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1 understanding of confidentiality, meaning that
2 the statements that are made by Mr. Bell will
3 not be disseminated by any of the parties to
4 the media. However, they will obviously be
5 able to show these transcripts to their
6 clients and any experts or consultants on the
7 case for the Court, and we will try to
8 memorialize that in a follow-up order.

9 MR. HOLLOW: Or other members of
10 their law firm.

11 MR. FOX: Or other members of
12 their law firm, yes.

13 EXAMINATION

14 BY MR. HOLLOW:

15 Q. Mr. Bell, we have already been talking
16 to one another informally and we have been
17 introduced earlier. I am Rick Hollow and I
18 represent WNQM and its affiliated defendants.
19 I will be, as your attorney did this morning
20 of Mr. Westenberger, asking you a few
21 questions. It's in the nature of discovery.

22 I don't know if you have ever given a
23 deposition before, but the purpose of
24 discovery is as the name implies, to allow us
25 to ask questions to find out what the other

1 Q. Where were you born, Mr. Bell?

2 A. I was born on Camp Lejeune, a Marine
3 base in North Carolina.

4 Q. When were you born?

5 A. June 17, 1945.

6 Q. And the names of your parents, please?

7 A. My father is Arthur W. Bell, as well.

8 Q. Is he still alive?

9 A. Still alive. My mother is Jane E.

10 Leach.

11 Q. And is she alive or deceased?

12 A. She is alive.

13 Q. Where do your parents reside?

14 A. My father resides in Florida and my
15 mother resides in North Carolina.

16 Q. To sort of get us acquainted a little
17 bit, tell me a little about where you lived.

18 After Camp Lejeune where did you live?

19 A. Well, I was a Marine brat.

20 Q. All over?

21 A. I lived all over and I went to many,
22 many schools. And I had a life of constant
23 movement.

24 Q. What were some of the communities in
25 which you resided?

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1 side has to say.

2 And just by way of preface, because
3 this is a defamation action certain aspects of
4 you, your life, your personality are subject
5 to inquiry that might not otherwise. If it
6 was a car wreck case or a slip and fall case
7 they might not be subject to inquiry, but they
8 are here because, as I understand it, part of
9 a defamation case and in any lawsuit of that
10 type there is a component that alleges damage
11 to reputational standing. So therefore the
12 individual's history is important because it's
13 a yardstick to judge reputational standing
14 before and after.

15 And that's just a little bit of it, but
16 I wanted you to understand that so that when I
17 ask you any questions, if you think I'm being
18 too nosey or prying too much in your life and
19 private affairs, it's not for the purpose of
20 titillation or excitement or entertainment,
21 it's to try to explore what my client's
22 exposure may be in this case.

23 A. As long as it's relevant.

24 Q. Start with your full name, please.

25 A. Arthur William Bell, III.

1 A. Stamford, Connecticut. I lived in New
2 Jersey, Pennsylvania, Maryland. I don't know
3 how long you want the list to be. Primarily
4 the northeast part of the country but hopped
5 all around.

6 Q. Where did you complete 8th grade?

7 A. In Thurmont, Maryland.

8 Q. What school, do you remember?

9 A. Thurmont High School.

10 Q. Where did you go to high school?

11 A. Well, I went to high school in Delray
12 Beach, Florida. I moved around a great deal.

13 Q. From what high school did you obtain
14 your diploma, if you did?

15 A. No, I did not.

16 Q. What is the highest grade you have
17 completed in school?

18 A. 10th.

19 Q. Where would you have completed the 10th
20 grade?

21 A. Delray Beach.

22 Q. What high school there?

23 A. Delray Beach High School.

24 Q. At that time your father was still in
25 the military, or was he retired?

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1 A. At that time he was out.
 2 Q. After high school, give me a little bit
 3 of a history about what you did with
 4 yourself.
 5 A. What I did with myself was go into the
 6 United States Air Force.
 7 Q. You enlisted in the Air Force?
 8 A. I did.
 9 Q. After you completed the 10th grade?
 10 A. I did.
 11 Q. How long were you in the Air Force?
 12 A. Four years, honorable discharge.
 13 Q. Were you an enlisted man?
 14 A. I was.
 15 Q. What types of duties did you have?
 16 A. I was a medic.
 17 Q. Where were you stationed?
 18 A. I did basic training in San Antonio. I
 19 was stationed at Amarillo Air Force base in
 20 Texas for 18 months and the balance of my time
 21 at Kadena Air Force Base in Okinawa. I went
 22 to TDY to the Philippines and to Vietnam.
 23 Q. When were you discharged from the Air
 24 Force?
 25 A. In 1968.

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1 Q. After the Air Force what career,
 2 calling, occupation did you pursue?
 3 A. Radio.
 4 Q. What got you interested in radio?
 5 A. From the time that I was 12 years old I
 6 was interested in electronics and radio.
 7 Q. Tell me about that. Tell me what got
 8 you interested in electronics and how you
 9 developed that interest.
 10 A. From the time I could crawl I began
 11 taking apart my mother's appliances and trying
 12 to figure out what made them work. And I
 13 entered radio as an engineer. I hold a first
 14 class radio/telephone license and I have since
 15 I was 13 years old.
 16 When I was discharged from the Air
 17 Force I turned around and went back to the Far
 18 East and worked for KSBK, a commercial
 19 broadcast station on the island of Okinawa,
 20 for an additional six years.
 21 Q. So that would have been '68 to about
 22 '74?
 23 A. Yeah. All these times are pretty rough
 24 but close, yeah.
 25 Q. I understand that. During the time

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1 that you worked on Okinawa what were your
 2 duties and responsibilities with regard to
 3 broadcasting?
 4 A. I was a disc jockey, if you will.
 5 Q. Did you do news, commentary, music?
 6 A. Yes, music and news.
 7 Q. I'm assuming this to be an English
 8 language station.
 9 A. Yes indeed. As a matter of fact, the
 10 only commercial broadcast station in the Far
 11 East ever.
 12 Q. Was its broadcast aimed primarily at
 13 U.S. citizens and servicemen?
 14 A. Yes. There was about a quarter million
 15 on the island.
 16 Q. Was the station owned in part by the
 17 federal government or any --
 18 A. In no part whatsoever. It was owned by
 19 Okinawa private interests.
 20 Q. After your stint with the radio station
 21 in Okinawa, then where did you go?
 22 A. I went to Hawaii for about six months
 23 and worked for a station on Maui.
 24 Q. What were the call signs for that
 25 station, do you remember?

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1 A. I am sorry. It was in a relatively
 2 obscure place called Makawao up on the side of
 3 a volcano in Maui. And I think it was KNUE.
 4 That's a guess, that's what I recall.
 5 Q. Or as your attorney would say, your
 6 best estimate?
 7 A. Uh-huh.
 8 Q. And you were there for six months, and
 9 what were your duties there?
 10 A. The same thing, announcing news, music,
 11 that sort of thing.
 12 Q. And from there?
 13 A. This may save you some trouble. I, as
 14 an adult, much as a child, did nothing but
 15 move. That's the nature of radio. And I
 16 would estimate that I worked for no less than
 17 20 stations in my career, in my early radio
 18 career as a disc jockey.
 19 Q. Was that between the Air Force and
 20 having your own show?
 21 A. Well, no, I had my own show on about 20
 22 different stations, I would say, over maybe a
 23 15-year period, 12 or 15 years. A lot of
 24 moving, a great deal of moving.
 25 Q. Well, we are in Maui. Then where did

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1 you go after Maui?
 2 A. I went home to visit my parents. I
 3 left Maui because I finally had had enough of
 4 islands. I kind of got island fever after a
 5 while. I went back to visit my parents, sent
 6 out resumes and audiotapes, as we do in the
 7 radio business, and was hired.
 8 I went for a period of time to North
 9 Carolina. Then I went to Anchorage, Alaska,
 10 where I worked three years for KENI in
 11 Anchorage.
 12 I came back to the States, worked in
 13 Monterey, California, did a talk show there.
 14 I worked in Santa Cruz, did a talk show
 15 there. I worked in San Diego for two radio
 16 stations, XTRA, which was in San
 17 Diego/Tijuana, and 105.5 FM in San Diego, and
 18 was doing rather well in my broadcast career
 19 as a disc jockey.
 20 Q. So all this time you were a disc jockey
 21 primarily?
 22 A. Yes. And you could fit probably
 23 another 10 stations in between what I just
 24 told you. Finally in San Diego I decided that
 25 I had had enough of a life as a gypsy and I

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1 decided I would leave radio.
 2 And I, of course, have a pretty good
 3 engineering background. I've been to
 4 microwave school, Hughes AML Microwave
 5 School. So I went to work for a cable company
 6 in San Diego, Southwest Cable Television in
 7 San Diego. I was there, I think, 18 months.
 8 And then I came to Las Vegas and went
 9 to work for what was then Times Mirror Cable
 10 Television. And I designed their what's
 11 called a head end, all of their receiving
 12 equipment, the satellite equipment, the
 13 processors, the microwave shots, the
 14 distribution. I designed it and then ran that
 15 department for five years as head of that
 16 department in engineering.
 17 Q. Then what did you do after that?
 18 A. Radio remains in your blood, it never
 19 goes. So there I was in Las Vegas. After I
 20 had built this microwave system I was running
 21 the department. And I sort of began to feel
 22 like the Maytag repairman and it was boring.
 23 And so KDWN in Las Vegas somehow
 24 learned of my background in radio and came to
 25 me and said hey, how would you like to come on

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1 the weekends and do a talk show. And the old
 2 bite of radio took a chunk out of me again and
 3 I said sure. So I went and I did a talk show
 4 on the weekends.
 5 That went on, I would say, for six
 6 months and they asked me to come and be a
 7 full-time employee. I was still unwilling to
 8 recommit myself to radio. I was married to
 9 somebody else at the time and I wasn't ready
 10 to commit to a full-time radio career again.
 11 Nevertheless I went ahead and accepted the job
 12 with the blessing of my other employer at the
 13 cable company. And for a period of six months
 14 I worked both full-time jobs.
 15 After about six months Times Mirror
 16 Corporation came to me and said you have got
 17 to make a choice, it's us or them. And I took
 18 an \$8,000 salary cut and went to work for KDWN
 19 full-time.
 20 Q. Which would have been about what year?
 21 A. About '84 or '85, '84 going into '85.
 22 I did a six-month show with another
 23 personality. The nature of AM radio is that
 24 during the day a big 50-thousand-watt station
 25 like KDWN reaches Las Vegas and then lots of

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1 desert and perhaps some of the highway going
 2 toward Los Angeles. But at night that same
 3 station, because of the nature of the bounce
 4 that this gentleman told you about earlier,
 5 reaches 13 states. And so I wished to go on
 6 at night and obviously have more exposure.
 7 And finally I had my opportunity to do
 8 that because the man who was on at night
 9 wasn't effective, wasn't getting calls, and so
 10 forth and so on. So the person who owned the
 11 radio station said all right, we will give you
 12 a shot to go on at night. If we don't like
 13 you a big hook will come out and you will be
 14 off the air. I said fine.
 15 I went on, it was a great big success,
 16 and I stayed and I worked at KDWN for a total
 17 of about ten years, ten or 11 years.
 18 Q. So you did the night talk show on KDWN
 19 for about ten years?
 20 A. Yes, sir. And it became increasingly
 21 popular. It was the No. 1 rated talk show
 22 for, I think, probably six years running.
 23 Q. I would assume that to be the last six
 24 years you ran it, correct?
 25 A. Well, to bring you from there to date,

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1 the show was so successful that at some point
 2 a man came along and said gee, you have got an
 3 awfully good show, let's syndicate the
 4 program, put it up on satellite and see what
 5 happens.
 6 Q. Who was this individual?
 7 A. David Papandria. And you are going to
 8 ask me how to spell Papandria and I am not
 9 going to be able to help you. That's Greek, a
 10 Greek name. He had some money and almost no
 11 knowledge of radio, but he loved the show.
 12 The show began to build and I did most
 13 of the soliciting of affiliate radio stations,
 14 and I think I gathered by the time we sold it
 15 22 radio stations.
 16 And then Mr. Papandria sold his
 17 interest to another gentleman in Washington
 18 whose name was Allen Gottlieb. And again it
 19 sort of languished because Allen Gottlieb
 20 didn't know a great deal about building a
 21 radio program. I think we spent probably a
 22 better part of the year with Mr. Gottlieb, and
 23 then finally Allen Corbeth, my current boss,
 24 and Roy Masters purchased --
 25 Q. C-o-r-b-e-t-t?

1 they syndicated some other shows there.
 2 Q. But your show remained syndicated
 3 through Chancellor Broadcasting?
 4 A. Yes, sir. And that is a Nevada
 5 corporation.
 6 Q. Does it remain syndicated through
 7 Chancellor Broadcasting Company at this time?
 8 A. It does not. It later became
 9 syndicated by Premiere Radio Networks, a
 10 subsidiary of Jacor Corporation. To give you
 11 some idea, they own the Rush Limbaugh Show,
 12 Dr. Laura Schlessinger, myself, Michael
 13 Reagan.
 14 Q. Is that J-a-c-o-r?
 15 A. It is.
 16 Q. How long have you been syndicated
 17 through Premiere Radio Network?
 18 A. Just about one year.
 19 Q. Did Jacor purchase Chancellor
 20 Broadcasting Company?
 21 A. It did. It purchased, in fact,
 22 Chancellor Broadcasting and Talk Radio
 23 Network.
 24 Q. Both were purchased by Jacor and that's
 25 how the transfer of syndication came?

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1 A. C-o-r-b-e-t-h. They purchased the
 2 radio program. And finally here are people
 3 who really understood radio and understood
 4 marketing and advertising, and all the rest of
 5 it. And that is when the syndication really
 6 took off and has brought me to where I am
 7 today.
 8 Q. What year was that that Allen and
 9 Mr. Masters bought --
 10 A. Well, this is all rough, but I think
 11 Allen acquired it --
 12 MS. BELL: '92 or '93.
 13 A. '93 sounds about right.
 14 Q. And under what name did they do
 15 business?
 16 A. Chancellor Broadcasting Company, CBC.
 17 Q. And I'm assuming without you saying so
 18 that the Chancellor Broadcasting Company also
 19 had other shows that were syndicated through
 20 it.
 21 A. Initially no, no. Chancellor
 22 Broadcasting always remained its own corporate
 23 entity. They did form another network called
 24 Talk Radio Network, which was a separate
 25 corporate entity but in the same building, and

1 A. Yes.
 2 Q. Your syndication was transferred with
 3 the transfer of ownership?
 4 A. Yes, sir.
 5 Q. I know some people own their own shows
 6 and some people have shows that are owned by
 7 syndicators or networks, or whatever. And the
 8 show is your persona. I mean it's your show,
 9 if you are not there the show dies, but
 10 somebody may own it.
 11 How is your relationship? Do you own
 12 your own show, or does someone else own the
 13 show? Is there a hybrid relationship in there
 14 somewhere?
 15 MR. FOX: If you know.
 16 A. I owned four percent of the show at the
 17 time Premiere Radio Networks purchased it, so
 18 I received four percent of the proceeds of
 19 that sale.
 20 Q. Do you own any of your show now?
 21 A. No.
 22 Q. So when they bought it out they bought
 23 your four percent along with the 96 percent
 24 that was owned by CBC?
 25 A. Yes, sir.

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1 Q. And you got whatever your percentage
2 was of the total price for the purchase of
3 your show, or for the purchase of CBC?

4 A. Well, they are the same thing. CBC is
5 the Art Bell Show. CBC only owned the Art
6 Bell Show, so we are one in the same. The
7 corporate entity CBC is me.

8 Q. So you got four percent of whatever the
9 CBC purchase price was?

10 A. Yes, sir, that's correct.

11 Q. And that would have happened in '97,
12 '96?

13 A. Well, I think it was at the beginning
14 of the year. It's been just about exactly a
15 year, I believe.

16 Q. Do you understand I am not going to
17 hold you to a precise day or an hour, but I'm
18 looking for approximations to give us an idea
19 of time frame?

20 A. Sure.

21 Q. When you inaugurated your talk show
22 back in Las Vegas, what type of subject matter
23 did you deal with? Most talk shows have a
24 theme. Or were you just kind of a general,
25 all-purpose talk show?

1 much a one-man band all there by myself, no
2 producer, no screener. I did, however, have a
3 delay system, which is standard in the
4 industry, and I was responsible for pushing
5 the button for bad language or statements that
6 could be potentially libelous or slanderous.

7 Q. What was the period of delay when you
8 hit the button?

9 A. Seven seconds to consider your career.

10 Q. So you had seven seconds and then you
11 hit the button, and as long as you had the
12 button down there was no airtime?

13 A. You just hit it once and the last seven
14 seconds disappear. And it's covered up by
15 phone numbers, or whatever you want to say,
16 oops, something was said that shouldn't have
17 been, or whatever you wanted to have said.
18 The last seven seconds simply disappears.

19 Q. During that period of time did you
20 evolve some kind of an interest in a specific
21 type of programming?

22 A. Yes, absolutely.

23 Q. You know, Rush Limbaugh is kind of into
24 political commentary and other talk show hosts
25 are into other things.

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1 A. When my talk show began, and we are
2 talking now at the beginning of KDWN, which is
3 better than a decade ago, it was an open-line
4 call-in show without a screener, meaning I
5 just took calls and dealt with the subject
6 material as it came in.

7 Q. Could have been anything?

8 A. Yes, sir.

9 Q. And were you the expert on these
10 matters? I mean you answered the questions,
11 you fielded the calls, or did you occasionally
12 have a guest that would help you?

13 A. Yes to all of that.

14 Q. Tell me how that evolved.

15 A. Well, most of the time at the beginning
16 of the show it was merely an open line,
17 anything goes. It was a

18 call-and-talk-about-it talk show.

19 Occasionally I would have guests, but it was a
20 rather occasional matter, not very regular.

21 Q. It's tough to get guests on an
22 all-night talk show?

23 A. It is indeed, or was.

24 Q. Not anymore but it was then probably?

25 A. Yes, that's correct. So I was pretty

1 A. You are correct. The answer to your
2 question is yes, absolutely. I began to drift
3 toward the unusual, the paranormal. I began
4 to have more guests, much to the dismay of the
5 station owner, on ufology, UFOs.

6 Q. Is that what ufology is, the study of
7 UFOs?

8 A. Yes, it is. The paranormal, ghosts,
9 special mental abilities, that sort of thing.

10 In other words, strange phenomena, I guess
11 would sum it up. And I began to drift more
12 and more in that direction. And as I did the
13 success of the show built accordingly. So it
14 was my interest. I wasn't just doing
15 something that I thought would garner an
16 audience. I was doing something that I loved
17 and that I found a great deal of interest in.
18 Politics began to bore me more and more and
19 more.

20 And so I guess I moved the show in that
21 direction and the audience seemed to want it
22 to go in this direction, so it was a happy
23 marriage. And the show evolved in that
24 direction to the point that for several years,
25 for many years now it's been nearly

1 exclusively that.
 2 Q. As opposed to political controversy or
 3 medicine or health?
 4 A. That's right.
 5 Q. So that your focus now is --
 6 A. The paranormal.
 7 Q. And that includes the full spectrum, I
 8 am assuming.
 9 A. It did indeed.
 10 Q. Anything from alien abductions,
 11 poltergeists and ghosts, and people who claim
 12 to be clairvoyant?
 13 A. Yes, prophets.
 14 Q. Reincarnations?
 15 A. Yes.
 16 Q. As a matter of curiosity, have you ever
 17 met any reincarnated that you thought was
 18 real, or that wasn't faking it or phony or
 19 under the function of some kind of mental
 20 illness?
 21 A. To answer your question, I have
 22 interviewed hypnotherapists who have regressed
 23 patients into prior lives and gleaned
 24 information which was then able to be verified
 25 externally, which means that they have no way

1 A. Pacific time is from 10 p.m. to 3 a.m.
 2 Q. Are you broadcast on FM, AM, shortwave,
 3 or a combination?
 4 A. AM and FM. We presently have no
 5 shortwave.
 6 Q. I know Jacor is a big corporation.
 7 A. Just purchased by Clear Channel, by the
 8 way.
 9 Q. How many stations carry your show, at
 10 last count?
 11 A. At last count, 411.
 12 Q. You have gained a few.
 13 A. Well, I don't know what your last count
 14 was.
 15 Q. Well, I heard 400.
 16 A. Okay.
 17 Q. How many countries does your show
 18 reach?
 19 A. Well, obviously 80 percent of the
 20 audience is in American province. We have
 21 nearly complete coverage in Canada. We are
 22 heard in the Virgin Islands. And it's carried
 23 on the internet, which means that anybody with
 24 a computer anywhere in the world can hear it,
 25 so worldwide.

1 of knowing. So does that mean I firmly
 2 believe everything I broadcast? No, but I
 3 certainly lean toward an interest in this
 4 area. And there is evidence that's presented
 5 that's credible.
 6 Q. That was going to be my next question.
 7 I realize we are digressing a little bit here,
 8 but you do feel, then, that there is
 9 credibility to some of the aspects of the
 10 paranormal?
 11 A. Absolutely, yes. What I do, so you
 12 might know, some I would describe as
 13 entertainment, for entertainment value, some I
 14 would describe as very serious.
 15 For example, the night before I came
 16 here I had Dr. Michio Kaku on, who is one of
 17 our nation's leading theoretical physicists.
 18 So my show will now range from hard science to
 19 the paranormal to the metaphysical. I'm all
 20 over the place on these interesting topics,
 21 topics that I consider very interesting and
 22 apparently the audience does, as well.
 23 Q. Are you still a nighttime show?
 24 A. Absolutely.
 25 Q. From when to when?

