

1 hearing him talking about it

2 JUDGE STEINBERG: What does "up there" mean?

3 THE WITNESS: At the Fort Lee translator site.

4 BY MR. NAFTALIN:

5 Q Mr. Gaghan, I want to take you through one part of
6 paragraph number five.

7 A Okay.

8 Q Toward the bottom of that page in the sentence
9 that -- it's the second to the last sentence. It says,
10 "Therefore, i was able to determine," do you see that part?

11 A Okay.

12 Q You said, "...and it was only common sense that
13 the number five position on the remote control unit
14 indicated that the Fort Lee translator was receiving the
15 over-the-air signal of either the Monticello or the Pomona
16 stations.

17 Now, by "common sense," that means what? That you
18 figured it out, or talking to other people, together you
19 worked it out; is that right?

20 A A combination of all, but the one from me was
21 when, you know, I would get a call from a gentleman who when
22 I worked at WNEWIM in New York, when I used to do the
23 overnights, and a gentleman would call me who lived in
24 upstate, and when I started to work on the Jukebox he would
25 call me again and say, "Hey, you're there now and

1 everything. It's great to hear you again." And from time
2 to time, he would call to say you guys are off the air.

3 Q Was this Joe Molito you talked about later in your
4 statement?

5 A Yes.

6 Q Okay. And do you know which part of New York he
7 was in? Was it Rockland County, by any chance?

8 A No, it was -- God, I know it was -- I know it was
9 upstate. I know it wasn't Rockland. It was further up.

10 Q Further upstate?

11 A Further upstate. Scrry I don't know the town.

12 Q Oh, okay. Stoney Point, does that ring a bell?

13 A Maybe.

14 Q Maybe it's Stoney Point. Okay. We will get to
15 the Joe Molito thing as soon as we get to it.

16 A Okay.

17 Q But, again, in this sentence it's either the
18 Monticello or the Pomona stations, Mr. Gaghan. Is that a
19 third mistake along the same subject?

20 A With the "either." The "either" should be taken
21 out.

22 Q Okay. Well, that's three times on one page it
23 says Pomona or --

24 A Yes.

25 Q -- Monticello; Pomona and whatever. All right.

1 A People make mistakes.

2 Q Okay, I can understand that. I do too.

3 Also, when you say it was -- well, never mind.

4 Next page, Mr. Gaghan, I have one question about
5 the very last sort sentence at the bottom of paragraph
6 number six, "We did not, however, take transmitter
7 readings."

8 A No.

9 Q By "we," you meant the staff at --

10 A Yeah, the air staff; whoever was signed on the
11 transmitter log.

12 Q You just did not take transmitter readings?

13 A No.

14 Q Okay. Okay, we are up to paragraph number seven
15 where Joe Molito makes his appearance, and I want to talk
16 about that for a minute with you, Mr. Gaghan.

17 A Sure.

18 Q About the middle of that paragraph you talk about
19 Joe Molito calling you. Is that what you were referring to
20 just a minute ago?

21 A Yes.

22 Q And he was somewhere in upstate New York, right?
23 And he called in and said, and he said, "You're off the air.
24 I can't hear you," smoothing like that; right?

25 A Yes. Yes.

1 Q And you go on and say, "I remember telling him
2 that that was impossible as I was listening to Jukebox Radio
3 programming broadcast from the Fort Lee station on a radio
4 right by my desk in Dumont." Okay?

5 A Yes.

6 Q All right, now, if your understanding was
7 programming was going from Dumont to Fort Lee usually in a
8 direct mode, okay, why did you think it was impossible that
9 he wouldn't be hearing the programming out there in New York
10 State even though you could hear it there from Fort Lee?

11 A Could you ask the question again, please?

12 Q Sure.

13 If I understand your testimony right, you're
14 saying that most of the time programming was going directly
15 from Dumont to Fort Lee; is that correct?

16 A Yes.

17 Q So therefore, if programming is going directly
18 from Dumont to Fort Lee, the other stations like Pomona and
19 Monticello don't matter to the Fort Lee -- to Fort Lee
20 receiving programming, right?

21 A Yes.

22 Q Okay. Now, you thought if you were hearing Fort
23 Lee on the air, and someone out in New York is saying, "Gee,
24 I don't hear anything," you thought that was impossible."
25 That's what this sentence says, right?

