, was
11 for the transmitter, as far as turning it on, turning it
12 off.

13 Q Okay.

14 A So that's two -- that's one thing. The other unit
15 is another one.

16 Q Okay.

17 A Okay?

18 Q Thank you.

19 A You're welcome.

20 Q So the unit you were talking about that was
21 related to a transmitter, you could turn a transmitter on or
22 transmitters on or off, which transmitters were you
23 referring to that can be turned on and off?

24 A As far as I knew, Monticello. I could always
25 check, you could also check to see what the temperature was

1 up there, I think some other gauges as far as, you know, the
2 power out and things like that.

3 Q Was it the same kind or model of remote control
4 unit as the one that was used for the Fort Lee translator?

5 A I really don't recall.

6 Q Okay.

7 A I don't recall.

8 JUDGE STEINBERG: Okay, when you were looking over
9 your deposition and Mr. Naftalin was asking you the
10 questions about the two units, you indicated that the TC-8
11 was -- was that one side of the control room and the
12 transmitter --

13 THE WITNESS: Yes.

14 JUDGE STEINBERG: -- unit was on the other side --

15 THE WITNESS: Yes, the --

16 JUDGE STEINBERG: -- of the on-air studio?

17 THE WITNESS: Yes, the TC-8, if you were at the
18 control board, the TC-8 was right behind you, where the
19 other unit was like in the corner up this way.

20 JUDGE STEINBERG: So they weren't even located
21 where you could see them both at the same time?

22 THE WITNESS: No.

23 JUDGE STEINBERG: And to do something with the TC-
24 8 control, the TC-8 remote, you would have to turn around,
25 you would have to turn your chair 180 degrees about?

1 THE WITNESS: Yes, Your Honor.

2 MR. NAFTALIN: I should have left this up here
3 before.

4 BY MR. NAFTALIN:

5 Q Let me show you -- I'm going to leave it here now,
6 Mr. Gaghan. This is page 97 of your transcript. Would you
7 just read the first four lines for me?

8 A Okay.

9 (Witness reviews document.)

10 THE WITNESS: Okay

11 BY MR. NAFTALIN:

12 Q Do the first four lines of page 97 of your
13 deposition transcript -- well, do reading those lines make
14 you want to revise your answer at all, Mr. Gaghan?

15 A No.

16 Q Okay. I had asked you, "The one you sketched
17 here," and you had understood that to be referring to the
18 sketch on your --

19 A Yes

20 Q -- August 10, 1997, statement, "that's the control
21 unit for signal -- for sending a signal to the Monticello FM
22 station?"

23 And you said, "Monticello and to the translator."

24 A Yes.

25 Q Can you help me understand what you meant by that?

1 A Sure, it's very simple

2 On the TC-8 remote there was -- if you have the
3 sketch in front of you.

4 Q I sure do.

5 A Okay. I'll turn to mine too to help.

6 You see where it has one through four, those are
7 little lights?

8 Q Yes.

9 A And then five through eight.

10 When -- so as far as that, what don't you
11 understand on that then?

12 Q Well, in your --

13 JUDGE STEINBERG: I think you're having trouble
14 with "send a signal," with the language? What was it, "send
15 a" what?

16 MR. NAFTALIN: It says, "The same unit -- the
17 control unit was used for sending signals to the Monticello
18 station and to the translator."

19 THE WITNESS: Yeah.

20 JUDGE STEINBERG: What did you mean by -- in your
21 deposition by "sending signals"?

22 THE WITNESS: Yeah. Basically, the audio going
23 from leaving Dumont. If it was on number five, I was led to
24 believe it went to Monticello. If it was on number one, it
25 went directly to the Fort Lee translator; if the light was

1 lit, I should say.

2 MR. NAFTALIN: Okay.

3 BY MR. NAFTALIN:

4 Q So all you were thinking about was the light
5 number five, light number one scenario?

6 A Yes. I think that's all I knew --

7 Q All right.

8 A -- as far as with that, yeah.

9 Q Okay.

10 A With the lights.

11 Q Fine. Okay. Good enough.

12 JUDGE STEINBERG: As a matter of fact, on page 246
13 in his statement Mr. Gaghan says, "When light number one was
14 lit, this sent the signal to Fort Lee." So that's
15 consistent with his deposition.