1 Q. And also copy whatever is on the
 2 internet?
 3 A. Oh, absolutely. There are typed
 4 programs up there, so you can look back there
 5 and listen to them, sure.
 6 Q. At the time of this broadcast, I can't
 7 remember the date --
 8 MR. FOX: December 9, 1997.
 9 Q. December 9, 1997, at that time were you
 10 with Jacor?
 11 A. No, sir. That's a very interesting
 12 question because at that time we were in
 13 negotiation with CBS, ABC, and Jacor. They
 14 were all courting us at that time.
 15 Q. Was Jacor the high bidder?
 16 A. At the time of this broadcast two of
 17 the suitors dropped out. The third, Jacor,
 18 called my management when they heard about
 19 this and hired an investigator and determined
 20 that it was totally false and the sale
 21 proceeded.
 22 Q. Had you reached the money-talking stage
 23 with ABC and CBS?
 24 A. They were talking money with all of
 25 them.

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1 Q. Tell me what kind of money was being
2 talked about with ABC and CBS. And what was
3 the final package with Jacor?

4 A. Okay. It's a little hard for me
5 because I wasn't in on all of that, but I'll
6 give you my best estimate.

7 Q. That's fine.

8 A. I think that the figure quoted to ABC
9 was \$15 million, or \$20 million. I don't know
10 the figure with regard to CBS. The end sale
11 figure with Jacor was \$9 million.

12 Q. When you say the figure was talked
13 about with ABC, was that the asking price, or
14 was that ABC's offer to purchase?

15 MR. FOX: If you know.

16 A. I really don't. I was hearing about
17 what was going on, I wasn't a part of these
18 negotiations. I was doing the air work. And
19 so I know that figure was bandied about with
20 ABC, that's all I know.

21 Q. Did you then receive four percent of \$9
22 million?

23 A. I did.

24 Q. At the time of the sale, or at the time
25 of this broadcast, what was your

1 Q. Net proceeds of Jacor?

2 A. No, of my program.

3 Q. How has that worked out so far? Do
4 they pay you that 20 percent monthly, or
5 annually, or semiannually?

6 A. As part of the renegotiation of the
7 contract when Premiere took over they advanced
8 me \$500,000, which was nonrefundable, as a
9 matter of my contract. And I think to date I
10 have now paid back probably \$400,000 of that
11 money. And when I have completely paid that
12 back then that monthly additional amount will
13 come to me.

14 Q. So over a period of about a year your
15 20 percent of your show's profits have been at
16 least \$400,000?

17 A. Correct, sir, approximately correct.

18 Q. So the new arrangements that you have
19 with Jacor would appear to me to have more
20 economic potential than your previous
21 arrangement had with CBC?

22 A. Yes, sir.

23 Q. Of course Jacor, I'm assuming, as with
24 CBC, the deal is dependent upon your continued
25 performance?

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1 compensation? How was it determined and what
2 was its amount annually?

3 A. Prior to the sale?

4 Q. Yes, sir, as of December 7, 1997.

5 MR. FOX: If you don't know don't
6 guess. Just give them a reasonable
7 approximation. We have interrogatories and
8 other things for answering where we can be
9 more specific.

10 A. I would guess that I was making maybe
11 \$30,000 a month, and I'm sorry, because it
12 varied month to month. In other words, I had
13 a deal where I received compensation for
14 commercials I read, I received a certain
15 percentage for the commercials that ran, I
16 received a certain percentage for tape sales.
17 This is why I am unable to give you a specific
18 figure, because it varied widely from month to
19 month, depending on advertisers and
20 everything.

21 Q. What is your present rate of
22 compensation?

23 A. My present rate of compensation salary
24 is \$150,000 per year plus 20 percent of net
25 proceeds.

1 A. Yes, sir, it certainly is.

2 Q. And of course the whim of a fickle
3 public?

4 A. I'm sorry?

5 Q. And the whims of a fickle public?

6 A. Always.

7 Q. At the present time are you working to
8 expand the number of stations upon which you
9 are syndicated?

10 A. Always.

11 Q. Do you engage in that promotional
12 effort, or do you have other persons at Jacor
13 that do that for you?

14 A. We have an affiliate relations
15 department that makes calls.

16 Q. Like a sales force?

17 A. Yeah, sure.

18 Q. Do you have sponsors?

19 A. I do indeed.

20 Q. How many sponsors on average would you
21 say you have over a week?

22 A. We are filled up. We have five minutes
23 per hour sold that the network receives
24 compensation for.

25 Q. And what does a minute of time on your

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1 program go for?
 2 A. I think about \$1,100. Now, I'm not on
 3 that side of the business, so I am giving you
 4 an approximate figure.
 5 Q. I understand that's an estimate. So
 6 between \$5,000 and \$6,000 an hour in
 7 advertising revenue potential?
 8 A. Yes.
 9 Q. And then that's multiplied times how
 10 many hours you are on the air?
 11 A. Correct.
 12 Q. And right now your program is sold out
 13 advertising-wise?
 14 A. Yes.
 15 Q. That's a good thing, isn't it?
 16 A. That's a good thing.
 17 Q. How long has your program been sold
 18 out?
 19 A. I would say for the last two years.
 20 Q. Of course advertisers are probably more
 21 fickle than the public themselves, so that
 22 would tell me that they have a lot of
 23 confidence in your show and its future.
 24 MR. FOX: I am going to object.
 25 That calls for speculation. He can't answer

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1 that question. He doesn't know what they
 2 think. He can only guess.
 3 Q. Based on what you've seen and what you
 4 observe, do you have an opinion as to whether
 5 or not your advertisers have confidence in
 6 your show? You can say whether you do or
 7 not.
 8 MR. FOX: I am still going to
 9 object. I am going to instruct him not to
 10 answer questions that ask for opinions. He's
 11 not here as an expert witness. You can ask
 12 him what he knows.
 13 (Whereupon, an off-the-record
 14 discussion was had.)
 15 MR. COX: Questions have come up
 16 in regards to instructing the witness not to
 17 answer particular questions. Rather than stop
 18 the deposition and go ask for an evidentiary
 19 ruling and knowing full well that other such
 20 objections and instructions may follow, the
 21 parties have agreed that these questions and
 22 objections and instructions not to answer will
 23 be noted by the court reporter so that at the
 24 conclusion of the deposition, without anybody
 25 waiving anything, we can have those certified,

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1 asked again, same objections made, however we
 2 want to do it.
 3 The purpose and intent of the parties'
 4 counsel is simply not to break up the
 5 deposition but continue on when these matters
 6 arise and take them up with the Court at a
 7 later time.
 8 Is that acceptable to everyone?
 9 MR. FOX: Yes, it is.
 10 MR. HOLLOW: Fine with me.
 11 Q. Mr. Bell, in asking you the questions I
 12 am asking you I am looking for your
 13 information, your knowledge. It's naive of me
 14 and you, or anybody in this room, to assume
 15 that those of us who interact with other
 16 people on a day-to-day basis don't form
 17 opinions of what other people think of us.
 18 If you say hello to somebody and they
 19 turn their head the other way and walk across
 20 the street you form some opinion about them.
 21 If, on the other hand, they walk up and
 22 embrace you then you form an opinion about
 23 that too.
 24 Do you keep a file of testimonial
 25 letters that you receive?

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1 A. I do not.
 2 Q. Do you receive testimonial letters?
 3 A. I do.
 4 Q. How many testimonial letters on average
 5 would you receive during a 30-day period?
 6 A. You are referring to sponsors?
 7 Q. No, I'm talking just in general.
 8 A. In general?
 9 Q. From your listening audience, from
 10 sponsors, from whatever source.
 11 MR. FOX: Just for the record, I
 12 think it might help for whoever reads the
 13 transcript down the road, I know what you
 14 are talking about and Mr. Bell does and surely
 15 you do, but maybe --
 16 A. He's referring to correspondence I
 17 receive.
 18 Q. Yes.
 19 A. Testimonial is what tripped me up, I'm
 20 sorry. Correspondence, not all of it's
 21 friendly. I receive thousands of letters per
 22 month.
 23 Q. Are any of those letters from your
 24 sponsors?
 25 A. Occasionally.

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1 Q. Are the letters from your sponsors
2 positive or negative?

3 A. Both.

4 Q. Have any of your sponsors ever left you
5 because they disagreed with the subject matter
6 or the presentation of the subject matter on
7 your show?

8 A. Yes, on occasion.

9 Q. Few or many?

10 A. A few, and a few radio stations, as
11 well.

12 Q. But that hasn't stopped the success of
13 your show, I take it?

14 A. No, it has not. I continue to do my
15 show as I always did.

16 Q. Do you keep a file of correspondence,
17 e-mails, a printout of telefaxes in form
18 that's in any way reduced to a lasting form or
19 format of correspondence with you regarding
20 your show?

21 A. In answer to your question, I receive
22 300 or 400 faxes nightly. I receive e-mail
23 faster than I can delete it. I receive so
24 much correspondence that if I were to retain
25 it I wouldn't have a place to live.

1 those materials and file them as a late-filed
2 exhibit to this deposition?

3 You can understand I am interested in
4 that because I want to know the public's
5 perception of you, and that's an easy way to
6 learn that and a very direct way to learn
7 that. But at the same time I realize you've
8 got constraints of a career and things to do.
9 So if you could, make those copies or make
10 them available to us so that we could copy
11 them, however you want to do that.

12 MR. FOX: I have a couple
13 comments. One is maybe we can agree to
14 produce those for you to copy, but I don't
15 think they need to be made an exhibit to the
16 deposition only because every time we want to
17 use the deposition, if you bind them to the
18 back the way I like them bound it's rather
19 heavy.

20 A. Yeah, it would be.

21 MR. HOLLOW: If you can produce
22 them we will copy them at our expense and
23 provide you with a copy and provide anybody
24 else with a copy.

25 MR. FOX: I want to be clear since

*agree
to produce
for my copying*

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1 Q. So you don't keep any of it?

2 A. I wouldn't say I don't keep any of it,
3 but I keep a very tiny percentage of it. Most
4 of it hits the trash can pretty quick.

5 Q. What criterion does it have to satisfy
6 in order for you to keep it?

7 A. I would keep typically newspaper
8 articles that are about me. If the New York
9 Times writes a piece on me or the Los Angeles
10 Times or the Chicago Sun-Times I would retain
11 that as sort of a scrapbook piece typically,
12 that sort of thing.

13 Q. How extensive is this scrapbook of
14 yours at this time?

15 MS. BELL: If you will look at his
16 briefcase over there, I would say I have about
17 ten of them in my garage right now full of
18 newspaper articles, magazine clippings.

19 Q. How extensive is your file of material
20 of that nature for the last two years?

21 A. Extensive. There have been many
22 stories about me in print and in broadcast
23 media both.

24 Q. Would you consider it too burdensome at
25 our expense to copy the last two years of

1 you are talking about the public's perception,
2 are you talking about articles as opposed to
3 letters to the editor? Obviously articles
4 reflect the person who's writing it.

5 MR. HOLLOW: Of course.

6 A. Almost all of them are articles.

7 Q. Anything that is in, quote, the file
8 for the last two years, whether it be a letter
9 from a listener, whether it's in the nature of
10 an editorial or an article.

11 A. Mostly articles.

12 Q. Newspaper, trade journal, magazine, an
13 interview transcript, anything of that nature,
14 that would be very helpful.

15 A. I have a lot of that sort of thing.

16 Yes, we can do that.

17 MR. HOLLOW: John, you tell me
18 when you get it and I'll make arrangements to
19 have it copied.

20 A. I would ask that -- I mean these are my
21 memories -- that you take very good care of
22 them and return the originals to me.

23 Q. We will take care of them as if they
24 were our own.

25 A. Thank you.

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1 Q. You mentioned that you got a \$50,000
 2 advance which was nonrefundable.
 3 A. No, I said \$500,000.
 4 Q. A \$500,000 nonrefundable advance. Did
 5 that include the four percent, or was that in
 6 addition to?
 7 A. In addition to.
 8 Q. So you got roughly \$360,000 out of the
 9 \$9 million purchase and in addition to that
 10 you got the \$500,000. And you draw \$150,000 a
 11 year and that doesn't count towards anything,
 12 that's just yours.
 13 A. Salary. And then 20 percent against
 14 that goes to pay back that \$500,000 of which
 15 \$400,000 has now been paid back.
 16 Q. So sometime in calendar year 1999 you
 17 anticipate going into pure --
 18 A. Having paid them back, yes.
 19 Q. In receipt of your pure 20 percent?
 20 A. That's correct.
 21 Q. Had anyone on your behalf, or have you
 22 ever conducted any research into the number of
 23 souls who hear your radio show, the number of
 24 persons who hear your radio show on a nightly
 25 basis, any audience studies?

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1 A. There have been. The New York Post
 2 published an article a couple of years or a
 3 year ago which indicated, I think, that I had
 4 6.8 million listeners. And at the bottom of
 5 the advertisements or the report it said based
 6 on Arbitron figures, which is an audience
 7 measurement service.
 8 Q. That's night in and night out?
 9 A. That's week in and week out.
 10 Q. Are you on the air seven days a week,
 11 or five days a week, or four, or three?
 12 A. I'm on the air six days a week.
 13 Q. Monday through Saturday?
 14 A. Monday through Friday and then a Sunday
 15 program called Dreamland.
 16 Q. What is the other program called?
 17 A. Coast to Coast AM.
 18 Q. And the subject is the same?
 19 A. Yes, sir.
 20 Q. Tell me some of the folks you have had
 21 on your show over the past eight or ten months
 22 as guests, just the names that stand out and
 23 what kind of area they are interested in so I
 24 can get a flavor for your guests.
 25 A. Well, we are in Nashville. Willie

1 Nelson.
 2 Q. Is he interested in the paranormal?
 3 A. As a matter of fact, he is. I
 4 mentioned one a minute ago, Dr. Michio Kaku.
 5 He is a theoretical physicist who teaches at
 6 the City of New York University.
 7 Q. What was the emphasis of his
 8 presentation?
 9 A. State-of-the-art theoretical physics as
 10 it relates to our world, in other words, where
 11 we came from and what we are all about, how
 12 the universe began, what we now believe about
 13 other dimensional possibilities. These are
 14 now things that are becoming very mainstream
 15 in science.
 16 Q. No longer science fiction?
 17 A. Well, it's theoretical, so I suppose
 18 you could make that claim, but these are
 19 academics. I've had professor John Mack from
 20 Harvard. I have had Father Malachi Martin,
 21 who was advisor to two popes. I have had
 22 Major Ed Dames, who is a remote viewer and
 23 works with the U.S. Government's remote
 24 viewing project for 20 years, or that the U.S.
 25 Government conducted for 20 years rather.

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1 Q. What is remote viewing?
 2 A. Remote viewing, you might describe it
 3 as a disciplined psychic. And Nightline did a
 4 30-minute show on that subject and revealed
 5 that our U.S. Government sponsored a program
 6 for the last 20 years on utilizing the
 7 services of remote viewers, for example, to
 8 locate where the gas canisters in Iraq might
 9 be.
 10 Q. Or where a POW might be, or whatever?
 11 A. Precisely. So it utilizes specific
 12 protocols and you might describe them as
 13 disciplined psychics.
 14 Q. Would you recall their approach, based
 15 on your observations, a scientific approach to
 16 the area?
 17 A. Yes. The government certainly
 18 perceived it as such to fund it for 20 years,
 19 I would say.
 20 Q. What other guests? This is
 21 fascinating.
 22 A. I have had Dr. Taff, who worked at
 23 Princeton University, on the paranormal, on
 24 the ability of your mind to manipulate random
 25 number generators in computers.

1 MS. BELL: It was Dr. LaLand.
 2 Harry Taff was the poltergeist one.
 3 A. He also had some relationship to
 4 Princeton at an earlier time working there,
 5 taught there. I have usually a guest every
 6 night, so to sit here and rattle them off is
 7 kind of tough, but you should be by now
 8 getting the idea.
 9 Q. I am.
 10 A. I have had Commander William Donaldson
 11 on the downing of Flight TWA 800, who is a
 12 crash expert, in the last month.
 13 Q. What is his theory on that, just as a
 14 matter of curiosity?
 15 A. I don't think it's theory.
 16 Q. With the failure of the fuel tank?
 17 A. No. I think he has significant
 18 evidence that that plane was brought down by a
 19 missile.
 20 Q. Hostile or friendly?
 21 A. You are asking me to speculate, but I
 22 think it is his view that it was probably our
 23 own. I think that's his view.
 24 Q. So he doesn't disagree then with
 25 Schlessinger with the missile theory?

1 questions.
 2 Q. So with the exception of the time when
 3 you have open lines at the beginning of the
 4 show, it's not unlike Larry King where he will
 5 just interview the guest --
 6 A. Yes, that's accurate.
 7 Q. You obviously have an interest.
 8 Obviously you are a promoter, you're an
 9 entrepreneur, you are a businessman, or you
 10 wouldn't be able to do what you do.
 11 A. A fair statement.
 12 Q. And in all entrepreneurial adventures
 13 there are business tactics that are used,
 14 which may include embellishment. I don't mean
 15 that in a bad way.
 16 MR. FOX: I object. I don't know
 17 what you are talking about. Can you be more
 18 specific?
 19 A. Let me answer specifically. I don't
 20 embellish. In my program I am honest. And I
 21 have done that over the years. I have found
 22 that if you are honest today you don't have to
 23 remember the lie you told two years ago, and
 24 so I don't embellish. That's a direct answer.
 25 Q. Have you, over the years that you have

1 A. What he does is to present evidence
 2 indicating there was an external pressure
 3 event recorded on the flight recorder which
 4 would indicate this big kaboom outside the
 5 aircraft.
 6 Q. Instead of an internal pressure event
 7 like the explosion of the fuel tank?
 8 A. The last lines on the black box
 9 recorder indicate an external pressure event.
 10 So I think you have a pretty good idea of the
 11 spirit of the program I am doing now.
 12 Q. I do. Do you take calls?
 13 A. I do.
 14 Q. What percent of your programming is
 15 devoted to taking calls?
 16 A. Probably a third.
 17 Q. Never having heard your show, do you
 18 open with dialogue and then take calls?
 19 A. I usually open with an hour of complete
 20 open lines. In the second hour I usually
 21 bring on a guest. And I am giving you a
 22 typical setup, not an absolute. And sometimes
 23 I interview the guest for an hour or two on
 24 subject material, and then I will open the
 25 lines for the audience to ask the guest

1 been involved in this type of program,
 2 developed any personal interest from an
 3 academic or investigational point of view in
 4 the subject matter that you deal with?
 5 A. Absolutely.
 6 Q. Have you conducted any personal
 7 experiments or examinations of the paranormal
 8 in any particular during your career?
 9 A. I have. I have had sightings of
 10 unidentified flying objects.
 11 Q. You yourself?
 12 A. My wife and I both. Close up.
 13 Q. Where did this occur?
 14 A. About a half a mile from my home.
 15 Q. In Nevada?
 16 A. Yes, sir.
 17 Q. Has it been a good time ago? When did
 18 it happen?
 19 A. We could nail it down.
 20 MS. BELL: About five-and-a-half
 21 years ago, and then a year-and-a-half for the
 22 other.
 23 A. And then a second incident about a
 24 year-and-a-half ago.
 25 Q. Was this time five-plus years ago the

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1 first time you ever had an opportunity to see
 2 what appeared to you to be a UFO?
 3 A. I can be very specific. It was
 4 definitely a UFO and it was very close. And I
 5 would be glad to describe it to you if you are
 6 really interested.
 7 Q. I am very interested. Tell me about
 8 it.
 9 A. My wife and I were coming home from Las
 10 Vegas at about 11:20 in the evening, and my
 11 wife was sitting in the passenger seat and I
 12 was driving. We were about a half a mile from
 13 home. It was about a full moon.
 14 And my wife said what the hell is
 15 that. I said what do you mean. She said
 16 coming up from behind us.
 17 And I live, as I have described, very
 18 much out in the country where there are no
 19 other cars.
 20 Q. How far would you say you live from the
 21 nearest other inhabited dwellings?
 22 A. Oh, not far now.
 23 MS. BELL: We were the only
 24 residents there.
 25 A. Then we were the only residents there

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1 in that particular area, so I would say the
 2 next inhabited dwelling was probably a couple
 3 miles away.
 4 Q. At the time?
 5 A. At the time. At any rate, I pulled the
 6 car off to the side of the road. We both got
 7 out. And coming up from behind us was this
 8 very, very large, dark triangle craft, which I
 9 would estimate to be about 150 feet at least
 10 from one point of the triangle to the next.
 11 Q. Was it like an equilateral triangle?
 12 A. It was a perfect triangle. Look, I was
 13 in the Air Force, so I know what aerodynamic
 14 flight requires. This thing was moving at
 15 about 30 miles an hour and it made no noise
 16 whatsoever, zero. And it passed directly over
 17 our heads, erasing the full moon and a lot of
 18 stars. And we stood there and watched it
 19 another five minutes just floating right out
 20 across the valley towards what's known as Area
 21 51.
 22 Q. Which is that supersecret base where
 23 they had the SR-71, isn't it?
 24 A. That's correct.
 25 Q. And the rumor of the Aurora Project?