1 A Yes.

2 Q Okay. Well, wouldn't it have been -- why was that
3 impossible if programming was routinely or usually going
4 from Dumont to Fort Lee?

5 A Because this was before the fact that it -- you
6 know, that we knew about the signal going directly.

7 Q Which light was lit in the studio when Mr. Molito
8 called you?

9 A Oh, I don't remember. I don't know.

10 Q You don't know whether it was light five or light
11 one?

12 A No.

13 Q So you're saying here that this piece of testimony
14 comes up before the common knowledge was all over the Dumont
15 studio that programming usually went from Dumont to Fort Lee
16 directly?

17 A Yeah, cause Joe -- I remember Joe calling me when
18 I first went on the air there at Jukebox. So this was like
19 the very beginning. There were instances like when he would
20 call to say, "Hey, you guys are off the air."

21 Q What do you mean by "beginning"? When was
22 beginning?

23 A Well, when I started as music director. I would
24 say more as music director cause then I was there like three
25 days a week; sometimes four. At the very beginning I was

1 there just one day a week.

2 Q In that period of time did that occur before or
3 after October of 1994?

4 A Probably -- probably right around that time.

5 Q Could it have been before October 1994? Is that
6 possible?

7 A There might have been an incident or two. I'm
8 sorry, I just don't recall.

9 Q Okay. All right, Mr. Gaghan, you have the
10 transcript with you still, don't you, sir?

11 A Yes.

12 Q Would you turn to page 80 and read through lines 1
13 to 17 for me, please?

14 JUDGE STEINBERG: Page 8?

15 MR. NAFTALIN: Page 80, eight-zero.

16 JUDGE STEINBERG: Eight-zero. Okay.

17 MR. NAFTALIN: I'm sorry if I rubber mouthed my
18 way through that. Page 80, lines 1 to 17.

19 (Witness review document.)

20 THE WITNESS: Okay.

21 BY MR. NAFTALIN:

22 Q Does that refresh your recollection about the --
23 first of all, is that piece of testimony -- is that the same
24 Joe, is that Joe Molito you're referring to there?

25 A Yes.

1 Q Does this piece of your deposition refresh your
2 recollection at all about the incident you're referring to?

3 A Oh, yeah, I remember it.

4 Q Okay. It says in your deposition, I believe it
5 says you were right there in the on-air studio, and you say
6 when you talk about it was impossible, you said it was right
7 next to you.

8 Does that mean the TC-8 unit was right next to you
9 so you could see the lights?

10 A No, "right next to me" means the radio.

11 Q But you were in the on-air studio, isn't that
12 right? Isn't that what that means?

13 A No, I was by my desk.

14 Where do you see where I was in the on-air studio.

15 Q I don't see it.

16 A I don't see it.

17 Q I'm asking.

18 A No, I was by my desk.

19 Q Okay. So by "next to" you, that meant --

20 A The radio.

21 Q -- the radio?

22 A Yeah, the radio; that I would listen to and
23 monitor the station.

24 Q Okay. Is it -- you go on in the same paragraph,
25 Mr. Gaghan, to say that there are other incidents when

1 someone called in and said, "Gee, I can't hear you out here
2 in New York" or something about in New York, but you could
3 hear 103.1?

4 A Yes.

5 Q The total number of those incidents was somewhere
6 in the two, three or four range; isn't that right?

7 A I think with Joe, and then there was Dan
8 Ventolla.

9 Q So two incidents that you recall?

10 A With Joe, it was either two or three.

11 Q Two or three?

12 A Two or three.

13 Q Okay, I'm just trying to get a -- so, you recall
14 that kind of occurrence two to three times?

15 A Sure.

16 Q Okay, I would like to flip the page now and we're
17 going to move into the subject of the incident you relate in
18 your August 10, 1995, statement. But if you look at your
19 paragraph 11, if you look at your paragraph 11, the second
20 sentence says, "I was aware that an FCC inspector was in
21 Monticello the day before, and was coming to Dumont the next
22 day to determine if we could control the Monticello
23 transmitter remotely from the Dumont studio."

24 Okay, now, remember awhile ago we were --

25 A Yes.

1 Q The Judge talked to you and I talked to you about
2 when the incident occurred in relation to the inspector.

3 A Yes.

4 Q Does this refresh your recollection?

5 A I remember they called from Monticello the first
6 day. They called from --

7 JUDGE STEINBERG: Who is "they"?

8 THE WITNESS: They called Jay Epstein, the people
9 who were up there. I don't remember the gentleman's name.
10 There was a gentleman who said there was an FCC inspector
11 here.