16 MR. NAFTALIN: Yes. No, I was trying to
17 understand whether he was referring to a single unit that
18 did both stations or two units, one for one station, one for
19 the other; that all. Okay.

20 THE WITNESS: Okay

21 MR. NAFTALIN: Shows my level of confusion.

22 BY MR. NAFTALIN:

23 Q All right, let's move on to your statement, Mr.
24 Gaghan. Let's take a look exactly at your statement, which
25 is Mass Media Bureau Exhibit No. 15.

1 A I'm sorry. Would that be this one?

2 Q It says "Statement of William Gaghan" on the very
3 top.

4 A Right.

5 JUDGE STEINBERG: Right, and that's what he's got
6 in front of him.

7 MR. NAFTALIN: Okay, great.

8 BY MR. NAFTALIN:

9 Q If you look at paragraph number three with me, Mr.
10 Gaghan, it said; the first sentence, it says you were
11 primarily involved in the programming aspects of Jukebox
12 Radio, which we've already discussed.

13 And then two sentences later it says, "It was my
14 understanding that the Jukebox Radio audio signal was
15 usually transmitted directly from" -- the sense of it was
16 directly from Dumont to Fort Lee.

17 Now, by "usually," did you mean more than half the
18 time? Is that what you meant?

19 A Sure.

20 Q Okay.

21 JUDGE STEINBERG: Did you mean anything -- why
22 don't you just tell us what you meant --

23 BY MR. NAFTALIN:

24 Q Yes. what did you mean?

25 THE WITNESS: -- when you said, "usually" rather

1 than having the answer suggested by Mr. Naftalin?

2 THE WITNESS: Most of the time. I mean, when I
3 went to the studio I didn't turn to those lights were on.
4 But what I would notice are times when they would call from
5 the Fort Lee translator to do testing between the two, and
6 it was always left back on number one.

7 I became more aware of it when, you know, I was
8 told one time to make sure it's always on five if someone
9 should come around.

10 MR. NAFTALIN: Okay

11 THE WITNESS: That made me more aware of it, and I
12 notice it more than that it was usually on number one, and
13 times when we were off the air, when I would go running in
14 and I would notice it was on one.

15 MR. NAFTALIN: Okay

16 THE WITNESS: Or when I would get a call to say
17 we're off the air.

18 BY MR. NAFTALIN:

19 Q Now, would it -- when you said people would call
20 in and ask you to switch things around for the Fort Lee
21 translator, was that usually Mr. Turro calling?

22 A Yes. Yes.

23 Q Would he call in and say something like, "Go
24 direct" or "Switch to direct" or something like that?

25 A No, he would just switch it over to one, switch it

1 back.

2 Q He would just tell you push buttons to get to one,
3 push buttons to get to five or something like that?

4 A Yes

5 Q Okay. So your understanding that programming was
6 going directly between Dumont and Fort Lee because you could
7 see light number one burning on the TC-8 unit?

8 A That and instances when people call up to say,
9 "we're off the air," and would tell them, "No, we're on the
10 air. We're not off the air."

11 Q Because you were seeing light number one on?

12 A Yes.

13 Q Okay.

14 A That, plus I was listening to the radio too.
15 Times when I was in my office

16 Q Oh, suer, you're hearing it, you're hearing Fort
17 Lee on 103.1 on the air.

18 A Yes.

19 Q And you see -- you could see light number one
20 on -- these -- these were the facts that led you to conclude
21 that program was going directly from Dumont to Fort Lee?

22 A Yes.

23 Q Okay. Do you know from your knowledge, Mr.
24 Gaghan, of the TC-8 unit for the Fort Lee translator while
25 you were there, do you know if there is an indicator light

1 or a status light that showed the status of the Fort Lee
2 translator's transmitter?

3 A No.

4 Q No.

5 Turning to the second page of your statement, Mr.
6 Gaghan, at the -- the sentence that starts at the top of the
7 page refers -- that's basically referring to the sketch you
8 made back in your August 10, 1995, statement, isn't it?

9 A Yes.

10 Q Okay. And it says, "The control unit had eight
11 settings with corresponding buttons and lights for each
12 set." And then you discuss when the unit was in the number
13 one position, the number one light was lit.