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1 A. Right. So one would presume that
 2 either this craft was from elsewhere or that
 3 we have developed something with antigravitic
 4 capabilities. Either way it's really
 5 interesting.
 6 Q. Were you able to see any light
 7 patterns, or anything?
 8 A. There were three lights, none of them
 9 typical aircraft lights, one red and two
 10 whites behind, in the back of the triangle.
 11 Q. Were you able to get a photograph of
 12 this craft?
 13 A. No.
 14 Q. And it didn't stop?
 15 A. No, it did not stop, but it moved very
 16 slowly. Aerodynamic flight obviously requires
 17 enough lift over a lifting wing to support
 18 something in motion.
 19 Q. Or like a helicopter, a rotary wing?
 20 A. Well, an aircraft flies because air
 21 supports it.
 22 Q. Lower pressure on the top than on the
 23 bottom?
 24 A. Yes, there you are.
 25 Q. And you mentioned that was five or more

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1 years ago.
 2 A. Yes, sir.
 3 Q. No sightings in between, and then this
 4 last sighting that you are going to tell me
 5 about?
 6 A. Yes, sir.
 7 Q. Tell me about it. When did it occur
 8 and under what circumstances?
 9 A. Again my wife was there. We were
 10 walking, we went down together at the middle
 11 of the day to close our gate around our
 12 house. We were walking back and we looked up
 13 and saw a jet contrail. And there was a
 14 glowing disc behind -- right near the jet
 15 contrail just sitting there.
 16 The jet was proceeding on, this thing
 17 was sitting right next to the contrail of it.
 18 And we ran inside -- it was quite a ways up --
 19 to get some binoculars to look. And we came
 20 back out and sure enough there it was. We
 21 found it with the binoculars, looked at it.
 22 It was just a glowing disc.
 23 And it finally took off to the south
 24 like a bolt of lightning and disappeared. And
 25 what was that, I don't know, but nothing I am

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1 familiar with.

2 Q. Do either of these two incidents that
3 you observed, I would call them sightings but
4 that kind of has a negative connotation, do
5 either of them have similarities to what your
6 guests or experts may have described? Is
7 there any correlation there?

8 A. If you are asking me once you have seen
9 something like this does it change your
10 outlook on what's possible the answer is
11 absolutely, and does it heighten your interest
12 in the subject, the answer is absolutely.

13 Q. Have you ever conducted any personal
14 examinations of or experiments into contacts
15 in other dimensions?

16 A. I have not.

17 Q. You have obviously had guests who have
18 done that?

19 A. I have.

20 Q. Have you ever participated in any
21 investigations into sightings of ghosts, and I
22 realize that's kind of a generic term, but
23 things of that nature?

24 A. I like to go to places that are
25 supposed to be haunted.

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1 Q. To conduct surveillance to prove or
2 disprove it?

3 A. No, I have not. I have interviewed
4 people who do that and I, of course, have seen
5 photographs purporting to be ghosts.

6 Q. And do you have any other areas in this
7 paranormal sphere that you have personally
8 examined or experienced?

9 A. When I was in Paris I had what I would
10 regard as an out-of-body experience.

11 Q. This was in France?

12 A. France.

13 Q. In what year?

14 MS. BELL: '98.

15 Q. Tell me the occasion for that and what
16 happened.

17 A. I was lying in bed with my wife. And
18 of course as we all have had, I've had dreams
19 all my life, so I'm well familiar with what a
20 dream is no matter how real it may seem as one
21 wakes up.

22 Q. And sometimes they do seem quite real.

23 A. Sometimes they do, but generally within
24 moments you recognize easily the fact that you
25 have just had a dream. Well, to be specific,

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1 I felt like I suddenly shot up above Paris
2 just at an incredible velocity and was above
3 the city and in a state of what I would
4 describe as ecstasy.

5 And it so shocked me and so surprised
6 me that I popped back down and realized what
7 had happened and woke my wife up and told her
8 all about it, something I don't advise you
9 doing should you experience it. And that was
10 the end of that. But it was definitely an
11 experience.

12 Q. Why do you say you don't recommend one
13 do it?

14 A. I don't recommend you wake up your wife
15 and tell her all about it.

16 Q. Might be grumpy?

17 A. Uh-huh.

18 Q. Would you like to experience that
19 again? Was it a pleasant experience, a
20 frightening experience?

21 A. It was extremely pleasant, but
22 extremely abnormal, if you will, so it was a
23 shock.

24 Q. Did the experience involve any form of
25 communication?

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1 A. It did not.

2 Q. You were just out of your body?

3 A. I was out of my body.

4 Q. And you could see the city of Paris?

5 A. Although that wasn't the --

6 Q. That was not the focus of that, but you
7 were aware that you were above the city of
8 Paris?

9 A. Yes, sir.

10 Q. What was the focus, if there was a
11 focus, at the instant that you were aware this
12 had occurred?

13 A. I have been unable to reasonably put
14 words to the feeling to convey it to my
15 audience yet, so I can't give you words to
16 reasonably convey what I felt except to say a
17 state of ecstasy that was shockingly
18 impressive and very quick, so shocking that I
19 just snapped right back. So you now have a
20 complete idea of my brief encounters with the
21 paranormal. That's it.

22 Q. Do you ever feel that because of your
23 research you might have been targeted by any
24 forces, because of your research or your
25 inquiries, your guests, that you might have

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1 ever been the subject of inquiry or targeted
 2 by any forces of the paranormal?
 3 I mean you hear that people say well,
 4 I've investigated this or I was looking into
 5 this or I was looking into that and then
 6 something happened to me.
 7 A. I think that discussing and thinking
 8 about these subjects does probably, and this
 9 is just an opinion, open one to the
 10 possibility of experiencing it. I consider
 11 that a possibility, sure.
 12 Q. Have you ever felt that you have been
 13 contacted by someone from outside of the earth
 14 or from another dimension? And I don't mean
 15 that like in the psychotic sense, I am talking
 16 about strictly in a scientific or
 17 investigational sense.
 18 A. In any sense you care to mention, no.
 19 Q. But you have had guests who contend
 20 that they have had those experiences?
 21 A. Absolutely.
 22 Q. And seem to you to be speaking with
 23 conviction when they said that?
 24 A. Yes.
 25 Q. Have you ever interviewed anyone who

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1 claims to have been abducted?
 2 A. Yes.
 3 Q. Few or many?
 4 A. A few, not many.
 5 Q. I know the popular media has sort of
 6 developed an almost stereotypical profile of
 7 that type of encounter.
 8 A. I can give you an example. I've
 9 interviewed Travis Walter, who was the subject
 10 of a motion picture called Fire in the Sky, a
 11 very famous abduction case down in Snowflake,
 12 Arizona, probably one of the most famous. So
 13 I have interviewed him. That's an example.
 14 Q. Do you have any difficulty getting
 15 people to be on your show now?
 16 A. I do not.
 17 Q. Do you have a waiting list of people
 18 who want to be on your show?
 19 A. Indeed I do.
 20 Q. How extensive is that list?
 21 A. At any given time I probably got 20 or
 22 30 requests to be on the show.
 23 Q. So you have no difficulty at all with
 24 your show's content and format, you just pick
 25 and choose what you want?

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1 A. That's correct.
 2 Q. You have worked a while to get there,
 3 but it's nice, isn't it?
 4 A. It's nice.
 5 Q. You mentioned that your wife here today
 6 is not your first wife.
 7 A. That's right.
 8 Q. Have you been married twice, or more
 9 than twice?
 10 A. Twice.
 11 Q. When were you married the first time?
 12 A. It was in San Diego, California, and it
 13 was when I went to work for the cable
 14 company. I'm sorry I can't give you a date.
 15 You can trace it back to what I gave you with
 16 respect to the cable company.
 17 Q. How long were you married?
 18 A. We were married for ten years.
 19 Q. What was your wife's name?
 20 A. Vicky.
 21 Q. What was her maiden name?
 22 A. Baker.
 23 Q. Did you have any children by that
 24 marriage?
 25 A. I did.

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1 Q. How many?
 2 A. One.
 3 Q. A boy or a girl?
 4 A. A son.
 5 Q. Is that Art Bell, IV, or Art Bell,
 6 Jr.?
 7 A. Art Bell, IV.
 8 Q. I am assuming that marriage ended in
 9 divorce.
 10 A. It did.
 11 Q. Then you were married to your present
 12 wife when?
 13 A. About a year after the divorce. Wait,
 14 that's inaccurate. It was a year after the
 15 separation and a couple of months after the
 16 divorce.
 17 Q. Do you and your present wife have any
 18 children?
 19 A. No, we do not.
 20 Q. Boy or girl?
 21 A. I said we do not.
 22 Q. I thought you said we do now. So you
 23 have one child, a son?
 24 A. Yes, sir.
 25 Q. I know that earlier today as we began

1 this deposition your attorney made a statement
2 relative to your son.

3 A. Yes, sir.

4 MR. FOX: This might be a good
5 time for a break. Can we take a break?

6 MR. HOLLOW: Sure.

7 (Whereupon a recess was taken.)

8 Q. We talked for a while, sir, about your
9 educational background and you said your last
10 grade of formal schooling was 10th.

11 A. Yes.

12 Q. I know that you have said that you have
13 been to Hughes Microwave School.

14 A. I have been to a number of schools.

15 Q. Tell me what schools you have been to
16 and how you have increased your knowledge and
17 your training and expertise.

18 A. Well, I went to a technical school to
19 obtain my first class radio/telephone
20 license. And I passed the test of the Federal
21 Communications Commission for that to operate
22 broadcast radio and television stations.

23 As I mentioned, I attended the Hughes
24 AML Microwave School in southern California,
25 which is something which teaches you how to

1 Q. Would you provide to your attorney, so
2 I don't have to go into an exhaustive line of
3 questions here, a list of the awards that you
4 have been nominated for and those that you
5 have received, if different from the
6 nominations?

7 A. I would be glad to.

8 Q. I want to get to know you, Art, okay?

9 A. Sure.

10 Q. I'm sorry. I should have called you
11 Mr. Bell.

12 A. That's fine. Art's fine.

13 Q. Have you ever authored any articles for
14 magazines, trade publications, or periodicals?

15 A. I have written two books.

16 Q. That's a different subject, and I want
17 to get into that separately, if I could,
18 please.

19 A. When you say authored, no. I have been
20 interviewed. I have given many interviews
21 that have resulted in articles like newspaper
22 articles, and so forth and so on. But I've
23 never authored a trade journal article.

24 Q. Let's go to books.

25 A. Two books.

1 build, construct, and set up coarse band
2 microwave, which is used in cable television.

3 I have been to a variety of schools
4 that are technically oriented with regard to
5 cable television and processor schools. I
6 have been to Sony School for repair of
7 three-quarter-inch pneumatic Sony video
8 recorders. And I think that pretty well wraps
9 it up.

10 Q. Have you ever presented any lectures on
11 any subjects for learned bodies, or things of
12 that nature? Have you gone to a broadcast
13 group seminar and presented a lecture, or
14 anything?

15 A. No. I have accepted awards and I have
16 given some talks on awards that I accepted,
17 Broadcaster of the Year, that sort of thing.
18 I think I won the Best Male Broadcaster of the
19 Year Award.

20 Q. Would you do me a favor, if you can,
21 and provide to your attorney so he can provide
22 to us a list of the awards?

23 A. I was nominated for the Marconi Award,
24 which is the premier award given by the
25 National Association of Broadcasters.

1 Q. What were their titles and when were
2 they published?

3 A. The Art of Talk, which is just about my
4 life in broadcasting and autobiographical in
5 nature; and a second book called The
6 Quickening, which is commentary on today's
7 society and contemporary conditions
8 politically, environmentally, socially, and so
9 forth.

10 Q. Was the Art of Broadcasting your first
11 book?

12 A. The Art of Talk was my first book.

13 Q. When was that published?

14 MS. BELL: '96.

15 A. '96.

16 Q. Did you write that by yourself, or in
17 collaboration with anyone else?

18 A. I wrote it.

19 Q. Who was the publisher?

20 A. Paper Chase Press.

21 Q. Was that hardbound or softcover?

22 A. It was originally hardbound and the
23 softcover edition just came out.

24 Q. How many copies has it sold, if you
25 know, in round figures?

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ART OF TALK

1 A. You know, with regard to the Art of
 2 Talk, I'm honestly not sure. I honestly don't
 3 know. I would guess tens of thousands.
 4 Q. Would it be too terribly difficult for
 5 you to find those figures?
 6 A. My publisher certainly would have them.
 7 Q. Please do.
 8 A. Okay.
 9 Q. Now let's talk about The Quickening.
 10 When was it published, what year? Is it
 11 relatively new?
 12 A. It was three years ago, two-and-a-half.
 13 MS. BELL: Beginning of '97 is
 14 when it came to print.
 15 Q. Was this again your work, or was that
 16 in collaboration?
 17 A. It was a collaboration. I provided
 18 most all the material. And I have an editor,
 19 Jennifer Osborne, who collaborated with me in
 20 that book.
 21 Q. What publisher?
 22 A. Again Paper Chase Press.
 23 Q. Has that book been well-received and
 24 successful?
 25 A. It has.

QUICKENING

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1 Q. Have you any estimate of the number of
 2 volumes or copies that it has sold to date?
 3 A. Again, numbers I don't know. I can
 4 tell you that it reached No. 5 on the New York
 5 Times Business Best-seller List.
 6 Q. Would you look up those numbers for us
 7 too?
 8 A. Absolutely.
 9 Q. I know you said the Art of Talk is sort
 10 of an autobiographical examination of Art
 11 Bell's life.
 12 A. Yes.
 13 Q. And how you got where you are today,
 14 I'm assuming?
 15 A. Yes.
 16 Q. What is the subject of The Quickening?
 17 A. That's the second time you asked me
 18 that. It is a look at social conditions,
 19 environmental conditions, political
 20 conditions, almost every condition of man
 21 which is accelerating at an exponential rate,
 22 I feel, toward an event.
 23 Q. Do you have a prognostication in
 24 conjunction with that book?
 25 A. I do not. I'm a talk show host. And

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1 so I observed conditions and reported them in
 2 that book without attempting to say where it's
 3 leading because I am not a prophet.
 4 Q. Where do you think it is leading, as
 5 you have researched your book?
 6 A. You are asking me to answer the
 7 question that I couldn't answer.
 8 Q. No, not really. You said to see where
 9 it's leading, and I just wondered --
 10 A. As I said, the title of the book says
 11 it, The Quickening. I think that socially we
 12 are deteriorating. We've got children killing
 13 children, we have got a drastic increase in
 14 youth crime, we have got big chunks of the
 15 Antarctic falling off, we have got global
 16 warming, we have got the ozone hole enlarging
 17 and a lot more people with melanoma as a
 18 result of it.
 19 So I would not endeavor to tell you
 20 where all this is leading, I am simply telling
 21 you what's happening in that book. And it's
 22 up to the reader to decide from their
 23 perspective, whether it be religious or lay,
 24 of where it's all headed.
 25 Q. Do you in any way subscribe to this

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1 theory that we are merging countries and will
 2 eventually become one large government?
 3 A. One large government is a possibility.
 4 The merging that you speak of is already
 5 underway economically. We are now in a global
 6 market, so the process you speak of is
 7 underway. Whether political convergence
 8 follows economics we have yet to see. I don't
 9 know.
 10 Q. Although we do know there is a direct
 11 influence on the political by the economic.
 12 A. Generally economic change precedes
 13 political change.
 14 Q. In your observations, do you see this
 15 as a good or a bad trend?
 16 A. I don't make a judgment on that.
 17 Q. You don't make judgment on that,
 18 either?
 19 A. No. I make a judgment on very little
 20 of what I present on the air unless I have had
 21 personal experience with it. I allow my
 22 guests to say what they have to say. It's my
 23 interview style to help them tell their story
 24 and allow my audience, which I regard as
 25 adults, to make their own decision about

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1 whether what they are hearing is credible or
2 bullshit.

3 Q. Have you ever been a party to
4 litigation other than for your divorce from
5 your first wife and the litigation for which
6 we are taking these depositions today?

7 A. I have.

8 Q. Can you tell me about that?

9 A. I'd be glad to. When I was in San
10 Diego, California, and I have already
11 mentioned to you my places of employment at
12 radio stations and the cable company in
13 California, there was a new rage that began
14 which was called video dating. And so I
15 thought gosh, this is interesting.

16 And I opened a video dating service in
17 La Mesa, California. And this was just simply
18 something where somebody would come in like
19 you and describe yourself. And we would keep
20 a video presentation of you on file, and then
21 somebody else could look at it. And so I
22 started that business. I thought it was a
23 great business.

24 Well, the city of La Mesa, or San
25 Diego, thought it was a front for

1 just begin. You asked me just before we broke

2 about my son.

3 Q. Art Bell, IV.

4 A. Yes. He lived with my ex-wife until
5 recently in Pahrump, Nevada, about six miles
6 away from me. My son was befriended by one of
7 his schoolteachers, a substitute schoolteacher
8 in the Pahrump school system.

9 This man, to make a long story short,
10 ended up taking my son out, drugging him, and
11 raping him. This is a male schoolteacher
12 whose name is Brian Lepley, who was HIV
13 positive. My son was not the only one
14 attacked by this schoolteacher. This
15 schoolteacher attacked several other
16 youngsters.

17 In case you want a copy of them, there
18 is a lot of articles for you. Mr. Lepley is
19 now serving life plus several for what he did
20 to my son and for others and to others. My
21 son participated in the trial that put
22 Mr. Lepley away, who was a child molester.
23 Mr. Lepley will in all likelihood die in jail
24 of AIDS because he is now actively AIDS
25 positive.

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1 prostitution. So the police came rushing in
2 one day and arrested me and threw me in the
3 pokey and took all of my materials and all of
4 my tapes and all of my records to the district
5 attorney's office in San Diego where they
6 examined them in great detail for ten days and
7 then publicly said oops, there is no proof
8 whatsoever of what we thought.

9 And so I filed a lawsuit for false
10 arrest and for the destruction of the
11 business. That lawsuit was settled by the
12 City of San Diego in the order of about
13 \$50,000, a little more but about \$50,000.
14 That's it.

15 Q. That's the only litigation?

16 A. Yes, sir. And naturally all charges
17 were completely dropped.

18 Q. Of course. Are you presently
19 contemplating any litigation against any other
20 person or entity?

21 A. I am not.

22 (Whereupon, an off-the-record
23 discussion was had.)

24 A. This will take us into a different
25 area. And I don't know how to begin, but I'll

1 Q. What of your son?

2 A. So you asked about litigation. We will
3 get to my son in a moment. You asked about
4 litigation. That was the question, right?

5 Q. Yes.

6 A. There is a lawsuit filed on behalf of
7 my son to which I am a party which has been
8 filed against the school district of Pahrump,
9 Nevada, because they had prior knowledge of
10 this teacher's activities and inclinations and
11 did nothing about it.

12 So we have filed in state and federal
13 court a lawsuit on behalf of my son. And I'm,
14 of course, not going to recover anything from
15 that, nor do I expect to. It's for my son.

16 Q. How old is your son?

17 A. How old is he?

18 Q. Yes.

19 A. He is now 17.

20 Q. So it would be necessary for you to
21 file a lawsuit on his behalf as his guardian
22 or next friend or parent?

23 A. Yes, that's right. It was filed when
24 he was 16.

25 Q. Has your son had the misfortune of

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1 being tested positive for HIV?
 2 A. Not yet. He's had two tests for HIV
 3 and they are negative, but he's not done. In
 4 other words, you've got to have a series of
 5 tests every six months that have to come back
 6 negative for a couple of years before you know
 7 what you are doing.

8 Q. But so far so good?

9 A. So far so good.

10 Q. Has your son been able to recover from
 11 the trauma?

12 A. Not at all.

13 Q. I am talking about --

14 A. No.

15 Q. It has to affect your mind.

16 A. No, he has not recovered from the
 17 trauma. He's failed in school. He was
 18 failing to the point where there was
 19 absolutely no point in his being in school.
 20 He no longer wanted to be in school. He had
 21 failing grades, he was about to be held back.
 22 He's been counseled, he has been to
 23 counseling.

24 When I got back from South Africa,
 25 which was --

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1 MS. BELL: The first week of
 2 October.

3 A. Just before I resigned I came back from
 4 South Africa and I got a call from my ex-wife,
 5 and my son was writing poems about death and
 6 he had begun to give away all of his
 7 belongings to his friends.

8 Q. So you anticipated the possibility of
 9 suicide?

10 A. Yes, I did. And so that is what
 11 precipitated --

12 Q. That was the terrible life-threatening
 13 event that you have talked about on your show
 14 when you said I am going off the air?

15 A. Yes, sir. And I said it was connected
 16 with an incident that had occurred earlier in
 17 the year, that's right.

18 Q. Which would have been the sexual
 19 assault?

20 A. That's right. So I stopped everything
 21 and I pulled him out of school. And I bought
 22 him a car and I got him a job at my network in
 23 Oregon and I got him out of Pahrump. And I'm
 24 still not sure that he's out of the woods, I
 25 don't think he is.

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1 Q. But you were able to stave off the
 2 crisis at this time?

3 A. I didn't think I was going to be able
 4 to do anything except keep my eye on him
 5 full-time, and I'll be damned if I was going
 6 to lose a son over a radio career. So at that
 7 point I freaked out and I said I can't do this
 8 anymore, I've got to pay attention to my son.
 9 And that was my own thinking and my own
 10 reasoning for resigning from the air.

11 Q. I know that there was quite a bit of
 12 speculation on the internet, wasn't there?

13 A. There was speculation all over the
 14 place, the entire radio industry and in the
 15 public.

16 Q. Did you actually, during the period of
 17 time immediately following your announcement,
 18 have representatives from news organizations
 19 that physically came on your property?