12 BY MR. NAFTALIN:

13 Q So it was someone from --

14 JUDGE STEINBERG: Would you remember the name if
15 you heard it?

16 THE WITNESS: Maybe. I know it was the --

17 JUDGE STEINBERG: A fellow named Blaby, B-L-A-B-Y?

18 THE WITNESS: Yeah, I think that was it. I think
19 that was the name.

20 They called to say that the FCC, you know,
21 inspector was up there, and then it was -- yeah, it was the
22 next day after that because I remember we had to come in
23 early. We had to come in early that day.

24 MR. NAFTALIN: Okay.

25 BY MR. NAFTALIN:

1 Q So the incident you describe both in your October
2 22, 1997, statement, and the one that's in your August 10,
3 1995, statement, that incident occurred the same day the
4 inspector came to the Dumont studio; is that right, to the
5 best of your recollection?

6 A As far as with the switching, and Vince, and Bill
7 Owen?

8 Q Yes, that incident. That's what I'm trying to get
9 at.

10 JUDGE STEINBERG: If you don't remember, just say
11 you don't remember.

12 THE WITNESS: I'm sorry, but I don't. I just
13 don't remember.

14 BY MR. NAFTALIN:

15 Q Did that incident with you and Mr. Owen and Mr.
16 Luna occur the same day the call came up from Mr. Blaby in
17 Monticello saying, "Gee, we have an FCC inspector down
18 here"?

19 A I'm sorry. I just don't remember. It might have,
20 but I don't remember for sure.

21 Q All right, I'll leave it alone.

22 A Okay.

23 Q I was just trying to see if we could job
24 something.

25 Right at the last sentence, the sentence that

1 starts at the bottom of the page, it says, "Jerry Turro was
2 not present during the asserted FCC inspection."

3 I'm sorry. I was going to ask you who wrote this
4 statement, but you don't know. Okay. Sorry.

5 Let's go to the next page, Mr. Gaghan. Paragraph
6 12 in the first sentence this is -- you are now discussing
7 in more detail the incident which is also described in your
8 August 10, 1995, statement; is that right?

9 A Yes.

10 Q Okay. In the third line there it refers to
11 "master gain on the control," I'm sorry, "master gain on the
12 console"?

13 A Yes.

14 Q Does that mean the volume control for the
15 programming?

16 A Yeah, the output of the control board.

17 Q Okay.

18 A The output of the control board.

19 Q In dumb lawyer terms, is it safe to say, you know,
20 if you turn the master gain up, the programming gains in
21 volume; if you turn the master gain down, the programming
22 loses volume?

23 A You got it.

24 Q Similar to like a car radio, louder and softer?

25 A Yes.

1 Q Okay. Thank you.

2 JUDGE STEINBERG: But if you just said that, then
3 you wouldn't need especially qualified people to operate the
4 equipment.

5 (Laughter.)

6 MR. NAFTALIN: Probably.

7 BY MR. NAFTALIN:

8 Q Okay, going on into the next sentence you say,
9 "There would be no opportunity for it to switch back to the
10 number one button as sometimes happened."

11 Now, by that, you're referring to -- your purpose
12 in the famous incident was to make -- to hold your finger on
13 a button --

14 A Was to hold that button.

15 Q -- and make sure it stayed on the number five
16 light and couldn't jump around, right?

17 A Yes.

18 Q Okay. Now, isn't it true you never personally
19 observed that TC-8 unit spontaneously jump from number five
20 light to number one light?

21 A No.

22 Q You've never personally observed it?

23 A No.

24 JUDGE STEINBERG: Can I ask a question?

25 MR. NAFTALIN: Sure.

1 JUDGE STEINBERG: Remember the picture that I
2 showed Mr. Gaghan, there were -- page 17 of Turro Exhibit
3 28. No, it wasn't. Page 12 of Exhibit 48, and I'm going to
4 scoot over to Mr. Gaghan and everybody get their page 12.

5 Everybody has got that in front of them?

6 MR. NAFTALIN: Yes

7 JUDGE STEINBERG: If you don't follow this, tell
8 me, and we'll do it again.

9 On the left there are little numbers one, two,
10 three, four, five, six, seven, eight. And there are black
11 dots next to those numbers.