14 Was it your understanding that setting number one
15 had to correspond with light number one?

16 Did that make sense?

17 A No.

18 Q Okay. Was it your understanding that if light
19 number one, like in your sketch

20 A Okay.

21 Q Light number one is lit, it meant that the TC-8
22 was also on channel number one, or setting number one?

23 A See, I -- I don't recall -- I don't recall number
24 on it. I just remember a lower raised button and a button
25 you would hit that would make the lights go back and forth.

1 I don't remember like a digital readout of numbers or
2 anything like that.

3 Q You don't remember a channel selection as part of
4 that unit?

5 A Well, the button that you would switch back and
6 forth, but I don't recall like a little window that would
7 tell you you're on one or two or five or whatever. I just
8 remember the lights.

9 Q Well, when you say the number one position and the
10 number one light lit, then what's the number one position?

11 A Well, that meaning the number one light; the top
12 light on the upper left hand corner on that TC-8 remote,
13 that was number one. It was labeled number one.

14 Q So there is no difference -- you are saying number
15 one position, number one light just means number one light?

16 A Yeah.

17 Q There is no such thing, in your knowledge, I mean,
18 I'm not trying to explore anything else, to your knowledge,
19 position here is irrelevant. You're talking about you saw
20 the number one light?

21 A Yes.

22 Q That's what you saw, that's what you understood?

23 A Yes.

24 Q You had no other understanding about the direct,
25 the provision of direct programming between Dumont and Fort

1 Lee, except you could see number one light on?

2 A Yes.

3 Q Okay.

4 JUDGE STEINBERG: And your understanding is when
5 number one light was on, programming was going directly from
6 the Dumont studio --

7 THE WITNESS: To Fort Lee.

8 JUDGE STEINBERG: To the Fort Lee transmitter?

9 THE WITNESS: Yes.

10 JUDGE STEINBERG: Okay. Let me show you Turro
11 Exhibit 28, page 12. Is that a pretty good picture of the
12 TC-8 that we're talking about?

13 THE WITNESS: Yeah. I just don't -- I just don't
14 recall --

15 JUDGE STEINBERG: You don't recall the digital
16 readout --

17 THE WITNESS: I don't recall that.

18 JUDGE STEINBERG: In the middle?

19 THE WITNESS: No. No. No, I don't recall -- I
20 don't recall that but I remember it with the button.

21 JUDGE STEINBERG: You remember the eight little
22 buttons?

23 THE WITNESS: Yes, and the channel buttons.

24 JUDGE STEINBERG: Okay, the channel buttons --
25 okay, let me just for the record, Mr. Gaghan was referring

1 to there are three buttons just to the right of the digital
2 readout, and when Mr. Mr. Gaghan was referring to the
3 channel buttons, he was pointing to those three buttons to
4 the right of the digital readout.

5 BY MR. NAFTALIN:

6 Q Mr. Gaghan, do you recall -- could we see that one
7 more time? Thank you.

8 Do you recall what the button on the left closest
9 to the eight lights did? Does that help your memory at all?

10 A No, I -- you mean, these three here?

11 I just remember one said "channel," one said
12 "raise," one said "lower."

13 Q Okay, what did "channel" mean?

14 If you don't remember, that's fine. I just want
15 to know.

16 A No, no. I would only be guessing because I don't
17 remember.

18 Q So you don't remember -- to be clear, you don't
19 remember what the channel button did?

20 A No. I remember hitting "raise" and "lower" to get
21 it back and forth from one to five.

22 Q Okay.

23 A But I don't just remember what the channel one
24 did.

25 Q Okay, that's fine.

1 A Or if it did anything at all.

2 Q Okay. Moving on to the next sentence in your
3 statement, "When the unit was in the number five position
4 and the number five light," was that, again, you're not
5 referring to anything other than the number five light?
6 There is no --

7 A Yes.

8 Q -- position, it doesn't even have to be in that
9 sentence, right?

10 A No, just that the light was lit. That's all I
11 meant by the light.

12 Q Okay, and you go on to conclude that sentence,
13 "...the audio was being received over the air at Fort Lee
14 from either the Monticello or the Pomona stations."

15 Correct? That's what it says?

16 A Yeah, it does say that, but, I mean, now that I
17 think back my understanding always was it was Monticello,
18 Pomona, Fort Lee.