20 A. Oh, yes.

21 Q. Did you ever have a helicopter land on
 22 your property?

23 A. Adjacent to it.

24 Q. News people?

25 A. News, yes. KBC Los Angeles.

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1 Q. Did anyone ever send authorities like
 2 sheriffs or law enforcement people to check on
 3 you?

4 A. Yes. The sheriff jumped my fence,
 5 knocked down my door to be sure of my safety.

6 Q. You couldn't get mad at him for that,
 7 could you?

8 A. No.

9 Q. Did you have to take any extraordinary
 10 security measures as a result of this
 11 publicity?

12 A. You'd better believe it.

13 Q. What did you do? I do not want to know
 14 anything secret, or anything.

15 A. Let's back up. There were several news
 16 organizations that prior to my resignation had
 17 the story. They knew what was going on and
 18 they were badgering me, trying to get me to --

19 Q. When you say the story, you are talking
 20 about your son's misfortune?

21 A. The fact that my son was drugged and
 22 attacked by a schoolteacher. Several news
 23 organizations had that story and were
 24 badgering me to do an interview.

25 Q. To go public?

1 A. To open for them what they could not
 2 open for themselves, because there are laws
 3 concerning --
 4 Q. Juveniles?
 5 A. Juveniles, yes, sir. So I have been
 6 security-conscious for a helluva long time now
 7 and am not happy about it at all.
 8 Q. Have you had to hire security personnel
 9 to protect you, or do you just take steps to
 10 protect yourself?
 11 A. I cannot leave my house without
 12 somebody being there. There is somebody there
 13 now my network has provided so I could be here
 14 for this deposition.
 15 During the time that the news media was
 16 assaulting me I couldn't leave, my wife
 17 couldn't leave. I had to call the sheriff to
 18 get her back in the house when she did just to
 19 go buy groceries.
 20 Q. Because they wouldn't let her back in?
 21 A. Because they were blocking our
 22 driveway. The sheriff had to come to unblock
 23 the driveway to let her get back in.
 24 Q. Who were these news organizations?
 25 A. NBC, Hard Copy, all three television

1 A. So did I expect that? No, not at all.
 2 Q. To me that seems to be a measure of the
 3 public persona that you enjoy.
 4 MR. FOX: I object. That doesn't
 5 seem like a question. That seems like a
 6 statement.
 7 MR. HOLLOW: I'll strike that
 8 question, or statement, however you choose to
 9 characterize it, then. Let the record stand
 10 as it is.
 11 Q. Has this media attention subsided now?
 12 A. Yes. I have returned to the air. And
 13 as soon as I returned to the air it has
 14 subsided, yes. The media attention is always
 15 there and I still have news media bugging me
 16 constantly to try and find out why I left the
 17 air, what the problem was. So I'm still
 18 dealing with that. But your question was has
 19 it subsided. Yes.
 20 Q. It's not as intense as it was
 21 surrounding the time of your announcement?
 22 A. Correct.
 23 Q. I know that based upon what I have
 24 read, I have read accounts that contend that
 25 your announcement was a ploy to negotiate a

1 stations from Las Vegas, Los Angeles KBC, a
 2 list probably that would go on and on and on.
 3 There were probably 40 or 50 different news
 4 organizations after me at one time or another,
 5 constantly assaulting me.
 6 Q. I'm sitting here in amazement for
 7 several reasons. But one particular reason is
 8 I don't think I could draw flies, and yet you
 9 make an announcement on your program and this
 10 huge volume of attention is focused on you.
 11 A. Yes, unexpected.
 12 Q. That to me is incredible. Was it
 13 incredible to you?
 14 A. Yes. It was unexpected. I
 15 intentionally waited until the end of my
 16 program when there were the fewest stations
 17 on, just prior to three o'clock in the morning
 18 Pacific time, to make the announcement. I
 19 made it and I expected some attention, but
 20 basically I expected to be able to go away
 21 quietly and do what I had to do.
 22 Q. It was even here in the newspaper in
 23 Nashville.
 24 A. I understand it was, yes.
 25 Q. It was in the Tennessean.

1 better contract, and I think that was even on
 2 the internet.
 3 A. Yes. As a matter of fact, here, you
 4 may be interested in this. This is something
 5 that is sent out. It's a publication called
 6 Inside Radio. It's delivered on a daily basis
 7 to all the radio stations in the United
 8 States.
 9 You will note the lead item, this is a
 10 copy of it, entitled The Inside Story of Why
 11 Art Bell Abruptly Quit Premiere. Would you
 12 like it read out loud?
 13 Q. If you would like we can make it an
 14 exhibit to this deposition. I have no
 15 objection to that.
 16 A. Sure.
 17 Q. Is this the Premiere edition of Inside
 18 Radio?
 19 A. No, it is Inside Radio's independent
 20 publication. It has nothing to do with
 21 Premiere. It says Premiere up there, that's
 22 just a fax ID.
 23 MR. HOLLOW: It's dated Tuesday,
 24 November 19, 1998, a single-page paper writing
 25 being a reproduction of at least one page of a

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1 publication. That will be an exhibit.
 2 (Reporter marks document as Deposition
 3 Exhibit No. 1 for identification.)
 4 A. It's a statement that was made by the
 5 man who runs USA Radio Networks, which is a
 6 national news network. The second paper you
 7 might want to see is the apology from that
 8 same man, Mr. Tradup, when he figured out it
 9 wasn't a ploy.

10 MR. HOLLOW: This is a photo copy
 11 of what appears to be a telefaxed paper
 12 writing having as its heading USA Radio
 13 Network and bearing the appearance of the
 14 signature Tom above the name Tom Tradup,
 15 T-r-a-d-u-p. We will make that the next
 16 numbered exhibit.

17 (Reporter marks document as Deposition
 18 Exhibit No. 2 for identification.)

19 Q. And that letter by Mr. Tradup was an
 20 apology for statements that he had made, or
 21 that his radio network had carried concerning
 22 you?

23 A. That's correct.

24 Q. Which? Both, either/or, both?

25 A. That he had made on his radio network

1 A. Gunderson and Hinkson and WWCR, which
 2 afforded them the opportunity to make this
 3 horrible, horrible allegation. You know, you
 4 can call somebody a murderer with less effect
 5 than calling them a child molester.

6 Q. While we are on that subject, I didn't
 7 hear the radio broadcast, but I have read the
 8 transcript that your attorney has furnished to
 9 us.

10 A. I have it right here.

11 Q. And your attorney had copies of it made
 12 out for us. Do you have one?

13 A. Yes, I do.

14 Q. In looking at the transcript, I am
 15 assuming that TG is Ted Gunderson and that DH
 16 is David Hinkson.

17 A. I would make the same assumption.

18 Q. Mr. Bell, I'm not conversant with
 19 either of these individuals prior to this
 20 litigation, nor am I conversant with an
 21 individual whose name is used in this
 22 dialogue, Linda Wiegand.

23 A. Wiegand.

24 Q. I don't know anything about those
 25 people.

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1 nationwide indicating that it was a ploy and
 2 that I was in it for more money or contract
 3 negotiations, or whatever the hell he said.

4 Q. Are you contemplating litigation
 5 against Mr. Tradup?

6 A. I am not.

7 Q. Or his network?

8 A. I am not. As you can see from the
 9 first story, the industry is now pretty well
 10 aware of what happened. I have had my finger
 11 in the dike on this story for a long time
 12 trying to protect my son.

13 And right in the middle of that your
 14 client accused me of being a child molester.
 15 And that's why we are here today, because I
 16 was stressed beyond all reason about my own
 17 son, who had been molested, who might have and
 18 still might have a deadly disease, and your
 19 client went on the air calling me a child
 20 molester.

21 Q. My client?

22 A. Your client.

23 Q. WWCR?

24 A. No.

25 MR. COX: Gunderson.

1 A. Would you like some assistance from me
 2 in that regard?

3 Q. I will ask you that in a moment. But
 4 what I'm asking now is: Where in this
 5 transcript is there the statement that Art
 6 Bell is a child molester?

7 A. All right, let us begin. Let's read
 8 together. Exhibit A, Transcript of December
 9 9, 1997 broadcast of Ted Gunderson radio
 10 program with guest David Hinkson on AFN, WWCR,
 11 KHNC and other stations, and via shortwave
 12 radio.

13 After a discussion between Ted
 14 Gunderson (TG) and David Hinkson (DH)
 15 regarding the case of Ms. Linda Wiegand, who
 16 has accused her ex-husband in a custody fight
 17 of molesting and raping her two young boys,
 18 the program went to a station break. The
 19 following is a transcription of the broadcast
 20 after the break.

21 TG: We are back and my guest today is
 22 David Hinkson. I was telling you about the
 23 Wiegand case, Dave.

24 David Hinkson: I am going to tell you
 25 something, Ted, I thought was interesting.

Not
accurate

1 You do a lot of research. You're an
2 investigator, right?

3 TG: Right.

4 DH: Okay, if I saw some paperwork, or
5 somebody credible said they saw some
6 paperwork, but we didn't have copies of it in
7 our hands, pertaining to an indictment that
8 had been squashed pursuant to a payola, how
9 would you verify that?

10 TG: Well, I'd go to the courts.

11 DH: Okay. Art Bell -- it's my
12 understanding he recently paid to cover up his
13 indictment. Now I can't prove it, but it was
14 a credible source. Can you do a little
15 research on that for me?

16 TG: Yeah, let's talk to, we'll, we can
17 talk. What court district is it in?

18 DH: Pahrump.

19 TG: Well, the record should be right
20 there in Pahrump.

21 DH: I was told, okay, that he bought
22 his way out of it.

23 TG: Well, then, if he bought his way
24 out of it, there's a good possibility that the
25 right person was paid off and the records have

1 disappeared.

2 DH: I won't say anymore than it has to
3 do with the subject you're talking about with
4 Wiegand.

5 Now I'm going to stop there for a
6 moment and ask you if that is clear to you
7 that the subject is child molestation.

8 All right, I'll continue then.
9 Indicate he nodded yes.

10 Q. No, I did not nod yes. I shrugged.
11 And I will tell you that that would depend on
12 the context of the previous remarks, which I
13 haven't heard.

14 A. The context was of child molestation.
15 Should we read the first part again?

16 Q. I remember what you read, sir, but
17 that's not what the --

18 A. Shall we play the recording?

19 Q. Excuse me just a moment. That's not a
20 transcript of the entire recording, so I can't
21 admit or talk about anything that I don't have
22 firsthand knowledge of in that regard.

23 A. That's why I suggest -- should we
24 obtain a full copy of the recording and play
25 it so that we can have a full understanding?

1 Q. That's fine. If you want to do that be
2 my guest.

3 A. DH: I won't say anymore than it has to
4 do with the subject you are talking about with
5 Wiegand.

6 TG: Oh, that's interesting. Now, I'll
7 tell you about Art Bell.

8 DH: He's not friendly towards me. I'm
9 not saying too much here, am I?

10 TG: Let me just tell you about. . .
11 We tried to get him to take Linda Wiegand and
12 put her on his show.

13 DH: That's why he won't.

14 Again a reference to the child
15 molestation.

16 TG: What happened was, I had his home
17 phone number, and I called, and his wife said
18 well, he's asleep, he'll be up in an hour, and
19 I said have him call me. That was about ten
20 days ago. I haven't heard from him yet. So I
21 gave the number to Linda. Linda called and
22 said, you know, I'd appreciate it if you put
23 me on your show. We got to protect our
24 children -- again an obvious reference to the
25 molestation of her children -- I need to get

1 my children out from behind that situation.
2 And he got mad and hung up on her.

3 DH: Ah, ha!

4 TG: She called him back and said
5 people don't hang up on me. And he said, I
6 will not put you on my show until you tell me
7 who gave you my home phone number. And she
8 called me and I said tell Art Bell that I gave
9 the home phone number to you. She said you
10 told him, and she hasn't heard from him since.

11 DH: Well, the only other thing I'll
12 say about this so-called indictment, and I'm
13 not accusing, I want listeners to call Art
14 Bell and ask him to his face were you
15 indicted? Did you cover it up, Art? I'm not
16 accusing. I'm just telling you a credible
17 source showed me this stuff
18 (unintelligible). . . hearsay.

19 TG: (unintelligible) You need to get
20 all that, you need. . .

21 DH: I'm asking you to prove my
22 hearsay. That's what I'm telling you is
23 correct.

24 TG: OK, listen, we have a caller.
25 Ruth from West Virginia.

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1 And it goes on from there. That's the
 2 end of this document, Exhibit A.
 3 Q. Of course, you didn't hear the
 4 broadcast.
 5 A. No. I began to hear about it right
 6 away. I started getting calls right away. I
 7 started getting on-the-air calls that I had to
 8 bleep out, which still goes on today.
 9 (Whereupon, an off-the-record
 10 discussion was had.)
 11 Q. Tell me who first contacted you about
 12 this dialogue.
 13 A. You know, I started getting so many
 14 calls that I don't think that I can reasonably
 15 tell you who the first one was. Finally I had
 16 somebody, I think it was from Texas, who
 17 called and said he had a recording of what was
 18 said. He played that recording for me.
 19 Q. Was this a listener or a friend, a
 20 business associate?
 21 A. A listener, just a listener. You have
 22 to understand I take unscreened phone calls.
 23 That's the kind of show -- you asked me about
 24 my program earlier. I don't have a call
 25 screener.

1 A. I will be happy to.
 2 Q. And furnish them to your attorney.
 3 A. The recording that we have was played
 4 to me over the phone from a listener in
 5 Texas. That's how I have that recording.
 6 Q. Do you have a recording of that
 7 conversation?
 8 A. Just the guy saying I've got it, I am
 9 going to hold the phone up to the radio. And
 10 he then plays this. He was saying my God,
 11 Art, have you done this?
 12 Q. Now, this wasn't as this occurred, this
 13 was after this occurred?
 14 A. The phone calls began immediately after
 15 this broadcast.
 16 Q. Within what space of time?
 17 A. I would assume minutes.
 18 Q. And where they calls to your show?
 19 A. Yes, they were.
 20 Q. You were on the air at that time?
 21 A. Yes, I was.
 22 Q. So this program would have gone out the
 23 same time that you were on the air?
 24 A. Oh, I have no idea about that. I'm
 25 telling you that I began, on the day of this

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1 I take my calls as they come in. I
 2 punch a button and I've got a seven-second
 3 delay to decide whether what goes on the air
 4 is going to destroy my career or get me
 5 involved in a lawsuit. And if I don't push
 6 that button at the right time I do get
 7 involved in a lawsuit. Anybody in
 8 broadcasting can tell you that. So I had to
 9 start pushing the button on a lot of people
 10 who were calling me a child molester.
 11 Q. How many?
 12 A. It's still going on.
 13 Q. How many?
 14 A. A couple hundred so far, maybe more.
 15 On the internet it's rife with -- anybody
 16 who's looked at the news groups on the
 17 internet knows the word's out there too.
 18 Q. And do you get e-mail regarding this?
 19 A. I do.
 20 Q. Have you kept any of those?
 21 A. I may have kept some. Mostly I got
 22 angry and threw them away, for the most part.
 23 I may have kept some.
 24 Q. Would you check and see if you kept any
 25 of those?

1 broadcast, receiving calls right away.
 2 Q. Has the frequency of the calls
 3 increased, decreased, or remained constant?
 4 A. It's come in waves. The initial wave
 5 was tremendous and almost nonstop. Subsequent
 6 to that I think it's diminished somewhat, but
 7 it comes in waves. And when there is somebody
 8 else who writes a message up on the internet
 9 somewhere it creates another wave. You know
 10 once the genie is out of the bottle it's kind
 11 of hard to stop, to put it back in again.
 12 That's the nature of the world we live in
 13 today.
 14 Q. And in your best estimate, how many
 15 calls or other inquiries have you received
 16 concerning the subject of this broadcast?
 17 A. Well, many from news organizations as
 18 large as NBC. NBC Today Show, Michael Austin
 19 dug this up at NBC and came to me with it.
 20 And I had to beg him not to go on the air with
 21 it, because he was ready to, if you want an
 22 example.
 23 Q. How did NBC come into the possession of
 24 this, I wonder?
 25 A. They dig, they dig. They talked to

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1 people in Las Vegas who heard the broadcast on
2 your client's radio station, and you are
3 welcome to call Michael Austin and ask him how
4 he found out.

5 Q. Exactly what could my client, in your
6 opinion, have done to have prevented this?

7 A. Oh, my God. What could he have done?

8 He could have done what almost every
9 broadcaster who broadcasts any controversial
10 talk radio where you have callers or guests
11 who are likely to make statements that are
12 going to get you sued do, and that is it's a
13 standard in our industry to have something
14 called a broadcast delay. I had it over a
15 decade ago and it existed long before I began
16 using it.

17 And the main reason for it is not to
18 eliminate bad language, which the FCC does not
19 like, but damaging accusations and allegations
20 that bring lawsuits of the type you're facing
21 right now.

22 So what could he have done? He could
23 have had a broadcast delay. What could he
24 have done? He could have been conscious of
25 what he was broadcasting.

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1 I think if you look carefully at this
2 you will find Mr. Hinkson was not even a
3 caller. He was a guest of the program.
4 Moreover, he was a sponsor at one point of the
5 program. He was even a former host on your
6 client's radio station. So my presumption
7 would be that Mr. Hinkson and Mr. Gunderson
8 knew exactly what they were going to converse
9 about when they did.

10 Q. How do you relate that knowledge to my
11 client, then?

12 A. Because your client was being paid to
13 allow this broadcast to take place. Every
14 broadcaster in this country, like every
15 newspaper, is responsible for what they print
16 and/or broadcast. That is a broadcast
17 standard. And if you would like to check that
18 out with any talk station, the one here in
19 town, WWTN, or any other town of your choice,
20 be my guest. If you go on the air without a
21 broadcast delay you are playing Russian
22 roulette, legal Russian roulette.

23 Q. Now let's assume that I am an observer
24 of this radio program, which was live, and I
25 observed the dialogue which is presented here

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1 on these two pages of what you call Exhibit
2 A.

3 How can I, as an observer not knowing
4 the background of this incident, arrive at the
5 conclusion that it is slanderous, false?

6 A. Well, you might not. You might arrive
7 at the conclusion that Art Bell is a child
8 molester who paid to have an indictment
9 covered up. That's the conclusion you would
10 come to if you were listening to the
11 broadcast.

12 You were listening to a former FBI man
13 who is well-reknowned for his investigative
14 prowess say at no point during this
15 discussion -- stopping this or saying well,
16 gee, shouldn't we take a moment and let's cut
17 off discussion of this and investigate this.
18 You are listening to a man who was a
19 professional FBI investigator encourage the
20 discussion, at least if you read it the way
21 I'm reading it.

22 Q. All right.

23 A. Mr. Hollow, your client's broadcast put
24 me in a position of being accused of the worst
25 crime that any man can commit when, in fact,

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1 that crime happened to my son. That broadcast
2 put me in a position of not being able to
3 respond in any way to this without exposing my
4 own son's victimization. That's what it did.

5 I went through torture, torture, for
6 months and months and months and months, more
7 than you could imagine, not being able to
8 defend myself publicly or even privately with
9 anybody. That's what this did. That's why we
10 are here today.

11 Q. Were you aware that my client had
12 retracted?

13 A. Yes, I was aware that your client ran a
14 retraction. The retraction didn't mention the
15 original allegation. The retraction, if you
16 read the words, simply said if anything was
17 said that offended or was inaccurate we are
18 sorry. Well, sorry doesn't do it. When you
19 call somebody this, sorry doesn't get it.

20 I am the one that had to live with this
21 and still I am living with it today while I'm
22 wondering whether my own son has a fatal
23 disease from the same damn thing, child
24 molestation, the worst thing that you can call
25 anybody.

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1 So am I in this for the money? No, I'm
 2 not in this for the money. You established
 3 quite reasonably that I make money. I am in
 4 this because I can't imagine a worse case of
 5 slander. I can't imagine a worse thing you
 6 can say about a person. Can you, Mr. Hollow?
 7 Q. I'm not here to be questioned, sir.
 8 A. That's fine. Ask me one.
 9 Q. What is your goal? What is your
 10 objective in this litigation?
 11 MR. FOX: I'm not sure that's
 12 relevant. I'm sure it falls within the
 13 discovery standard, but --
 14 MR. WOOD: It's also set forth in
 15 the prayer for relief.
 16 MR. HOLLOW: I understand that,
 17 but Mr. Bell has been very forthright in
 18 discussing this.
 19 MR. FOX: My objection is noted
 20 for the record.
 21 Q. If you choose too, you don't have to.
 22 A. This should never happen to anybody.
 23 For a broadcaster to allow this kind of thing
 24 to go over the air with no delay, with no
 25 screening is irresponsible, blatantly,

1 A. Yes.
 2 Q. How would Mr. Gunderson and Mr. Hinkson
 3 have been perceived by someone who didn't know
 4 this Wiegand lady? How would someone perceive
 5 this situation as defamatory of you and that
 6 it's untruthful, sir?
 7 A. This entire thing was in context. They
 8 were talking about molestation of this lady's
 9 children, the raping by the husband of this
 10 lady's children. Child molestation was the
 11 subject of the program. And then if you will
 12 read down again, we can again if you'd like --
 13 Q. No, I read it.
 14 A. It clearly indicates, they say it's
 15 about the subject we have been talking about
 16 in the Wiegand case. If you need more
 17 connection than that then you can't read.
 18 Q. Assuming defamation to be a false
 19 communication, assume that, don't accept it --
 20 A. I don't understand that.
 21 Q. Assuming that the definition of
 22 defamation says that it is a false
 23 communication --
 24 A. Yes.
 25 Q. So that the element of falsehood, and

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1 terribly irresponsible. And my goal is that
 2 it should never happen to anybody else.
 3 And yes, I am in it for recovery. I'm
 4 still a wreck of a person because of this.
 5 And I'm glad we finally got to it. This is
 6 what this is all about.
 7 Again, I ask just as a general
 8 question, is there anything in the world that
 9 anybody can accuse anybody of that's of
 10 greater hurt than to call them a child
 11 molester? I don't think so.
 12 So try and imagine, Mr. Hollow, the
 13 impact this had on me as I'm sitting there
 14 wondering whether my son is going to die of
 15 AIDS because he was raped by one of his own
 16 schoolteachers. Any other questions?
 17 Q. Oh, yes, a lot of other questions. Do
 18 you want to break or go on?
 19 A. Your choice.
 20 Q. Have you expressed what you choose to
 21 express about this subject?
 22 A. That's a good start.
 23 Q. I'm back to another point that we
 24 talked about earlier, though. You mentioned
 25 Mr. Gunderson and Mr. Gunderson's background.