12 Are those lights?

13 THE WITNESS: Yes, little red lights.

14 JUDGE STEINBERG: Little red lights.

15 THE WITNESS: That's right.

16 JUDGE STEINBERG: But there is no button marked
17 one, there is no button marked two, there is no button
18 marked three, et cetera?

19 THE WITNESS: I'm not 100 percent exact, but I
20 think there was like written in one, two, three, four, five,
21 six, seven, eight.

22 JUDGE STEINBERG: Okay, something was written next
23 to it as to what that button did or what that light was for?

24 THE WITNESS: Just the number, just the number.

25 JUDGE STEINBERG: Okay. But there wasn't a button

1 that you could push in?

2 THE WITNESS: No, it had to be done through this,
3 through these three.

4 JUDGE STEINBERG: Okay. By "this," let the record
5 reflect that Mr. Gaghan was referring to the three white
6 buttons immediately to the right of the digital readout.
7 And those --

8 THE WITNESS: In fact, one thing I do recall now
9 by looking over this, was the fact that you would just hit
10 "raise" and "lower." I never recall -- you weren't doing
11 the channel button, like get into the channel. It was
12 either raise or lower.

13 JUDGE STEINBERG: So, let me --

14 THE WITNESS: I don't -- I'm sorry.

15 JUDGE STEINBERG: Page 16 of Turro Exhibit No. 28
16 shows those, I think, what I believe are those light
17 buttons; is that correct?

18 THE WITNESS: Yes.

19 MR. NAFTALIN: Page 13. Your Honor?

20 JUDGE STEINBERG: Page 16. Well, actually, it's
21 typed page 13, but my secretary -- let me start -- what I
22 was referring to is page 12, is marked Figure 1-1. Okay?

23 MR. NAFTALIN: Oh, the box itself.

24 JUDGE STEINBERG: Yes. See, what my secretary did
25 was number the pages in the exhibit from 1 through the end

1 so, you know, I apologize if I screwed everybody up.

2 THE WITNESS: Okay

3 JUDGE STEINBERG: And so let me --

4 MR. ARONOWITZ: Your Honor?

5 JUDGE STEINBERG: Yes?

6 MR. ARONOWITZ: It may be helpful, you have Figure
7 1-1, and then you have Figure 2-1 and 2-2, which show the
8 various elements thereof, I believe.

9 MR. NAFTALIN: I was looking at 2-1, which as a
10 close up of the light.

11 JUDGE STEINBERG: Okay. Is everybody on the same
12 page?

13 MR. NAFTALIN: We are now looking at a picture of
14 the unit itself?

15 JUDGE STEINBERG: Yes, a picture of the unit
16 itself.

17 MR. NAFTALIN: Okay.

18 JUDGE STEINBERG: Okay, now, you go to page Figure
19 2-2, which is -- page 13 is typed on the bottom.

20 MR. NAFTALIN: That's a close up with explanations
21 of the button.

22 JUDGE STEINBERG: Yes. At the top of that page
23 you see there are three white boutons and three dark
24 buttons.

25 Now, I'm going to ask, are the three buttons

1 which channel, with an arrow up and an arrow down, and ask
2 Mr. Gaghan, are those the ones that are immediately to the
3 right of the digital readout?

4 THE WITNESS: Yes.

5 JUDGE STEINBERG: Okay, now, the button marked
6 "channel," C-H-A-N, does that mean channel?

7 THE WITNESS: Yes.

8 JUDGE STEINBERG: And was that like a rocker
9 button, if you push the top, it went up, and if you pushed
10 the bottom, it went down, or how did that work?

11 THE WITNESS: No, it was just you held the button.

12 JUDGE STEINBERG: You pushed the button in and it
13 went up a notch?

14 THE WITNESS: You see, now thinking about it, I
15 never remember the channel. It was either just raise or
16 lower. One made it go to one. The other one made it go
17 back to five. I never remember hitting the channel button.

18 JUDGE STEINBERG: Okay. So you're talking about
19 the button with the --

20 THE WITNESS: Arrows.

21 JUDGE STEINBERG: -- arrows, up arrow and down
22 arrow.

23 THE WITNESS: One would be raised, and that would
24 be lower.

25 JUDGE STEINBERG: So, in order to get it to go

1 from number one to number five, you would have to push the
2 raise button four times?