19 Q Who wrote this statement, Mr. Gaghan, the one
20 we're looking at?

21 A Oh, of course, the court reporter.

22 Oh, this here?

23 Q No, the one you are looking at, who actually wrote
24 it? Do you know?

25 A No. It was something I had received from Cohen &

1 Marks, I think, I guess. I don't know if it was from Cohen
2 & Marks. It was faxed over to look over.

3 Q It was faxed to WVNC?

4 A Yes.

5 Q Okay. And so you don't -- you don't actually know
6 who wrote it?

7 A No, I never asked.

8 Q I mean, you would have to guess.

9 A I never asked.

10 Q Okay. Did you read it over carefully before you
11 signed it, sir?

12 A Sure.

13 Q Did you make any changes to it?

14 A I think there was one part where they called me,
15 I was the production director, and I changed that to program
16 director. But I think that was it.

17 Q Okay. Are you changing your testimony now and
18 saying that the use of the word "either" in there is
19 incorrect?

20 A Let me just read it one more time.

21 Q Sure, go ahead.

22 (Witness reviews document.)

23 THE WITNESS: Yeah, I guess the word "either"
24 should be taken out.

25 BY MR. NAFTALIN:

1 Q So that's wrong?

2 A If it should be taken out, sure.

3 Q Okay. Do you ever remember the light number one
4 and light number five being lit at the same time, Mr.
5 Gaghan?

6 A No. No.

7 Q No, it never happened or you don't know?

8 A No, it was never lit -- I recall as either one or
9 the other.

10 Q Okay.

11 A Never both at the same time.

12 Q All right. In the next sentence when you say you
13 were able to hear the difference between the various audio
14 sources for Fort Lee, by that -- let me see if I understand
15 it. If you were seeing light number one turned on, and you
16 were listening to the audio, you could tell the difference
17 as opposed to when light number five is on and you can hear
18 the audio?

19 A Sure, cause Jerry would go up there and have us,
20 you know, always go back and forth. He would always be
21 asking "How does it sound? Is there any difference? Which
22 one sounds better?"

23 Q Okay. And it was always switching between light
24 one and light five; not between any other lights?

25 A No. With me, it was always one and five.

1 Q Okay. If you go on to the next sentence, Mr.
2 Gaghan, it says, "If, however," you see where I'm am? "If,
3 however, the Fort Lee translator received and rebroadcast
4 the signal of the Pomona or the Monticello station, there
5 would be a marked drop off in audio quality."

6 A Yes.

7 Q You're saying that when you saw light number five
8 on, there was a difference in audit quality as opposed to
9 when you saw light number one on; is that right?

10 A Well, we would do the testing, yeah.

11 Q Okay.

12 A We would test it, sure

13 Q Well, okay. In this sentence you say the Pomona
14 or the Monticello station again, Mr. Gaghan. That's
15 consistent earlier when you said "either."

16 Was this another mistake in your statement or do
17 you want to reconsider your testimony?

18 A Yeah, basically, the way I understood Fort Lee
19 received Pomona, and Monticello fed Pomona and Pomona fed
20 Fort Lee.

21 Q What I am trying to get at, Mr. Gaghan, and if you
22 have no knowledge about it, just say so, but to your
23 knowledge, could the -- and if you don't know, you don't
24 know, but to your knowledge, could the Fort Lee translator
25 receive the signal of the Monticello station without Pomona

1 being involved?

2 A No. I remember one time Jerry had tried with some
3 kind of radio up there, and I think he was able to get like,
4 like a vague signal. I remember him talking about it at one
5 time, but I remember -- I think it was just with this one
6 special radio. Otherwise any other radio, they couldn't
7 receive Monticello at Fort Lee.

8 Q But you thought he could receive it with some
9 special radio?

10 A They had talked about it. I heard them talking
11 about it. I mean, I didn't know for certain whether they
12 could or not.

13 Q Okay.

14 JUDGE STEINBERG: Who is "them"?

15 THE WITNESS: Jerry and -- geez, I don't even
16 remember who it was, to be honest with you.

17 JUDGE STEINBERG: Earlier you said --

18 THE WITNESS: It was just like overhearing a
19 conversation one day when I was in production, and Jerry was
20 in his office with people or on the telephone. I just don't
21 remember.

22 JUDGE STEINBERG: Okay, now, you earlier referred
23 to, I think, Mr. Turro going around with a radio up there.
24 Did you say "up there"?

25 THE WITNESS: Yeah, at Fort Lee. I remember