1 that's Tennessee law, but I am not asking as a
 2 lawyer, I'm just asking to assume it --
 3 MR. WOOD: It's still in the
 4 context of a legal conclusion --
 5 MR. HOLLOW: No, I'm not asking
 6 him a legal conclusion. I am stating a legal
 7 conclusion as a lawyer.
 8 Q. And what I am asking is: If you assume
 9 that as an element of the law, what is there
 10 on the face of these words that tells me, the
 11 observer, that this is a false communication?
 12 MR. FOX: I am going to object to
 13 the question on several grounds. One is I
 14 think you are asking for a legal conclusion.
 15 You have the complaint to look at. That's
 16 number one. Number two, I'm not sure I
 17 understand your analysis. I think it's a
 18 little ass backwards, if you pardon my
 19 French.
 20 A. I don't understand it, either.
 21 MR. FOX: The allegations, the
 22 statements that were uttered were perceived to
 23 be true when made -- hence, the damage --
 24 which are, in fact, blatantly false. So I'm
 25 not sure what you are getting at.

1 A. There is nothing in here that would
2 lead anybody to believe that it wasn't true.
3 There is everything in here in these
4 statements to lead the listener, the objective
5 listener, to believe that these were true
6 statements.

7 Q. Then you have answered my question.

8 Thank you very much.

9 A. You're welcome.

10 Q. Then we will break for the evening.

11 MR. FOX: If what you are
12 suggesting, though, is had your client
13 listened to this, which of course he has
14 testified he hasn't -- in fact, he didn't even
15 spend the money to attempt to listen to any of
16 his broadcasts -- that there would be nothing
17 on this face that would suggest that he might
18 be suspicion of these statements, we'll have a
19 lovely time debating that because there is
20 plenty in here.

21 MR. HOLLOW: Counsel, to quote
22 you, we are not deposing you, counsel, we are
23 deposing your client. Didn't you say that to
24 me this morning?

25 MR. FOX: Once enough people are

1 (Whereupon, the deposition reconvened
2 with all parties present.)

3 EXAMINATION

4 BY MR. HOLLOW:

5 Q. Mr. Bell, did you have something you
6 wanted to put on the record?

7 A. Yes, I do. I felt like yesterday
8 toward the end, you may recall my attorney
9 said that a question you asked was not clear
10 and I said it was not clear, as well.

11 Now, with regard to what we are calling
12 Exhibit A, the transcript of the broadcast, if
13 your question was would there be anything
14 unclear in this transcript to somebody who
15 listened to it that Art Bell was a child
16 molester, that that was the substance of this
17 transcript, I said no and I mean no. It's
18 obviously clear to me that it would be clear
19 to anybody listening to the broadcast that
20 this was saying Art Bell is a child molester.

21 If you are asking whether there was
22 anything from the radio station's perspective
23 or the talk show host's perspective and the
24 guest's, if there was anything that would seem
25 untrue to the radio station or to the talk

1 in the pool then it's time to jump in
2 yourself.

3 (The deposition recessed at 5:17 p.m.)

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1 show host the answer is hell yes.

2 In fact, as you go down here, very
3 quickly into the transcript, any talk show
4 host who had been doing talk shows for
5 anything in excess of six months would have
6 stopped this cold or pushed a button if he had
7 had one. And even if he hadn't had a button,
8 the minute he began to hear the substance of
9 what was coming and the name attached to it,
10 mine, they would have stopped that cold. Any
11 fool would have done that.

12 Q. Why would they have done that,
13 Mr. Bell?

14 A. Oh, my God. Listen, from the moment I
15 began doing talk radio there is nothing that
16 is drilled more heavily into you than bad
17 language is not good and statements of
18 defamation that can't be supported are
19 deadly. So the way I read this, it's a clear
20 statement of defamation.

21 Pick a point in here, wherever you like
22 it. At the moment he said okay, if I saw some
23 paperwork or somebody credible said they saw
24 some paperwork, but we didn't have copies of
25 it in our hands, pertaining to an indictment

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1 that had been squashed pursuant to a payola,
2 how would you verify that? Well, I'd go to
3 the courts.

4 Okay so far. The minute they attach a
5 name to that, mine, Art Bell, that's where
6 anybody with any common sense at all in
7 broadcasting would have stopped it cold.

8 So from the talk show host's
9 perspective or the radio station's
10 perspective, had they been listening to their
11 own broadcast they would have come rushing in
12 there and would begun to have heart attacks,
13 if they knew what they are doing in
14 broadcasting.

15 Q. That's your opinion?

16 MR. FOX: No, that's his answer.

17 A. That's my professional opinion, sir.

18 MR. HOLLOW: Counsel, please let
19 your client answer the question. I realize
20 that what you are doing here today, counsel,
21 is damage control based on what you perceive
22 from yesterday.

23 A. Counsel is doing nothing, I am doing
24 it.

25 MR. FOX: Mr. Hollow, I don't know

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1 you very well, but I am going to tell you
2 right now that I am not very impressed by your
3 own self-serving comments. The court reporter
4 can type them up and we can all pay for them,
5 but they are not admissible, so they are not
6 going to do a darn thing.

7 He gave an answer, you got it. If you
8 want to ask questions go ahead, but I am going
9 to object to your questions that are nothing
10 more than self-serving statements.

11 A. I'm perfectly willing to answer for
12 myself because I want to be clear about this,
13 and I wasn't clear yesterday when you asked
14 the question about the question.

15 To the listener, I was thinking of it
16 as a listener would hear this. Was there
17 anything that the listener would consider to
18 be untrue about this? Absolutely not. The
19 listener would conclude Art Bell is a child
20 molester as they heard this.

21 But from the broadcaster's point of
22 view this is a no-brainer. The talk show host
23 or the broadcaster ought to be scared to death
24 of anything like this. I have been doing this
25 for 15 years on a daily basis. I know. There

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1 is nothing that's been drilled into me more
2 heavily than this.

3 Q. Has anyone on your program ever
4 mentioned an indictment or the allegation of a
5 cover-up of criminal activity?

6 A. Yes, sir. Now, to answer your question
7 fully, I bleeped it out.

8 Q. In every occasion?

9 A. Every occasion, yes, sir. What I do
10 is, you've got seven seconds to hit that
11 button and then hang up on the caller and go
12 on to the next call before anybody knows what
13 happened.

14 Q. That was in the call-in show?

15 A. It's always in a call-in show. That's
16 what I do.

17 Q. Yesterday you furnished me a number of
18 copies of newspaper stories.

19 A. I trust you had a good night of
20 reading.

21 Q. I enjoyed the unfolding saga. It seems
22 as if this received some degree of
23 circulation. I don't know from looking at
24 these exactly how many newspapers were
25 involved in publications, but I do see,

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1 however, some that are attributed to the
2 Associated Press.

3 A. Yes, sir. But as you can see, there
4 were no names attached to it because, again,
5 my son was a minor.

6 Q. Who is an individual named Joe Richards
7 from the Kingdom of Nye?

8 A. He runs a brothel.

9 Q. That's what I gathered from the context
10 of this comment.

11 A. And runs a newspaper, I might add. We
12 live in a county where it's legal.

13 Q. Were these run as editorials, letters
14 to the editor, or what? I can't tell from
15 looking at these.

16 A. I would guess those to be editorials.
17 I'm sorry, I'm not a newspaper man.

18 Q. Is that Pahump Valley Gazette, is that
19 his newspaper?

20 A. It is his newspaper, yes, sir.

21 Q. Was your son, although not named, ever
22 referred to in any of these articles?

23 A. No, sir, not by name.

24 Q. But by incident?

25 A. I think not even by reference to me.

1 Q. I didn't see a reference to you
2 anywhere. What I'm getting at is this: Was
3 the crime that was committed against your son
4 referenced specifically in these materials or
5 articles, or was it just one of the crimes
6 that was attributed to this Brian Lepley?

7 A. I'm not clear on your question. He
8 attacked a number of children, sir. Mine was
9 one of them.

10 Q. I notice that throughout these stories
11 there were two specific instances that seemed
12 to be pointed up as examples of Mr. Lepley's
13 criminal conduct. One involved a trip into
14 the desert with a 16-year-old.

15 A. Yes, sir, that was my son.

16 Q. The desert encounter?

17 A. That's correct.

18 Q. Do you have a web site?

19 A. I do indeed.

20 Q. Did you ever have a story or a visitor
21 or an interviewee on your program during the
22 1996-1997 time period who discussed having
23 seen or having evidence of an object following
24 in the trail of the Hale Bopp Comet?

25 A. Absolutely.

1 Q. What was that individual's theory about
2 what that was and what it was there for?

3 A. The individual was professor Courtney
4 Brown from Emory University, who is a tenured
5 professor at Emory University. If you really
6 want this whole story I will give it to you.

7 This individual told me that one of his
8 colleagues at one of the top ten universities
9 in America, an astronomer, had detected an
10 object and, in fact, photographed an object
11 following Comet Hale Bopp. The professor
12 provided myself and another, Whitley Strieber,
13 with photographs of this object.

14 He, in addition, brought on a physics
15 graduate student who was also in contact with
16 this posit astronomer, a colleague at a top
17 ten University. And based on that much
18 evidence from that kind of heavyweight
19 academic I went on the air with that story.
20 That was in November.

21 He indicated at that time there would
22 be a news conference to follow within a week
23 and that the astronomer would come and make
24 this information public. So we went on the
25 air with that information with the professor,

1 with the physics student, and with me saying
2 I've got a copy of the photograph in my hand.
3 The professor asked me not to publish
4 that photograph because it was so good that
5 any astronomer would be able to tell what
6 telescope took it apparently. I'm not an
7 astronomer, but apparently there are only so
8 many telescopes that are capable of taking
9 such a good close-up picture at the distance
10 and it would be identifiable from that point
11 of view.

12 So we had that broadcast. A week went
13 by, two weeks, a month went by and still this
14 man is not coming forward. And I'm talking to
15 the professor and asking him where is your
16 colleague, where is the news conference.
17 Still it was not forthcoming.

18 On January 15 we are now two months
19 from the original broadcast. I called
20 professor Courtney Brown and told him
21 professor, tonight, I am sorry, but I have
22 waited long enough and I am going to publish
23 the photograph.

24 Well, let me step back a little bit. I
25 got a phone call from the University of

1 Hawaii, Dr. Hainaut. And Dr. Hainaut said
2 guess what, that paragraph you posted on the
3 internet was from our telescope at the
4 University of Hawaii and it is a fraudulent
5 photograph because somebody has added an
6 object behind the photograph.

7 So at that point I called professor
8 Brown and I said come back on the air with me
9 because, professor, I am going to put both
10 photographs on the internet, the original that
11 you gave me and the original now supplied by
12 the University of Hawaii. I labeled one
13 original and the other fraud, and I put those
14 on my web site.

15 And I brought professor Brown on the
16 air and we interrogated him endlessly and
17 asked him to supply us with the name of the
18 person who gave him that paragraph, and he
19 refused to do it. And to this day he refuses
20 to do it.

21 And so we did several subsequent shows
22 to be very certain the audience new full well
23 that this was a fraud. The Heaven's Gate
24 suicides occurred months later, so it was well
25 identified as fraud prior to the suicides. If

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1 there is any other details you will like to
 2 know I will be glad to tell you.
 3 Q. I just knew a connection had been
 4 mentioned in media publications between that
 5 story and the Heaven's Gate suicides.
 6 A. Yes. And every major media you can
 7 imagine, ABC, NBC, all of them came out to my
 8 house when those suicides occurred, examined
 9 the evidence and went oh and went away, and we
 10 never heard from them again. That's why that
 11 incident went away and that's why I didn't get
 12 in trouble for it, because we had followed up
 13 and done our homework.
 14 But I will tell you right now that
 15 given an equal amount of academic weight and
 16 evidence I would go on the air with a similar
 17 story tomorrow.
 18 Q. Because it was presented to you, as you
 19 say, by a tenured professor?
 20 A. Correct.
 21 Q. A person with credentials in the field?
 22 A. Yes, sir.
 23 Q. And that of course would be a
 24 reasonable position for any journalist to take
 25 in that situation?

1 following actions within, in italics, one week
 2 of the attack: Notify the person or group
 3 attacked of the date, time, and identification
 4 of the broadcast; send a tape, transcript or,
 5 if neither is available, as accurate a summary
 6 as possible to the attacked party; and offer a
 7 reasonable opportunity for response.
 8 Now, I get a lot of mail and may have
 9 missed your letter, your client's letter, but
 10 if you have a return receipt for what you did
 11 send to me complying with that regulation I
 12 would be glad to see it.
 13 MR. HOLLOW: I move to strike the
 14 comment as being commentary. He is now making
 15 himself an expert on the law.
 16 Q. That's a question for the Court, sir.
 17 A. The law is in front of you.
 18 MR. FOX: Let's just answer the
 19 questions.
 20 MR. HOLLOW: It doesn't require an
 21 answer.
 22 Q. Have you ever seen this material
 23 previously, either on the internet or
 24 reprinted from the internet?
 25 A. Talk radio air waves have lost two

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1 MR. FOX: I object. You are
 2 asking a hypothetical question. He is not an
 3 expert, he is not appearing as an expert.
 4 Q. Okay, you don't have to answer.
 5 A. It was enough for me.
 6 MR. FOX: In that situation.
 7 A. Uh-huh.
 8 MR. HOLLOW: At the risk of making
 9 self-serving comments, who is the witness
 10 here, counsel? Let the record reflect counsel
 11 raised his eyebrows and made no response.
 12 MR. FOX: I'm sure I raised my
 13 eyebrows.
 14 A. May I ask a question?
 15 Q. Sure.
 16 A. I have this morning supplied you with
 17 Federal Communications Commission Personal
 18 Attack Rule, which is FCC Rule 73.1920, and
 19 I'll just read you in part: If a station
 20 broadcasts an attack on the honesty,
 21 character, or integrity or similar personal
 22 qualities of any identified person -- that
 23 would be me -- or group during the
 24 presentation of views on a controversial issue
 25 of public importance it must take the

1 lively voices. I have, sir. Yes, sir. This
 2 was an article, I believe, written following
 3 the time that I left the air in Pittsburg --
 4 and I'm not certain about that, but I believe
 5 in Pittsburg -- concerning the resignation of
 6 somebody in Pittsburg. And the person who
 7 wrote this article or newspaper letter, or
 8 whatever it is, tied me into that. So it
 9 concerned the loss of two voices from the air
 10 waves. That's the tender of the article, I
 11 believe.
 12 Q. Also attached to that is something from
 13 the Las Vegas Sun or the Sun City Anthem. Do
 14 you recognize that, sir?
 15 A. I don't recognize the Sun City Anthem.
 16 The Las Vegas Sun of course is in Las Vegas,
 17 Nevada, and I do know that. This obviously
 18 appears to be a reprint by an Associated Press
 19 article.
 20 Q. Would you look at the second page of
 21 that and see if that likeness is you?
 22 A. Indeed it is. That's me sitting by a
 23 satellite dish in my backyard.
 24 MR. HOLLOW: I'd like to have this
 25 made a collective exhibit to the deposition,

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1 please.

2 (Reporter marks document as Deposition
3 Exhibit No. 3 for identification.)

4 A. I would like to add something. That
5 photograph was not taken at the time that
6 article was written. That photograph was
7 taken months or a year earlier.

8 Q. File photograph?

9 A. File photograph, yes, sir.

10 Q. Now, I have another packet of material
11 which I will represent to you that I got off
12 the internet and printed out on my computer.
13 And I'll ask you if you will look through
14 these, the documents that are paper-clipped
15 together, and see if they are identifiable by
16 you.

17 A. These would appear so far to be indeed
18 from my web site, all from my web site. There
19 is an awful lot to look through here.

20 Q. Take whatever time you need to satisfy
21 yourself that you can identify them.

22 A. While these all appear to be about me,
23 I don't recognize all of them. But my web
24 site is an extensive web site. I would say
25 that so far most of this, or the majority of

1 that the next numerical exhibit to this

2 deposition, please.

3 (Reporter marks document as Deposition
4 Exhibit No. 4 for identification.)

5 Q. One other item: I would like, if we
6 could, to have Xerox copies of these
7 articles.

8 A. Again with respect to our
9 confidentiality agreement, I don't mind you
10 having copies of those articles, but obviously
11 I don't want these released to the press for
12 the sake of my son.

13 Q. I have no interest in sending these to
14 the press.

15 A. Copy away.

16 (Whereupon, an off-the-record
17 discussion was had.)

18 MR. HOLLOW: So the next numerical
19 exhibit to the deposition, which counsel will
20 provide late, will be a compilation of machine
21 copies of various editorials, articles,
22 newspapers, Associated Press reports, letters
23 to editors, and commentary relating to the
24 prosecution and conviction of an individual
25 who perpetrated various crimes on students in

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1 this looks familiar. But I can't keep up on
2 my own web site. There is more information
3 that flows through that site than a reasonable
4 person could read if that's all they had to
5 do.

6 And there are articles written about me
7 nationwide that I haven't even had a chance --
8 that I have never read and have come and gone
9 and I'm not aware of. So all I can tell you
10 with regard to this mass of stuff is that it
11 does look as though it's stuff that relates to
12 me and, in some cases, statements that I did
13 indeed make that appeared on my web site. I'm
14 sorry, but there is a lot of stuff here.

15 Q. No problem. Take as much time as you
16 need.

17 A. Art's Final Studio Cam Photo, you will
18 note that that final photograph was taken at
19 10:01 p.m. pacific time the night of the final
20 broadcast. Some of this material is from
21 another web site, the Enterprise Mission.com.
22 The bulk of material appears to be from my web
23 site, or articles written about me that
24 probably appeared on my web site, sir.

25 MR. HOLLOW: I would like to make

1 Pahrump, including Mr. Bell's son.

2 (The previously mentioned document was
3 designated to be marked Exhibit No. 5,
4 late-filed, when furnished.)

5 A. May I say something?

6 Q. You may.

7 A. Yesterday there seemed to be some
8 question in your mind about whether the Linda
9 Wiegand case was indeed a case with regard to
10 child molestation. It was the case being
11 discussed and was referenced in what we call
12 Exhibit A when they said it's the same as the
13 Wiegand case.

14 I would like to submit to you the Linda
15 Wiegand Case Summary: Persecution in
16 America. This is a statement from Linda
17 Wiegand: I am the founder of two charities
18 and the mother of two wonderful children. Due
19 to events beyond my control, and in order to
20 protect my two young boys now ages 8 (Ben) and
21 11 (John), I had been living "underground" for
22 over two years. We have been casualties of a
23 corrupt state judicial system, and as a
24 consequence, we have lost our most basic human
25 and civil rights and all of our possessions.

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1 The travesty began when my children told
 2 various medical and state officials that they
 3 were brutally sexually abused and then were
 4 summoned to tell the police what had happened
 5 to them. Officials from four states (Vermont,
 6 Massachusetts, New York, and Connecticut) have
 7 said that Tom Wilkinson and/or his sister
 8 Karen have sexually abused my boys. Today,
 9 over one year after we were turned into the
 10 FBI in Las Vegas, my boys remain in imminent
 11 danger, forced by a court order, to live with
 12 the same people who raped them. And it goes
 13 on from there.

14 I also want to add a letter from Ted L.
 15 Gunderson, FBI Special Agent-In-Charge,
 16 retired. It says Santa Monica, California.
 17 This is a letter to legislative offices on
 18 Capitol Hill.

19 Dear Senators and Representatives --
 20 from Ted Gunderson -- I have been
 21 investigating the Jon and Ben Wiegand case for
 22 the past several months. This is the worst
 23 case of child sexual abuse that I have ever
 24 seen in my 47 years of investigative work. I
 25 have attached a copy of my affidavit detailing

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1 each document that I have reviewed. Please
 2 take the time to read this affidavit. Jon and
 3 Ben's lives are in grave danger. Connecticut
 4 State officials have failed to act to protect
 5 them. It is a travesty of justice to allow
 6 these boys to remain in the control of a
 7 pedophile.

8 And I could go on, but that should make
 9 it quite clear of what the Wiegand case, both
 10 from Linda Wiegand's perspective and from that
 11 of Ted Gunderson, Special Agent, retired, his
 12 perspective.

13 Q. This Linda Wiegand material that you
 14 have provided looks like a three-page piece of
 15 material.

16 A. Indeed.

17 Q. From the state of Maryland.

18 A. Yes, sir.

19 Q. It appears also as if it was something
 20 that was intended to be circulated.

21 A. To solicit funds, help.

22 Q. It looks to be soliciting assistance
 23 and funds.

24 A. Yes, sir. That's from Linda Wiegand
 25 herself. And the other document that you have

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1 is a letter from Ted Gunderson, FBI special
 2 agent in charge to officials in Washington
 3 regarding the same case.