3 THE WITNESS: No, just once.

4 JUDGE STEINBERG: Just once?

5 THE WITNESS: Just once.

6 JUDGE STEINBERG: And it automatically -- somehow
7 the circuitry would --

8 THE WITNESS: It would switch over to five because
9 you would see the light go from here to here, and then vice-
10 versa.

11 JUDGE STEINBERG: Okay

12 THE WITNESS: Jerry would say, "Hit it back," and
13 then it would go back.

14 JUDGE STEINBERG: And when you say "from here to
15 here," you indicated the light next to number one would be
16 lit and then when you hit it, then the light in number five
17 would --

18 THE WITNESS: Yeah, I never recall it going one,
19 two, three, four and then five. It was one/five, five/one.

20 JUDGE STEINBERG: Okay. So then if you were on
21 number one and you get it to go to number five, you would
22 push the up arrow button once, correct?

23 THE WITNESS: You would hit one of those buttons
24 once.

25 JUDGE STEINBERG: Okay. And to go from number

1 five to number one, you would hit the other button once?

2 THE WITNESS: Yes.

3 JUDGE STEINBERG: The question that I have is,
4 now, you say that Mr. Owen -- no, Mr. Luna was on the phone.

5 THE WITNESS: Yes.

6 JUDGE STEINBERG: You were -- what were you doing?

7 THE WITNESS: I was at the TC-8 remote.

8 If you can envision this as the control board,
9 Vince was right here.

10 JUDGE STEINBERG: Vince was at the --

11 THE WITNESS: He would be right here.

12 JUDGE STEINBERG: He's sitting right in front of
13 the control board.

14 THE WITNESS: I would be back here where the unit
15 was, no more than maybe 10 feet behind him.

16 JUDGE STEINBERG: Okay.

17 THE WITNESS: And then Mr. Owen would be maybe 20
18 feet to my right.

19 JUDGE STEINBERG: So Mr. Owen was at a different
20 TC-8 unit or a different --

21 THE WITNESS: He was at a different unit.

22 JUDGE STEINBERG: Okay. All right, now, it
23 doesn't matter if I can't understand.

24 BY MR. NAFTALIN:

25 Q Mr. Gaghan, which of these things -- now, during

1 this incident you were holding your finger, you were holding
2 down a button; is that right?

3 A Yeah, it was --

4 Q Which one?

5 A -- either the raise or lower.

6 JUDGE STEINBERG: The arrow up or the arrow down.

7 MR. NAFTALIN: Okay.

8 THE WITNESS: I don't recall which one now.

9 BY MR. NAFTALIN:

10 Q But you were physically -- you were physically
11 just keeping it --

12 A Yes.

13 Q Whichever one it was, you were physically pressing
14 that in for the space of a minute or two?

15 A Yes.

16 Q Okay. During pretty much the whole incident
17 you're just holding that button down?

18 A Yes.

19 Q Okay. And it's your recollection that during that
20 incident light number five was burning and no other lights
21 were burning on the TC-8?

22 A Five was the only one that was lit.

23 Q Since we're on the subject, can you tell me what
24 were the -- to the best of your recollection -- what were
25 the functions of all the lights on the -- what can you

1 remember about all the lights on the TC-8 unit?

2 A No, I just -- I just knew one and five.

3 Q One and five. Okay.

4 A One and five, those

5 Q There could have been other functions. You just
6 don't know?

7 A I never seen any other light on that lit.

8 Q Okay. Did you ever see it turn dark? Did you
9 ever seen the unit dark that you remember?

10 A No.

11 Q Okay. If you go down another about two sentences,
12 you will see a sentence of yours that starts, right in the
13 middle there, it starts with, "Moreover." Right in the
14 middle.

15 A We're on page --

16 Q It's your paragraph 12.

17 A Okay.

18 Q Almost dead center in the middle of paragraph 12,
19 it says, "Moreover."

20 A Okay, yes, I see it.

21 Q Okay. "Moreover, I knew that by holding down the
22 number five button," what's the number five button?

23 A I -- it had to mean the buttons for raise and
24 lower.

25 Q The one that controlled number five, the one that

1 you would hit and make it go to five?

2 A I mean, you're making it sound like --

3 Q No, I'm just asking you.

4 A -- number five, I was holding that. I was
5 holding, it was either rise or lower, and that's the one
6 that sent it to five.