4 MR. FOX: Retired.

5 A. Retired.

6 Q. I just now noticed that Ted Gunderson's
 7 name appears also on this Wiegand so-called
 8 Case Summary.

9 A. I wouldn't be surprised.

10 Q. As well as Bo Gritz?

11 A. Bo Gritz.

12 Q. Is he the green beret?

13 A. He is indeed.

14 Q. A soldier of fortune person?

15 A. He sure is.

16 Q. I think he came over to the North
 17 Carolina mountains to see if he could find a
 18 fugitive.

19 A. I believe he did.

20 Q. He didn't do it, did he?

21 A. So in case there was any confusion
 22 about the Wiegand case or Ted Gunderson's
 23 discussion of the Wiegand case, I think that
 24 makes it very clear that the entire subject
 25 was child abuse, sexual assault.

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1 Q. All of this material, the attachments
 2 to the December 1, 1977 Ted Gunderson letter
 3 that you just read portions of, this is all
 4 part of the same document or the same material
 5 that he furnished, as far as you know?

6 A. I can't absolutely say that, I'm sorry.

7 Q. What I am seeing here is something that
 8 says saving Jon and Ben.

9 A. I am sure it's materials associated
 10 with that case that may come from various
 11 sources. The only one I really wanted to
 12 point out to you was the top one. You are
 13 welcome to peruse those as you will. The top
 14 one clearly indicates that Ted Gunderson was
 15 involved intricately in that case.

16 Q. Was this material mailed to you by the
 17 representative of the Wiegand fund?

18 A. I would assume that. The Wiegand fund,
 19 there you are.

20 MR. HOLLOW: I would like to make
 21 the Wiegand Case Summary the next exhibit to
 22 this deposition.

23 A. Those are my only copies, so again I'm
 24 sorry to ask, and I know it's a burden, but
 25 before I leave I would like a copy of these

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1 and I think these are not too much in volume
2 to copy.

3 (Reporter marks document as Deposition
4 Exhibit No. 6 for identification.)

5 MR. HOLLOW: And the Wiegand fund
6 material, including Mr. Gunderson's letter of
7 December 1, 1997, is the next numbered
8 exhibit.

9 (Reporter marks document as Deposition
10 Exhibit No. 7 for identification.)

11 MR. HOLLOW: With that I have no
12 further questions.

13 EXAMINATION
14 BY MR. COX:

15 Q. Mr. Bell, Exhibit A, the Transcript of
16 the December 9, 1997 broadcast, where did you
17 get that?

18 A. I think that this summary of this
19 broadcast was supplied by my attorney, but I'm
20 not certain. May I ask my attorney if that is
21 the case?

22 (Whereupon, an off-the-record
23 discussion was had.)

24 A. It says Exhibit A. That sounds like a
25 lawyer wrote it to me. I would presume that

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1 it was from my attorney or his office just
2 based on the fact that it says Exhibit A. My
3 company probably wouldn't write Exhibit A on
4 anything.

5 Q. It's obviously an excerpt from the
6 show.

7 A. Yes, sir.

8 Q. Where is the rest of the show? Has it
9 been typed up, transcribed?

10 A. We have an audiotape with us now at
11 least with this much if not more of the show.
12 I don't have the rest of the show. The
13 audiotape that I did receive from which this
14 transcript was typed was given to me by a very
15 upset listener who called from Texas.

16 Q. What I'm trying to find out is, you
17 will note there where it says after discussion
18 between Ted Gunderson and David Hinkson
19 regarding the case of Ms. Linda Wiegand, and
20 I'm just wondering what went before that
21 before they went on break.

22 A. It was a discussion of the Wiegand
23 case, which is, I think, carefully documented
24 in the documents that I have provided to you
25 moments ago.

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1 Q. Is that what this Hinkson was there to
2 talk about, the Wiegand case?

3 A. You know, it's a little difficult for
4 me to discern the relationship between
5 Mr. Hinkson and Mr. Gunderson.

6 Q. Before you start trying tell me what
7 you know about this Hinkson fellow.

8 A. Very little. I can tell you this: As
9 a matter of fact, this will assist you also, I
10 believe. I know that Mr. Hinkson, who, I
11 guess, resides in Idaho somewhere, runs a
12 company called Wateroz. This company
13 produces Colloidal Silver, I believe it's
14 called, which is said to stop a virus like a
15 cold or a flu, if you take it regularly, from
16 taking a hold of your system.

17 I am told Mr. Hinkson sent me, he
18 claims, thousands of dollars' worth of this
19 water -- I would contend more like a few
20 dollars' worth of this water -- and I tried
21 it. I tried it.

22 Q. Where are we in relation to December
23 9th?

24 A. This man sent this water to me. I'm
25 sorry, I couldn't give you a date on which he

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1 sent it.

2 Q. Before?

3 A. Yes, sir. He sent it to me unsolicited
4 and I thought I would try it. I tried it.
5 The very next thing that happened to me was I
6 got one of the worst flus I have had in
7 years.

8 So I went on the air, never mentioning
9 the name Wateroz, never mentioning the name
10 David Hinkson, and said I tried colloidal
11 water and boy, it sure didn't do a damn thing
12 for me because I got a raging, horrible flu.
13 That's a fact.

14 And then I went into this letter which
15 relates to all of this, which I received from
16 a man named David Waller in Las Vegas,
17 Nevada. If I might, Dear Art and Ramona --
18 this is a letter dated Tuesday, December 9th.

19 MR. HOLLOW: What year?

20 A. '97. Dear Art and Ramona, on this date
21 at 9:10 a.m. the Ted Gunderson shortwave
22 program's guest (9 to 10 a.m. -- station at
23 the bottom of the 7 on my Bay-Gen) -- that's a
24 radio brand -- a David Hinkson stated the
25 following.

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1 David Hinkson asked Ted Gunderson
2 (Retired FBI) how he would go about getting a
3 document investigating a criminal act. Ted
4 asked him to elaborate and David Hinkson
5 proceeded to state as fact that "Art Bell"
6 bribed Pahrump officials. "Art Bell" is a
7 common criminal. "Art Bell" was charged with
8 criminal fraud. He said that "Art Bell" was
9 involved and charged with criminal offenses
10 for which "Art Bell" payed-off Pahrump
11 officials and/or judges (term he used was
12 Pahrump Judicial District).

13 David Hinkson also stated that he had
14 ongoing "contacts" in Pahrump that supply him
15 with documents on "Art Bell" and the ones he
16 referred to for which he loudly stated
17 involved bribing officials was now sealed and
18 he wanted Ted Gunderson to help him continue
19 his investigation (vendetta) to get "Art
20 Bell."

21 He continued on to slander Joyce Riley
22 as a charlatan and only interested in making a
23 name for herself. During the back and forth
24 rantings of David Hinkson on "Art Bell," Ted
25 Gunderson said well, "it must be true because

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1 I called "Art Bell" to get Linda Wiegand on
2 his show and he never returned my call when
3 his wife promised that he would, and when
4 Linda called him he hung up on her, so it must
5 be true."

6 David Hinkson's vendetta against "Art
7 Bell" and his success has been going on for a
8 while now. I have tapes (?/audio) where when
9 he states on the Lou Epton Show -- that's
10 broadcast in Las Vegas -- that he sent "Art
11 Bell" thousands of dollars of his "health
12 products" -- mineral waters and "Art Bell" got
13 sick on them and now he routinely defames
14 (David Hinkson) on his shows, Coast to Coast
15 A.M. and Dreamland -- which is untrue. I
16 never mentioned the name David Hinkson and
17 didn't even know him.

18 David Hinkson as a paranoid manic
19 depressive can put a very weird twist on
20 "Fatal Attraction." He is very obsessed with
21 "Art Bell's" success and his mediocrity. He
22 is trying to abate this with a typical manic
23 depressive fantasy, delusional power over "Art
24 Bell."

25 On a scale of one, being low, to ten,

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1 being high, No. 1 being the level Cal Korff
2 slandered, David Hinkson's slander was a level
3 10.

4 That's a letter I received. You were
5 curious yesterday about some letters. This
6 came of course in a Christmas card because it
7 was of course December. And so again, I would
8 be glad to submit this to you and you are
9 welcome to copy it. But it's typical of what
10 I received. I didn't realize I had it with
11 me. There it is.

12 MR. COX: We will make that the
13 next exhibit.

14 (Reporter marks document as Deposition
15 Exhibit No. 8 for identification.)

16 A. So in case anybody is wondering about
17 the effects that your broadcast had, there is
18 the letter.

19 Q. That letter sounds like it's defending
20 to me.

21 A. It does, and it sounds like it's
22 describing what the listener heard.

23 Q. We know it's a little bit different
24 than all of that now as we sit and look at the
25 exhibit, don't we?

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1 A. It's a little bit different in
2 substance. It's not particularly different.

3 Q. Who was the other lady that was the
4 charlatan?

5 A. That reference was to Joyce Riley, who
6 has been an advocate for Gulf War veterans who
7 are suffering from Gulf War Syndrome.

8 Q. Do you believe that this Hinkson is out
9 to get you, paranoid?

10 A. That would call for an opinion on my
11 part. Obviously the person who wrote this
12 letter believes that. On reflection, I have
13 never talked to Mr. Hinkson ever, nor have I
14 ever spoken with Ted Gunderson, FBI retired.

15 I've not spoken with either one of them, but
16 after reading that letter I -- again this is
17 an opinion -- I would imagine that

18 Mr. Hinkson, after sending me that water which
19 I tried and didn't work, probably was angry at
20 me. So would that have been a motivation for
21 this? I don't know. I mean that would call
22 for an opinion on my part. I don't know, just
23 a guess.

24 Q. Has anyone on your behalf conducted an
25 investigation into this Hinkson?

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1 A. Yes, sir. Let me help you out there
 2 too. We have attempted in the course of this
 3 litigation to serve Mr. Hinkson. Mr. Hinkson
 4 refused service based on some misspelling of
 5 his name, or some other insane reason. He
 6 sent a letter by registered mail, which I have
 7 here, to my attorney, Gerald P. Fox, which
 8 reads as follows.
 9 Q. Let me see that just a second before
 10 you read it. I don't have that.
 11 A. You are going to love this one. Dear
 12 sirs, it has come to my attention that Art
 13 Bell is upset about statements made on a radio
 14 program. I did speak about an Art Bell in
 15 Pahrump but never alluded that it was the
 16 so-called famous Art Bell. It is my
 17 understanding that the individual spoke of
 18 does not pertain to Art Bell, Sr. Said
 19 material pertains to directly to Art Bell, Jr.
 20 In fact, the matter pertains to the son, a
 21 minor, though of legal consensual age for sex,
 22 who was in a homosexual encounter that due to
 23 all circumstances is now being tried before
 24 the District Court for Nye County as one of a
 25 nature of sexual assault with Art Bell, Jr.,

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1 being the victim.
 2 This whole matter needs not to be
 3 dwelled upon beyond this point, because we do
 4 not believe you want the fact that the accused
 5 is Brian Lepley, a former school teacher in
 6 Nye County. The whole mess is very ugly, and
 7 while I'm sorry for any harm done in trying to
 8 get to the bottom of the truth being talked
 9 about, there was never any intention or malice
 10 on my part to hurt anyone. I hope this matter
 11 can be settled reasonably because
 12 confrontation will only bring this subject to
 13 the attention of the public. Therefore I do
 14 not believe your client would want the true
 15 nature and allegations to come forth.
 16 In conclusion, I therefore apologize
 17 for any uttering or any material utterance on
 18 the air which might have alluded to the fact
 19 that Art Bell, the radio host, was indeed
 20 involved and/or might be under indictment. I
 21 further apologize for any harm. I just wanted
 22 to get to the heart of the matter, as I
 23 stated. Please note that should this matter
 24 go forth as a lawsuit your client will have to
 25 prove to the Court's satisfaction damages

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1 alleged. Hopefully this will end this
 2 tragedy. All rights specifically reserved,
 3 regards, David Roland Hinkson.
 4 Now, I regard the language in this
 5 letter as virtual blackmail telling me that if
 6 I proceed with this matter that my son's
 7 plight will be made public. Do any of you
 8 read it any differently?
 9 Q. We don't answer the questions, you do.
 10 Tell me what your thoughts are as to the
 11 mental status of this guy. Did you conclude
 12 anything out yourself? Do you think he's
 13 crazy?
 14 MR. FOX: I object. That calls
 15 for speculation. The question calls for
 16 speculation. It calls for an opinion that
 17 this witness is not in a position to make.
 18 MR. COX: Let's mark the letter as
 19 the next-numbered exhibit.
 20 (Reporter marks document as Deposition
 21 Exhibit No. 9 for identification.)
 22 Q. The original question I asked of you
 23 was whether anybody on your behalf had made an
 24 investigation into Mr. Hinkson, who he is, his
 25 character, things of that nature.

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1 MR. FOX: I have another
 2 objection. Certainly Mr. Bell is not going to
 3 talk about anything counsel has told him.
 4 That would be work product. If you want to
 5 ask him about his own independent
 6 investigations that's fine.
 7 Q. He's right. You can't say what your
 8 counsel said or has told you.
 9 A. All I can tell you, I don't know what
 10 my counsel has done in terms of investigating
 11 Mr. Hinkson.
 12 Q. Tell me what you found out.
 13 A. I know that my boss, Allen Corbeth, and
 14 my company tried to find out about
 15 Mr. Hinkson, but it's like trying to grab
 16 quicksilver. This man, he's completely
 17 indiscernible in terms of trying to
 18 communicate with him. I never have, I've
 19 never spoken with him.
 20 Q. Did anybody?
 21 A. An investigation, I don't think that
 22 there has been much done because there was no
 23 contact possible. He refused any contact
 24 whatsoever. Did we hire a private
 25 investigator? No, we did not.

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1 Q. Has anybody other than your counsel,
2 and don't say what your counsel said, told you
3 he is a nut?

4 A. I don't think anybody has officially
5 told me he is a nut. I think that requires a
6 judgment of a psychiatrist.

7 MR. FOX: Yes or no?

8 A. No one has told me he's a nut. I think
9 I may have said I think he's nuts.

10 Q. Was there a time close in the time
11 period when you went on the air and I guess
12 you used a generic term for this type of
13 water?

14 A. Colloidal Silver it's called.

15 Q. Does anybody else make that other than
16 Mr. Hinkson?

17 A. Yes, sir. It is made all around the
18 world.

19 Q. Do you have a concept in your mind of
20 when you went on the air and said you got the
21 flu versus this December 9th broadcast?

22 MS. BELL: Shortly after we
23 returned from Rome.

24 A. We went on a trip to Rome. We came
25 back from Rome. I had taken the Colloidal

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1 Silver with me and religiously took it and
2 came back with a raging flu. And that would
3 have been --

4 MS. BELL: Towards the end of
5 October.

6 Q. '97?

7 A. Yes. And then, as I stated earlier, I
8 never ever at any instant mentioned the name
9 David Hinkson nor the company name Wateroz or
10 anything else on the air, not once. And there
11 are audio copies of all of my programs
12 available for you to peruse if you wish to
13 confirm that.

14 Q. Were you aware when you took this water
15 that it came from David Hinkson?

16 A. No, not specifically. No, I was not.
17 I'm sure that probably on the package that it
18 came in the name David Hinkson or the name
19 Wateroz was there. I get many, many products
20 that people want me to try and they send them
21 to me speculatively hoping that I will try
22 them and use them. I'm sure that's the way I
23 regarded this.

24 -- So I probably didn't pay attention to
25 who sent it, but I was willing to try it and

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1 so I did. And my comments on the air were
2 utterly generic. And what is written in that
3 letter with regard to defaming Mr. Hinkson is
4 absolutely completely false.

5 Q. To clear another thing up for me, given
6 what your show's format is, why would Linda
7 Wiegand want to be on your show, if you know?

8 MR. FOX: Objection, calls for
9 speculation.

10 A. Does that mean I should not answer
11 that?

12 MR. FOX: That's my objection. If
13 you know why you should tell them.

14 A. It's true I would be speculating to
15 answer that. I would be. I would assume that
16 she is trying to get as much publicity for
17 what she considers to be the plight of her
18 children as she is able to. So I would assume
19 that's why she would want to be on my show,
20 but that is an assumption.

21 Q. She doesn't fall into any type of
22 format that normally the guests would normally
23 be in on your show, correct?

24 A. I had retired Supreme Court nominee
25 Bork on my program, sir. So I don't think

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1 that there is any specific format other than
2 the general area of the paranormal, but I vary
3 from that. I am liable to do anything on the
4 air. That's the nature of my program.

5 Q. Ted Gunderson, you indicated that you
6 have not had any conversations with him
7 following this December --

8 A. No, sir, I have not.

9 Q. Nor have you had any conversation nor
10 did you know him personally prior to this
11 time?

12 A. I knew of him, I have heard the name
13 Ted Gunderson, but I had never spoken to him,
14 never.

15 Q. Do you know what the original format or
16 what the original topic of discussion was
17 intended to be on this show of December 9th
18 with Mr. Hinkson?

19 A. Again without having heard the entire
20 broadcast I would be speculating, but
21 obviously it was the plight of Linda
22 Wiegand's -- the alleged plight of Linda
23 Wiegand's children, who she claimed were being
24 raped by her ex-husband. I would assume that
25 to be the topic of the program.

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1 Q. Well, your understanding is that
 2 Hinkson was a guest?
 3 A. That is indeed my understanding.
 4 Q. What about Hinkson, do you know
 5 anything?
 6 A. What I know about Mr. Hinkson with
 7 regard to -- I believe that you will find that
 8 Mr. Hinkson at a prior time was a host on WWCR
 9 some years earlier, that Mr. Hinkson was a
 10 sponsor of the Ted Gunderson Radio Program.
 11 So Mr. Hinkson was not a casual guest but
 12 rather a prior host on this radio station, as
 13 well as a sponsor of the Ted Gunderson Radio
 14 Program.
 15 Q. That's through advertising?
 16 A. Yes, sir.
 17 Q. Does that mean the water we are talking
 18 about?
 19 A. I believe that is correct.
 20 MR. FOX: If you don't know --
 21 A. I think there is a contract that we
 22 have somewhere, one of us has, that shows a
 23 contract between Mr. Hinkson, the Watercoz
 24 Company, and Ted Gunderson.
 25 Q. Do we have that with us?

*Not
true*

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1 A. I'll see if I can find one.
 2 Q. How would that work?
 3 MR. FOX: The document speaks for
 4 itself. Let's wait to see if it's produced.
 5 A. The owner of the radio station is
 6 here. With regard to how they construct their
 7 advertising you might want to ask him.
 8 Q. While she's looking for that, it's your
 9 understanding, then, that Hinkson was there to
 10 discuss the Linda Wiegand situation as a guest
 11 on Gunderson's show and that was the lead
 12 topic?
 13 A. Yes, sir, that is my understanding.
 14 Q. And do you get that understanding from
 15 listening to the transcript of the whole show?
 16 A. I guess you get that understanding with
 17 respect to what they were talking about -- let
 18 me find the part in here where it says that.
 19 Reading in part from the transcript, Ted
 20 Gunderson says well, the record should be
 21 right there in Pahrump. David Hinkson says I
 22 was told okay, that he bought his way out of
 23 it. Ted Gunderson then says well, then if he
 24 bought his way out of it there is a good
 25 possibility that the right person was paid off

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1 and the records have disappeared. David
 2 Hinkson says I won't say anymore than it has
 3 to do with the subject you are talking about
 4 with Wiegand.
 5 So I would presume that Wiegand was the
 6 prior subject, in other words, the child
 7 molestation alleged to be going on.
 8 Q. My thought is, you correct me if I am
 9 wrong, you may bring a guest on your show, as
 10 well, and all of a sudden what he's there to
 11 really talk about gets off on to something
 12 else.
 13 A. Yes, sir, it happens all the time.
 14 Q. And if you are not careful you could
 15 get surprised?
 16 A. Yes, sir.
 17 Q. Really what you're saying about Ted
 18 Gunderson is that if indeed he had had his
 19 button he could have stopped it?
 20 MS. BELL: He could have stopped
 21 it without the button.
 22 A. Reading the transcript, any reasonable
 23 person can see that Mr. Gunderson not only
 24 could have but should have stopped this. And
 25 we can pick out any number of points where he

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1 should have stopped this.
 2 Mr. Gunderson claims to be a former FBI
 3 agent retired, a very professional
 4 investigator who should damn well know the law
 5 and he ought to know when he is getting in
 6 trouble.
 7 So unless there was a prior
 8 understanding between Mr. Gunderson and
 9 Mr. Hinkson, I can't imagine Mr. Gunderson
 10 allowing this to continue as it did. That
 11 should have stopped a million times before it
 12 got to the kind of defamation that we are here
 13 talking about right now.
 14 Q. The first time you mentioned it on this
 15 Exhibit A is on line 21, is that correct?
 16 A. Yeah. In other words, obviously
 17 Mr. Gunderson, when David Hinkson said okay,
 18 if I saw some paperwork, or somebody credible
 19 said they saw some paperwork, but we didn't
 20 have copies of it in our hands, pertaining to
 21 an indictment that has been squashed pursuant
 22 to a payola how would you verify that, that
 23 should have raised a red flag for
 24 Mr. Gunderson or any professional talk show
 25 host, a red flag immediately. But then in the

1 next line, 21 --
 2 Q. Let me stop you right there. At that
 3 point in time what are you telling me
 4 Mr. Gunderson should have done?
 5 A. I'm telling you that that should have
 6 raised a red flag in Mr. Gunderson's head that
 7 what might follow could be very dangerous or
 8 could be slander.
 9 Q. And that he should have hit the button,
 10 is that what you are saying?
 11 A. I'm saying at the moment David Hinkson
 12 said okay Art Bell, referring to line 21, you
 13 are damn right he should have hit the button
 14 there.
 15 Q. At that point?
 16 A. At that point, yes, sir. And then we
 17 can pick on lots of points following that
 18 where the button should have been hit had
 19 there been a button.
 20 Q. I want to get back to the button thing
 21 in a moment, but did you find this contract?
 22 A. I believe we did. I believe it is
 23 right here. This is a contract between David
 24 Hinkson, Wateroz, and the Truth Radio
 25 Network. You are welcome to take a looksy.

1 MR. FOX: It's already a part, I
 2 believe, of one of the earlier exhibits to the
 3 deposition I took yesterday.
 4 A. I guess what we are trying to suggest
 5 to you or prove to you here is that the
 6 relationship between Mr. Gunderson and
 7 Mr. Hinkson was not one of Mr. Hinkson coming
 8 on the show this day and suddenly sandbagging
 9 Mr. Gunderson with this information. Their
 10 relationship went obviously back quite a long
 11 way.
 12 (Whereupon, an off-the-record
 13 discussion was had.)
 14 Q. I'll pass that back to you, if I may,
 15 please. That appears to have a date on it of
 16 '95. I don't see Gunderson's name on there
 17 in any shape or form. My understanding is,
 18 and correct me if it's not your understanding,
 19 that that is the contract between Hinkson and
 20 the radio company, is that correct?
 21 A. The Truth Radio Network. I don't know
 22 what the Truth Radio Network is, but it would
 23 appear to be a contract with the radio
 24 station, not with Gunderson. Whether or not
 25 these were commercials that were run within

1 the Gunderson program or not, I don't know.
 2 MR. COX: Let's mark that an
 3 exhibit to this deposition.
 4 (Reporter marks document as Deposition
 5 Exhibit No. 10 for identification.)
 6 Q. And the next item that you gave to me
 7 appears to be a contract dated January 2, '97
 8 between the radio station and Gunderson.
 9 A. Yes, sir.
 10 MR. COX: It's my understanding
 11 that was made a previous exhibit, as well.
 12 MR. FOX: Yes.
 13 Q. Now, if I remember what you told me,
 14 you had indicated when this contract situation
 15 came up that you felt like that these two
 16 items tied in Hinkson and Gunderson together.
 17 Was that what you were trying to tell me?
 18 A. I was trying to indicate to you, sir,
 19 that there was more than a casual relationship
 20 between Mr. Hinkson and Mr. Gunderson and that
 21 Mr. Hinkson had been a guest a number of times
 22 apparently on Mr. Gunderson's program.
 23 Q. In those items, those contracts, those
 24 exhibits we have just identified, somehow
 25 you're relying upon something in them that

1 raises that presumption to you?
 2 A. In discovery from my attorney to you,
 3 in one response, the final response, produce
 4 all documents showing the dates and times in
 5 which WWCR and/or WNQM broadcast any show in
 6 which David Hinkson appeared as a guest or
 7 host during the last year.
 8 Response: There are no documents
 9 responsive to this request. We have been made
 10 aware after the fact that Mr. Hinkson was a
 11 guest on the Gunderson program that is the
 12 subject of this litigation. We also assume
 13 that Mr. Hinkson was the host of the program
 14 which he ran in 1995 on WWCR. The station
 15 received no notice in advance or otherwise of
 16 guests or hosts that may appear on the air
 17 time purchased by third parties.
 18 Q. So that's where you're drawing your
 19 conclusion that Hinkson and Gunderson knew
 20 each other before and were very familiar with
 21 each other, Hinkson had been on the show on
 22 numerous occasions?
 23 A. Had more than a casual relationship.
 24 Q. More than casual, what does that mean
 25 in your mind? More than casual, does that

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1 mean like business?
 2 A. That means I don't understand the
 3 nature of their relationship other than what I
 4 just read you and what I have seen in those
 5 contracts. Many times I will invite a guest
 6 on my program who I have never spoken with
 7 before. In fact, most times that's the case.
 8 In the case of the relationship between
 9 Mr. Gunderson and Hinkson it would appear that
 10 there was a long-running relationship.
 11 Q. Now, let's again turn to Exhibit A, if
 12 we can. First of all, as we tie into that,
 13 how old was your son?
 14 A. 16.
 15 Q. When this incident occurred?
 16 MR. FOX: Which one, the son being
 17 raped or the broadcast?
 18 MR. COX: The rape.
 19 A. 16.
 20 Q. 16?
 21 A. Yes, sir.
 22 Q. And I believe I remember yesterday you
 23 told us that he lived six miles apart?
 24 A. Correct, sir.
 25 Q. Were you active with him?

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1 A. Yes, sir.
 2 Q. You know, I am divorced myself and from
 3 a divorced family. Sometimes with one parent,
 4 there is a father who isn't perhaps as active
 5 with the children. You know what I am talking
 6 about.
 7 A. Yes, sir.
 8 Q. So you would describe your relationship
 9 with your son where there would be a lot of
 10 visitation?
 11 A. Every weekend.
 12 Q. And you would travel together and do
 13 those types of things?
 14 A. Yes, sir.
 15 Q. You used the words yesterday that when
 16 this came about, and I am talking about the
 17 criminal proceedings when you found out about
 18 this situation having occurred, you used the
 19 words that you were doing everything you could
 20 to put the finger in the dike.
 21 A. Yes, sir.
 22 Q. And the purpose of that, as I
 23 understood what you said, is that you were
 24 doing everything you could to ensure that your
 25 son's name was not made public.

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1 A. Yes, sir.
 2 Q. Now, have you read yourself the
 3 indictment against this schoolteacher?
 4 A. Have I read the indictment against the
 5 schoolteacher?
 6 Q. Or have you heard it read in court?
 7 A. I have not because my presence in the
 8 court would have been an occasion for the
 9 media to tie my son and myself together, which
 10 would have given them an opportunity to write
 11 about it.
 12 Q. In the indictment or in the attached
 13 papers to the indictment, is your son's name
 14 mentioned?
 15 MR. FOX: Objection, lack of
 16 foundation. I'm not sure if we have gotten an
 17 answer of whether he has ever seen the
 18 indictment.
 19 A. I have not seen the indictment.
 20 Q. Is your son's name mentioned in the
 21 criminal file?
 22 A. Absolutely.
 23 Q. Victim witness?
 24 A. Absolutely, but all of this was
 25 sealed. In other words, it was a sealed

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1 courtroom proceeding because of the nature of
 2 it.
 3 Q. Which proceeding are we talking about?
 4 A. The trial of Brian Lepley, the
 5 schoolteacher who attacked my son.
 6 Q. At trial all of the records were
 7 sealed?
 8 A. Yes, sir.
 9 Q. Is that a Las Vegas law?
 10 A. That's Nye County, Nevada.
 11 Q. Because of the minor situation?
 12 A. Yes, sir.
 13 Q. Did your son testify at this trial?
 14 A. He did, sir.
 15 Q. Was that reported in the paper?
 16 A. Not by name, no, sir. His name was
 17 never used.
 18 Q. Was it a public trial?
 19 A. No, it was a closed trial, sir.
 20 Q. The press were not allowed in?
 21 A. No, sir.
 22 Q. Again that's because of the minor
 23 situation?
 24 A. Yes, sir.
 25 Q. But it was tried, it wasn't settled, it

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1 wasn't a plea?

2 A. Oh, no. There is a conviction and this
3 man's now serving a life term plus.

4 Q. And were you in the courtroom during
5 this?

6 A. I was not, sir, for the reasons I
7 stated a moment ago.

8 Q. Did you, in this situation of putting
9 your finger in the dike, did you talk with the
10 prosecutors?

11 A. I did. I talked to the district
12 attorney who was prosecuting the case, yes.

13 Q. And the purpose of that conversation
14 with him was what?

15 A. My son was at my house when he began to
16 tell the story of the attack on him. And the
17 sheriff's department came to my house. And in
18 a conversation with the sheriff's deputy over
19 two hours, my son finally broke down and
20 admitted what had happened to him.

21 Q. This occurred at your house?

22 A. Yes, sir.

23 Q. In the presence of you and your wife?

24 A. Yes, sir.

25 Q. Anybody else other than the sheriff?

1 Q. She is who?

2 A. Vicky Bell, my ex-wife. She called me
3 hysterically saying what she had found. And I
4 then obviously, based on that information,
5 proceeded to begin asking my son questions. I
6 called the principal of the school and then I
7 called the sheriff's department, sir.

8 Q. The letter that your ex-wife found was
9 from a girlfriend of your son?

10 A. To a girlfriend of my son.

11 Q. To a girlfriend?

12 A. Yes, sir.

13 Q. Is it your understanding that this
14 attack was a one-time occasion, or were there
15 more than one?

16 A. As I previously stated, this
17 schoolteacher attempted to befriend my son.

18 Q. Attempted to what?

19 A. Befriend my son on a basis in a
20 relationship outside the school with the
21 obvious intent of doing what he did as a goal.

22 Q. Seduce him?

23 A. Yes, sir.

24 Q. And so my question is: This contact,
25 which I have began to understand from a quick

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1 A. Actually it began in the presence of
2 myself and my wife, and the sheriff's deputy
3 took my son privately into a separate room and
4 got the whole story from him.

5 Q. Did you call the sheriff, or was that
6 investigation ongoing because somebody had
7 tipped someone?

8 A. I called the sheriff, sir.

9 Q. Would that have been the start of the
10 investigation of this Lepley, or had one of
11 the other victims already told something
12 else? How did the cat get out of the bag, so
13 to speak?

14 A. The cat got out -- this is a difficult
15 question to answer. I think that the real
16 motion started when I called the sheriff.

17 Q. That evening?

18 A. Yes, sir. I'll leave my answer there.

19 Q. How did this conversation come about
20 with your son, what prompted that?

21 A. My ex-wife found a letter from one of
22 my son's girlfriends -- to one of my son's
23 girlfriends in which he admitted that this
24 thing had happened. And she called me on the
25 phone crying and hysterical.

1 review of the article, with your son was oral
2 sex, is that right?

3 A. I believe that's correct.

4 Q. Was it a one-time attack, or were there
5 attacks?

6 A. I believe it was a one-time attack.
7 It's my understanding it was a one-time
8 attack. He took my son out and gave him drugs
9 and two great big malt liquors, and he was
10 virtually unconscious when this occurred.

11 Q. Was it oral sex that was performed on
12 him by Lepley?

13 A. I wish I knew the whole story, and I'm
14 not sure that I do.

15 Q. I understand you're so concerned about
16 this HIV situation.

17 A. Yes, sir.

18 Q. But the risk here between anal sex and
19 otherwise --

20 A. Is different indeed, but I don't know
21 that I understand the full story. And one of
22 the other children who was attacked is HIV
23 positive now.

24 Q. So this was ongoing in Pahrump on
25 December 9, 1997, as far as the criminal

1 investigation was concerned?

2 A. I'm so bad on dates. I would guess
3 that that is correct, December 9, '97 the
4 investigation began.

5 MS. BELL: The investigation? It
6 was getting ready to go to trial the following
7 year.

8 A. So the investigation was ongoing.

9 Q. Had there been an indictment of this
10 guy by December 9, 1997, Lepley?

11 MR. FOX: If you know.

12 A. I'm sorry, I don't know. There were a
13 series of indictments. After my son came
14 forward then other children began to come
15 forward.

16 Q. Give me an idea of when your son came
17 forward. Can you give me a rough estimate?
18 Was it October, was it July?

19 A. No, it was earlier than that.
20 Obviously it was earlier than August of '97
21 because I received -- here it is.

22 You are hereby commanded to appear
23 before the Fifth Judicial Court of the State
24 of Nevada, in and for the County of Nye, in
25 the courtroom of said Court at the William P.

1 Beko Criminal Justice Facility, 101 Radar
2 Road, Tonopah, Nye County, Nevada, on August
3 11th through the 15th, 1997, time 1 p.m., as a
4 witness for the plaintiff, State of Nevada, in
5 a criminal action against the above-named
6 defendants for the charges of sexual assault
7 attempted sexual assault, solicitation of a
8 minor, attempted solicitation of a minor,
9 attempted open/gross lewdness,
10 offer/controlled substance, intentional
11 transmission of human immunodeficiency. By
12 Robert S. Beckett, Nye County District
13 Attorney.

14 So it was prior to that. I'm sorry.
15 This went on for a long time.

16 Q. That's what I'm trying to get at. I
17 don't mean to be tricky about this, but it
18 would appear to me, based on what you told me
19 and what you just read -- what was that, a
20 subpoena?

21 A. That was a subpoena for, in this case,
22 my wife. And there was one for myself.

23 Q. What's the date on it?

24 A. The subpoena called for me to be there
25 August 11th through the 15th of 1997.

1 MR. COX: Let's make those
2 exhibits too.

3 (Reporter marks document as Deposition
4 Exhibit No. 11 for identification.)

5 Q. And you said there is one for your wife
6 and one for you?

7 A. This was issued June 26, 1997.

8 Q. So it would appear to me, based upon
9 that we are talking about being subpoenaed for
10 a criminal proceeding, that on December 9,
11 1997, the day of our incident that we are here
12 involved in, this gentleman, Lepley, had been
13 indicted.

14 So somewhere in the records of the
15 courthouse of Pahrump you've got a criminal
16 proceeding ongoing, you've got an indictment
17 somewhere in those records, and you have got,
18 I would presume, some type of a written
19 statement or something from your son, at least
20 where your son's name is in those records as
21 Art Bell, IV.

22 A. Yes, sir.

23 MR. FOX: After-the-fact
24 objection. The documents speak for
25 themselves. They are the best evidence of

1 what's stated.

2 That one subpoena that's been marked as
3 an exhibit refers to these individuals as
4 minors and leaves it blank for their names.
5 So I don't know -- I'm not a criminal
6 lawyer -- if that's in every instance of the
7 court file or just a few. So I would rather
8 just let those documents speak for
9 themselves.

10 MR. HOLLOW: There is an article
11 of May 30, 1997.

12 Q. In this statement this Hinkson fellow
13 talks about payola and he talks about an
14 indictment. And he uses the name Art Bell,
15 apparently not designating whether it's one,
16 two, three, or four, and he talks about a
17 rumor.

18 MR. FOX: I am going to object to
19 the characterization.

20 MR. COX: Of what?

21 MR. FOX: Of his statements. I
22 don't believe I see him use the word rumor
23 anywhere, the word rumor itself. I think
24 that's your word.

25 MR. COX: I stand corrected.

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1 Q. I guess he uses the word hearsay, and
2 I'm talking about Hinkson. Down at the bottom
3 there, the second page, he says I am asking
4 you to prove my hearsay. That's what I'm
5 telling you is correct. I'm sorry, rumor was
6 not in there.

7 But there was at that time obviously
8 something going on involving the individual by
9 the name of Art Bell in the court records,
10 right?

11 A. I don't know if the name appeared. As
12 my attorney said, the document speaks for
13 itself. I don't know how it's handled in the
14 court district, sir.

15 Q. Is there any indication that you have
16 from any source other than your counsel that
17 Gunderson was in any way involved in this
18 proceeding against Lepley?

19 A. I know of none, nothing.

20 Q. Do you have any indication that prior
21 to December 9, 1997 that Gunderson knew about:
22 the Lepley situation and was related to your
23 son or even knew about it?

24 A. I have no knowledge of that.

25 Q. I am not talking about somebody else

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1 telling you, not your counsel --

2 A. From any source, sir, I have no
3 knowledge.

4 Q. Do you have any indication from any
5 source whatsoever, any evidence, which would
6 indicate to you that Gunderson and Hinkson,
7 prior to this transcript that we are talking
8 about right here, conferred or knew that that
9 dialogue was going to take place, or that they
10 had discussed bringing your name, or making
11 statements like that?

12 A. No, sir, not from any source.

13 Q. If Mr. Gunderson says that this came
14 out of the blue to him, do you have any
15 evidence which would indicate that that would
16 not be correct?

17 A. I do not. I would like to add,
18 however, as I did earlier, that Mr. Gunderson,
19 being a professional investigator and very
20 well familiar with the law, should have had a
21 million red flags raised as this conversation
22 ensued to stop it. But he obviously instead
23 encouraged it.

24 Q. Now I want to get to the button. You
25 have indicated that the standard in the

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1 industry for talk show hosts is to have a
2 button.

3 A. Yes, sir.

4 Q. Is the standard in the industry to also
5 have a screener?

6 A. Yes, sir.

7 Q. Do you have a screener on your show?

8 A. I do not.

9 Q. Now, when you refer to a standard you
10 are not talking about some kind of a state
11 law.

12 A. No, sir.

13 Q. Or federal law?

14 A. Standard practice.

15 Q. And by not having a button you are
16 saying that Mr. Gunderson broke an industry
17 standard?

18 A. I'm saying, sir, that without the
19 ability to edit material that goes live on the
20 air you might as well take a bullet and put it
21 in the chamber and put it to your head and
22 play Russian roulette, because that's what you
23 are doing.

24 Q. I'm trying to find out where is this
25 standard written down that requires or even

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1 strongly suggests, or some guidelines
2 administratively or otherwise, that you need
3 to have or should have a button and failure to
4 have one is a breach of that standard.

5 A. Sir, it's not a legal standard.

6 Q. I understand it's not a legal
7 standard.

8 A. If you would like to know what the
9 general guidelines are for broadcasters
10 regarding defamation this is the National
11 Association of Broadcasters guidelines on
12 that.

13 MR. COX: We will mark that as the
14 next exhibit.

15 (Reporter marks document as Deposition
16 Exhibit No. 12 for identification.)

17 Q. Obviously I don't have time to sit here
18 today and read everything you are giving me.

19 A. You wish this to go to her?

20 Q. Yes.

21 A. It's several pages.

22 Q. And the substance of it is? Is there a
23 particular section that says --

24 A. It describes defamation. It describes
25 how radio stations can avoid defamation, steps

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1 that radio stations can take to -- for
 2 example, prebroadcast steps to minimize risk,
 3 and so forth. It deals entirely in the
 4 defamation question.
 5 Q. Who is that published by?
 6 A. National Association of Broadcasters.
 7 Q. Is that the number one --
 8 A. It's entitled Broadcasters' Guide to
 9 Basic Defamation Law, What it is and How to
 10 Avoid It.
 11 Q. So when you say that the standard was
 12 breached by Mr. Gunderson by not having a
 13 button, you have made an exhibit here today of
 14 the guidelines that you relied upon that are
 15 at least written.
 16 A. I don't need written guidelines, sir,
 17 to understand that doing live controversial
 18 talk radio with a guest or with callers,
 19 either way, without the ability to edit what
 20 goes on the air is legally hazardous beyond
 21 all reason. And I have worked for a large
 22 number of talk radio stations and I have never
 23 ever worked for one that did not have a delay
 24 system in place.
 25 Q. Why don't you have a screener?

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1 A. Because it's my view that a talk show
 2 host who is talented can take any call and
 3 either make it informational or entertaining,
 4 and I don't require a screener. I don't
 5 require typically in a radio station a monitor
 6 which will indicate the next ten callers
 7 waiting in line and what they want to talk
 8 about.
 9 I think the talk show host who is
 10 talented is able to handle whatever comes.
 11 And I like that as a basis of my program, the
 12 unexpected, the spontaneous nature of the
 13 program. I do, however, rely on that button,
 14 believe me, if I need it.
 15 Q. What happens if you don't have a
 16 screener and a guy gets on the phone and says
 17 Art Bell, you're a crank?
 18 A. Then I let it go on the air.
 19 Q. Sir?
 20 A. I let it go on the air. If someone
 21 wants to say that Art Bell is a crank -- I'm a
 22 public figure, I don't mind being called a
 23 crank, sir. I mind being called a child
 24 molester.
 25 Q. I am going to start jumping around.

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1 This divorce you went through with your
 2 ex-wife, was that contested? Was it tried or
 3 settled out of court?
 4 A. No, sir, it was not contested.
 5 Q. Do you know what I am talking about?
 6 A. I do. No, it was not contested. It
 7 was complete agreement with regards to
 8 possessions and --
 9 Q. I'm not interested in the allegations.
 10 A. -- child visitation, and all the rest
 11 of it.
 12 Q. You mentioned you got the Best Male
 13 Broadcaster Award. Can you tell me when that
 14 was?
 15 A. You are talking to a lousy person on
 16 dates.
 17 MS. BELL: June of '97.
 18 Q. What I'm doing here is trying to find
 19 out what's happening around December 9th,
 20 before and after. You also said you were
 21 nominated for some other prestigious award.
 22 A. The Marconi Award.
 23 Q. When was that?
 24 A. Given by the National Association of
 25 Broadcasters.