7 Q Mr. Gaghan, I don't want to make it sound like --

8 JUDGE STEINBERG: That was the arrow up or the
9 arrow down button on Figure 2-2?

10 THE WITNESS: Yes.

11 BY MR. NAFTALIN:

12 Q So there is no number five button?

13 A No.

14 Q Okay.

15 A Well, it just seemed that with these two buttons
16 here --

17 Q The up and down buttons.

18 A -- if you hit one, it would go to one; if you hit
19 the other button, it would go to five.

20 Q Okay. And you are pointing at the raise and lower
21 buttons?

22 A Yes.

23 JUDGE STEINBERG: Arrow up, arrow down.

24 MR. NAFTALIN: Arrow up and arrow down.

25 BY MR. NAFTALIN:

1 Q And, to your knowledge, those were the buttons
2 that would have controlled the unit for all eight lights?

3 A It looks like it should but it just controlled one
4 and five cause that's the button I held.

5 Q Okay.

6 A One of those two buttons. It was either raise or
7 lower. I don't recall which one

8 Q So when saying -- because this confused me, "the
9 number five button."

10 A Yes.

11 Q There aren't five buttons one through --

12 A No, I'm sorry. It's to raise or lower.

13 Q And then to finish that sentence, it said, "It
14 would keep everything the way it should be; that is, keep
15 the over-the-air signal going to WJUX."

16 A Monticello.

17 Q So are you saying that the TC-8 remote control
18 unit that you're talking about, the one you had your finger
19 on --

20 A Yes.

21 Q -- kept the signal going to WJUX?

22 A Yes. we had talked about that earlier.

23 Kept the audio going from Dumont to Monticello.

24 Q Okay. Bear with me because I am working with
25 these technical things too.

1 During the incident --

2 A Yes.

3 Q -- you had your finger holding down a channel
4 button on the TC-8 unit, correct?

5 A The raise or lower button.

6 Q Okay, the raise or lower, you're absolutely --
7 thank you. The raise or lower button on the TC-8. And your
8 understanding was so that that would keep light number five
9 right where it was?

10 A Yes.

11 Q And not change, correct?

12 A Yes.

13 Q Okay. And by holding that button down and keeping
14 light number five going, that was to keep the over-the-air
15 signal going to WJUX?

16 A If in you mean Monticello, yes.

17 Q Yes, okay.

18 A Okay. Keep the over-the-air signal going to
19 Monticello?

20 A Yes.

21 Q Okay, thank you.

22 All right --

23 A Could I just ask one thing?

24 Q Sure.

25 A Are we on the same page, when you say over-the-air

1 signal, do you mean the same as the audio going from Dumont
2 to wherever it's going? Because I mean the --

3 Q I'm just reading your statement.

4 JUDGE STEINBERG: to Monticello.

5 THE WITNESS: Yes. The audio?

6 MR. NAFTALIN: Yes.

7 JUDGE STEINBERG: However it got there.

8 THE WITNESS: Yes.

9 MR. NAFTALIN: Okay.

10 THE WITNESS: Okay.

11 BY MR. NAFTALIN:

12 Q You go on to say, "We were unable to remotely shut
13 off the Monticello transmitter," is that correct?

14 A Yes, I remember them saying that.

15 Q Okay. Who said that?

16 A Vince.

17 Q Mr. Luna said that?

18 A Vince, yes.

19 Q Okay. And so you understand the Monticello
20 transmitter didn't shut off because he told you so; is that
21 right?

22 A Yes.

23 Q I mean, you didn't know that by yourself; you
24 heard it from him?

25 A Yeah, and then I remember having to get back on

1 the phone with Jerry about it or something, but I mean, I
2 don't remember --

3 Q But, again, this something -- you didn't observe
4 conditions that directly told you that the Monticello
5 transmitter --

6 A No.

7 Q -- did something? You learned it from Mr. Luna in
8 some way?

9 A Yeah.

10 Q Yes, okay.

11 And then you go on to talk about, "Our actions
12 that day made it appear..." Was it your understanding that
13 this purported deception was intended to make the FCC
14 inspector think that you had control or the Dumont studio
15 had control of the Monticello transmitter?

16 A Excuse me?

17 Q Okay. Was the propose -- later on in your August
18 10, 1995, statement you refer to this incident as a
19 "deception" or something designed --

20 A Sure.

21 Q -- to fool the FCC is that right?

22 A Sure.

23 Q To your knowledge, to your understanding, was the
24 purpose of the deception to make -- was the purpose of the
25 deception to make the FCC inspector think that the Dumont