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1 MS. BELL: Mid October of '97.
 2 Q. Did somebody else get it?
 3 A. It was given to Dr. Laura
 4 Schlessinger. I think there were a total of
 5 three or four nominees, four nominees.
 6 Q. Have you been put in for any awards or
 7 nominations or received any awards after
 8 December 9, 1997, this year '98?
 9 A. No, sir.
 10 Q. And do you feel that the fact that you
 11 haven't been given any award or been nominated
 12 has anything to do with why we are here today,
 13 the December 9th incident?
 14 A. That would call for an opinion on my
 15 part, and I don't have an opinion on that.
 16 Q. Now I am moving off the incident in
 17 regard to your son. I'm moving off of this
 18 and I want to talk to you about the concept of
 19 damages.
 20 A. All right.
 21 Q. Would you admit to me today that you
 22 are making more money than you were back on
 23 December 9, 1997?
 24 MR. FOX: I am going to object to
 25 the question as vague in terms of the use of

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1 the words making more money. You have to be
2 more specific because, for example, selling
3 shares of stock in a corporation would be a
4 one-time incident as a way to make money, but
5 it's not a way to make money repetitively.

6 MR. COX: I'll try to be more
7 specific.

8 Q. I am not talking about the sale of
9 stock or a building, or anything like that. I
10 am just talking about what you would consider
11 your net income, not taking into account the
12 sale of assets, what you are being paid by
13 your employer.

14 Would you agree that you are making
15 more money today under those guidelines than
16 you were prior to December 9, 1997?

17 A. No, sir. I would say it's a pretty
18 close call in terms of salary received, what I
19 was making just prior to the sale and what I
20 am making now.

21 Q. And the reason I ask that is because,
22 if I understood your testimony, you were being
23 paid \$30,000 a month prior to the recent
24 sale.

25 A. My testimony, sir, was that it was very

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1 hard to call because I receive portions of
2 tape sales, portions of advertising, which
3 varies by the month, portions of everything
4 that has to do with Art Bell, and that varied
5 month to month and still varies month to month
6 now.

7 So in some areas I was making more
8 prior to the sale and in some areas now I'm
9 making more after the sale, so I couldn't give
10 you a definitive answer, but it's pretty
11 close. I am not making much more now than I
12 did then. It's probably very close.

13 Q. When this sale occurred under the
14 present circumstances, did you negotiate your
15 contract with the new owners at the time the
16 sale was occurring?

17 A. My contract had at that time probably
18 about six years to go on it. And when
19 Premiere purchased my company they wished to
20 renegotiate that to a seven-year contract.
21 And we did, in fact, renegotiate. And the
22 major point of that contract was the advance
23 of the \$500,000, which I am still paying back.

24 Q. I never understood that, but my thought
25 would be that with your popularity and them

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1 wanting to renegotiate your contract, most
2 people try to make a better deal than they had
3 before. Are you telling me you are going to
4 maybe break even?

5 A. Yeah, I think it's pretty close to
6 even, I think. In other words, what I was
7 making just prior to the sale and what I am
8 making now or after the sale is pretty close
9 to even, yes, sir.

10 Q. We are getting close to the end of 1998
11 and I would ask that your '98 tax returns be
12 supplied in this case when you get them done.

13 MR. FOX: We have reserved the
14 right to object on that. I heard your
15 request, but with issues of confidentiality we
16 are looking for an alternative source for you
17 to discover his income pertaining to the
18 case. We reserve the right to discuss all
19 those issues.

20 (The previously mentioned document was
21 designated to be marked Exhibit No. 13,
22 late-filed, when furnished.)

23 Q. Who is your boss now?

24 A. My immediate supervisor is Allen
25 Corbeth, C-o-r-b-e-t-h, who is the

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1 vice-president of Premiere Radio Networks.

2 Q. He is located where?

3 A. In Oregon, in Central Point, Oregon.

4 Q. Central Point, Oregon?

5 A. Yes.

6 Q. Is that where this Premiere is located,
7 as well?

8 A. Premiere is a very large organization.
9 We are but one little finger of that
10 organization.

11 Q. Who besides this gentleman that you
12 have just told me about would know about your
13 financial situation, contract, how you are
14 paid, that type of thing?

15 A. I would presume the upper executives of
16 Premiere Radio Networks.

17 Q. Can you get a name on any of them?

18 A. Kraig T. Kitchin would be the CEO of
19 Premiere. I would presume he would know.

20 Q. When you negotiated with Premiere were
21 you represented by counsel or an agent?

22 A. I was.

23 Q. Was it counsel or agent, attorney or an
24 agent?

25 A. Yes to both. In other words, Allen

1 Corbeth, who is my boss and friend, acts
 2 pretty much as my agent. There is no official
 3 relationship in that respect. In other words,
 4 I don't pay him any fee to act in that
 5 manner. He just does so because he is my
 6 friend and my boss.
 7 Q. Was a written contract entered into?
 8 A. Entered into between myself and
 9 Premiere? Yes, it was.
 10 Q. Have you furnished copies of that
 11 contract?
 12 A. I have not.
 13 Q. Will you do so?
 14 MR. COX: Counsel, if you have an
 15 objection --
 16 MR. FOX: I'm sure we will
 17 probably produce it. There are a couple
 18 issues. Again we want a confidentiality
 19 agreement in writing.
 20 A. I have a provision in my contract that
 21 prohibits me from discussing my contract and I
 22 don't know with whom that prohibits me
 23 discussing it.
 24 MR. FOX: That's the other issue I
 25 was going to take up. Usually those contracts

1 provide for some confidentiality unless
 2 subpoenaed or requested, but we will work that
 3 out.
 4 MR. COX: We are going to request
 5 that on the record and discuss these issues
 6 later.
 7 Q. Are you claiming, and again we are
 8 talking about damages, that the sale to Jacor,
 9 \$9 million, versus the sale to CBS or ABC was
 10 affected by this incident that occurred on
 11 December 9, 1997?
 12 A. I did not make that claim, sir. I
 13 would be glad to repeat what I said.
 14 Q. Just for clarification purposes --
 15 A. I'm saying it is possible. I am well
 16 aware that my company, Premiere Radio,
 17 conducted an investigation when they heard of
 18 these allegations as described in Exhibit A.
 19 And I would presume that ABC or CBS, the other
 20 suitors, did the same thing. So I do not
 21 claim that that is the reason they dropped,
 22 but I imagine there is a possibility.
 23 Q. Has anybody told you, or is there
 24 anybody at CBS or ABC that's indicated that
 25 that was the case to you?

1 A. No, sir.
 2 Q. And do you know the names of anybody at
 3 CBS or ABC that were involved in the
 4 negotiations?
 5 A. I can supply that to you, but I don't
 6 remember them now. John McConnell at ABC
 7 would be one.
 8 Q. Where would John McConnell be?
 9 A. New York, ABC New York headquarters.
 10 Q. How about CBS?
 11 A. That would be Mel Carmazon.
 12 Q. With CBS?
 13 A. Yes, sir, Radio Networks in New York.
 14 Q. In other words, you see what I am doing
 15 here is if I want to go talk to these people,
 16 they would know presumably if they talked to
 17 you.
 18 A. Yes, sir. I don't know what they would
 19 tell you, but those are the gentlemen that
 20 were talking with us.
 21 Q. You have already stated to me your own
 22 personal knowledge.
 23 A. I'm not on the business side of this.
 24 I do a radio show and I rely on others to
 25 handle the business aspects of this for me.

1 Q. Curiosity killed the cat. You are out
 2 here driving down the road one time and you
 3 and your wife see this thing, but in your
 4 description of where you lived you said that
 5 you were out there by yourself. There
 6 probably weren't any neighbors within two or
 7 three miles of you.
 8 A. No, it wasn't that remote. There were
 9 some houses there, but our little town,
 10 particularly at that time, was indeed pretty
 11 sparsely populated. And it was late at night
 12 and there was no other cars on the road. Let
 13 me follow-up since you asked.
 14 Q. Wait a second. I think you think I am
 15 going someplace that I'm not. I got the
 16 impression that you were alone and then I got
 17 the impression that now the area has grown up,
 18 like were you the first in the subdivision to
 19 build and now other people have bought and are
 20 building.
 21 A. Yes, sir, that's an accurate
 22 description.
 23 Q. Now tell me, is this a dirt road or a
 24 paved road?
 25 A. No, it's a paved road.

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1 Q. Now if you want to tell me where you
 2 thought I was going go ahead.
 3 A. Since you are a cat I don't want you to
 4 die of curiosity. So a week, two weeks after
 5 the incident that I described yesterday with
 6 the object we saw, the Pahrump newspaper, the
 7 Times, ran a story indeed suggesting that many
 8 people in the Valley had seen the same object
 9 that I saw.
 10 The Pahrump newspaper followed up by
 11 contacting Ellis Air Force Base, who claimed
 12 that indeed a secret mission had been flown
 13 over the Pahrump Valley on that evening in
 14 question at that time and that it was a C-130
 15 aircraft.
 16 I'm reminding you I was in the Air
 17 Force and I flew in C-130 aircraft, and I can
 18 assure you, sir, at 150 feet above your head a
 19 C-130 aircraft would rattle your teeth. I
 20 hope the cat is satisfied.
 21 Q. The damages, you understand you are
 22 asking for things to be reimbursed,
 23 compensated for things that you have lost.
 24 And obviously you understand why I was asking
 25 about the money situation.

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1 A. I do, sir.
 2 Q. Is there anything else? And I don't
 3 want to get into intangibles, you understand.
 4 Obviously you indicated that in your
 5 deposition here and you were very emotional.
 6 But is there any other hard things like
 7 money, or something like that, that you have
 8 lost?
 9 A. Yeah, my lifestyle, sir.
 10 Q. Why don't you explain that to me, if
 11 it's not an intangible?
 12 A. I can't go anywhere without the press
 13 pursuing me about my son. I can't go anywhere
 14 without people asking me questions, and so I
 15 don't go anywhere. I live in a gilded cage.
 16 My life since all of this has changed
 17 completely.
 18 I do what I do not because of money but
 19 because I love it. I love radio, and this has
 20 taken all this love away from me. I face
 21 going on the air now -- when you got people
 22 calling you up and calling you a child
 23 molester it doesn't exactly make for an
 24 enjoyable evening of radio.
 25 I can't sleep. I have never in my life

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1 taken drugs. I have been to the doctor, I
 2 take Valium and a nonprescription drug twice a
 3 day to sleep.
 4 Q. You haven't been on anything that's
 5 affected your mind here in the last two days,
 6 have you?
 7 A. No, no. It's something that I require
 8 to get to sleep now. I'm sure you can
 9 appreciate between what happened to my son and
 10 then this falling out in the middle of it all
 11 that times have been a little difficult for
 12 me. And I have been breaking out in skin
 13 rashes.
 14 I used to enjoy what I did on radio.
 15 It's taken that away from me. It's robbed me
 16 of that, and that's a big part of my life. So
 17 that's my answer. There are plenty more
 18 details if you want them.
 19 Q. I certainly want you to have your say,
 20 but I think I get the gist. When you walk
 21 down the airport out here in Nashville are you
 22 recognized?
 23 A. It's funny you should ask. When I
 24 landed at the airport in Nashville I was
 25 immediately recognized.

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1 Q. Were you really?
 2 A. Yeah.
 3 Q. Was it just somebody who --
 4 A. It was a black gentleman. And because
 5 there has been so much publicity about this my
 6 face has been on national television so many
 7 times.
 8 Q. About what? The molestation, this
 9 thing on December 9th?
 10 A. No, about the fact that I left the
 11 air. And at times prior to that I have been
 12 the subject of television interviews, and so
 13 forth. So in other words, my face is known.
 14 And apparently there are some really good
 15 people at remembering faces because I get
 16 recognized everywhere, sir.
 17 Q. You know, Art Bell, are you telling me
 18 that you get recognized as the Art Bell when
 19 this occurred on December 9 of '97?
 20 A. No. I am telling you that I get
 21 recognized as Art Bell. I'm telling you that
 22 this thing haunts me with my callers on the
 23 air constantly. Once you are accused of
 24 something like child molestation it doesn't go
 25 away easily. In fact, here, since you asked,

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1 let me submit this to you. This comes from
 2 Saskatoon, Saskatchewan, Canada.
 3 Q. What is it?
 4 A. It's an e-mail or something that ran in
 5 a news group on the internet. It reads:
 6 Sightings has a late-breaking article up
 7 claiming Art signed a new contract for more
 8 dollars, money, and will be back on October
 9 26th. The bad news is no threatening event to
 10 him or his family, just phoney boloney. Well,
 11 it could be argued there was a threat to his
 12 family, namely that if a contract couldn't be
 13 negotiated he would be out of a job.
 14 That's one little internet message.
 15 I'm unable to defend myself against this kind
 16 of crap. I can't defend myself against
 17 anything without exposing my son, who I would
 18 like to keep alive for a while.
 19 Or this one: Personal crisis
 20 revealed. This is again an e-mail which was
 21 sent to my web site. Check out the two news
 22 articles about a 16-year-old boy, Art Bell's
 23 son (?) having been drugged and then raped by
 24 an AIDS-infected substitute high school
 25 teacher in Pahrump, Nevada.

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1 They are both posted underneath the
 2 Drudge Report article about Art Bell on Jeff
 3 Rense's web site attached below. It looks
 4 like the personal family crisis is no longer a
 5 secret.
 6 So this is the kind of thing that I am
 7 facing when I go on the air now, and I used to
 8 have fun doing the radio show that I do. I
 9 used to enjoy it. It's my passion, my life.
 10 But when you press the next button and
 11 somebody is going to call you a child molester
 12 it takes a little of the kick out of doing the
 13 show.
 14 Q. Well, it looks like the secret is out
 15 if it's on the e-mail.
 16 A. There is a difference between news
 17 group postings on the internet and articles
 18 written in newspapers, a big difference. NBC,
 19 as I mentioned to you earlier, has the story.
 20 Other large news organizations have the
 21 story. They have so far restrained themselves
 22 either due to legal concerns or, one might
 23 hope, ethical behavior.
 24 Q. Have you furnished to your counsel or
 25 anybody else any other documentation in

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1 writing where you have been accused of being a
 2 child molester?
 3 A. I would be glad to provide such
 4 documentation. I have it. For example, I
 5 have a recorded telephone conversation now in
 6 possession of the FBI in which a young lady
 7 says that she is aware or was made aware by a
 8 man named David John Oates of the fact that I
 9 was a child molester and she said that is now
 10 general information known in the radio
 11 community. And I have that tape with me in
 12 case anybody would like to get a recorder and
 13 listen to it.
 14 Q. I'd like to have a transcript of it.
 15 A. That is a recent occurrence, so we
 16 haven't had time.
 17 Q. I want some documentation. You brought
 18 those two things in.
 19 A. This is a matter currently being
 20 investigated by the FBI. It's an active
 21 investigation, so I'm not sure what I can give
 22 you and what I can't.
 23 Q. Well, you brought out e-mail here.
 24 A. It's just what I happened to have with
 25 me.

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1 Q. I would have hoped perhaps you might
 2 have had some e-mail that you could have
 3 brought with you today where somebody has
 4 called you a child molester.
 5 Do you have any such e-mail laying
 6 around someplace?
 7 A. I'm sure that I do at home. But as I
 8 told you, the volume of mail that I receive --
 9 first of all, most of it made me so angry that
 10 I threw it away by piles. Piles, sir. I get
 11 hundreds and hundreds of e-mails a day, on a
 12 daily basis. I get probably, on a weekly
 13 basis -- do you know what a mail bin is, a bin
 14 of mail?
 15 Q. I'm getting the idea.
 16 A. I get five or six bins of mail a week.
 17 So retaining this kind of stuff is
 18 impossible. I shortly would not have a place
 19 to live. I live in a mobile home, sir.
 20 Q. You live in a mobile home?
 21 A. Yes, sir.
 22 Q. How long have you lived in a mobile
 23 home?
 24 A. In totality? The one I'm in now, six
 25 years, and another one prior to that for seven

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1 years.
 2 Q. Do you own the mobile home?
 3 A. I own a mobile home.
 4 Q. Why a mobile home?
 5 A. Why not?
 6 Q. You like it?
 7 A. Again, with respect to this case, with
 8 respect to the way I live, money is not a
 9 prime consideration in my life. Materialism
 10 is not a prime consideration in my life. I
 11 love my work, sir.
 12 MR. COX: Now, let's take a break
 13 just a second and we may be finished.
 14 (Whereupon, an off-the-record
 15 discussion was had.)
 16 Q. I don't understand the \$500,000. Is
 17 this some type of an interest-free loan?
 18 Explain that one to me.
 19 A. Yes, sir. In other words, as an
 20 incentive for me to sign the contract they
 21 provided me with an up-front payment of
 22 \$500,000 that was to be repaid from the 20
 23 percent of net, which is part of my contract.
 24 And then once that was repaid I would
 25 begin receiving the 20 percent net from that

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1 point forward. As I explained to you, I
 2 believe about \$400,000 of that has been
 3 repaid.
 4 Q. So it's not like a signing bonus.
 5 MR. HOLLOW: It's like an
 6 advance.
 7 A. It's an advance.
 8 MR. FOX: It's an advance as a
 9 record business advancing against royalties.
 10 Here I guess it's advancing against royalties
 11 and other profits.
 12 A. That's a good analogy.
 13 MR. FOX: The real issue is
 14 whether it's recoupable.
 15 A. It was nonrefundable. So if I died a
 16 month after the deal was made my estate would
 17 retain that money. It was nonrefundable.
 18 Q. And if you had followed through and
 19 retired as a result of what you told us when
 20 you went off the air, or whatever, you would
 21 have walked with that?
 22 A. That's hard to say.
 23 Q. Or what hadn't been paid?
 24 A. I might have had to pay them back.
 25 They might have sued me. A lot of things

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1 might have happened, I don't know. Instead my
 2 network was completely understanding of the
 3 situation and they helped me start down a road
 4 of trying to help my son to get clear of all
 5 this so I could get clear enough to get back
 6 on the air.
 7 Q. Has there been any counseling which you
 8 have been involved in with your son?
 9 A. No, not that I have been involved in.
 10 My son has gone to extensive counseling, which
 11 unfortunately has not been effective.
 12 Q. Has there been any indication by
 13 anybody or you of you and your son talking
 14 about coming out and laying this all out on
 15 the table and putting it to an end, any type
 16 of thing with people where
 17 the-truth-will-set-you-free situations?
 18 A. As I have explained to you, large news
 19 organizations, for example, NBC, have come to
 20 me on a number of occasions and they've told
 21 me they have the whole story, including the
 22 Gunderson business, and asked me exactly
 23 that.
 24 And I said I'll tell you what I will
 25 do, I will ask my son, which is what I did.

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1 And he said no, no. Does he want to be known
 2 as somebody who was attacked by an
 3 HIV-positive teacher of his? No. And that
 4 was his answer, so I respect that.
 5 Q. You said you bought him a car and took
 6 him out of school.
 7 A. I got him an apartment, I gave him a
 8 grubstake, I paid for everything to get him up
 9 there and --
 10 Q. Where is up there?
 11 A. Oregon.
 12 Q. And does he live under a different
 13 name?
 14 A. Well, we thought about that and it
 15 presented too much difficulties because he's
 16 got to have a bank account, he's got to get a
 17 telephone, he's got to do all the things that
 18 we do when we are finally out on our own, so
 19 he is using his own name.
 20 Q. Is he employed?
 21 A. He is. I got him a job.
 22 Q. Is it something other than a low-pay,
 23 hourly?
 24 A. It's low-pay. And no, it's not
 25 something other than a low-pay, hourly. It is

1 a low-pay, hourly job.

2 Q. Does he live with anybody?

3 A. No, sir. He's by himself.

4 Q. Is his mom anywhere close to him?

5 A. No, sir. She remains in Pahrump six
6 miles away in the house where they lived.

7 Q. How long does it take you to get from
8 where you live to see him?

9 A. Now?

10 Q. Yes.

11 A. It's kind of a complicated airplane
12 trip.

13 Q. In other words, you are not talking
14 about being three hours away?

15 A. Absolutely not, sir. I got him out of
16 there because he was viewing his life as
17 over. He wanted something completely new. He
18 wanted a complete break. That's what I gave
19 him.

20 Q. Is he under counseling up there?

21 A. No, he is not now because the
22 counseling simply wasn't effective.

23 Q. I guess I am wondering who is watching
24 over him. Who is there that can get to him or
25 see how he is doing?

1 STATE OF TENNESSEE)

2) ss

3 COUNTY OF DAVIDSON)

4

5 I, Sarah L. Coffey, Certified Shorthand
6 Reporter and Notary Public duly and qualified
7 in and for the State of Tennessee do hereby
8 certify there came before me the deponent
9 herein, namely ART BELL, who was by me duly
10 sworn to testify to the truth and nothing but
11 the truth concerning the matters in this
12 cause.

13 I further certify that the foregoing
14 transcript is a true and correct transcript of
15 my original stenographic notes.

16 I further certify that I am neither attorney
17 or counsel for, nor related to or employed by
18 any of the parties to the action in which this
19 deposition is taken; and furthermore, that I
20 am not a relative or employee of any attorney
21 or counsel employed by the parties hereto or
22 financially interested in the action.

23

24

25

1 A. Again this is confidential, I hope.

2 Q. Yes.

3 A. I got him a job at my network. Allen
4 Corbeth is my best friend, as well as my
5 boss. And Allen Corbeth is watching over him.

6 Q. I don't need to know any more. I see
7 the connection now. I remember Mr. Corbeth.

8 A. That's how my network helped in part.

9 Q. Why are you wearing a tux shirt today?

10 A. I don't know.

11 Q. I didn't think this was a black-tie
12 affair personally.

13 A. It's the one I grabbed.

14 MR. COX: I don't have any further
15 questions. Do you, counselor?

16 MR. HOLLOW: No.

17 MR. COX: Do you guys?

18 MR. FOX: No.

19 MR. WOOD: No.

20 MR. COX: This deposition is over.

21 (The deposition concluded at 11:39
22 a.m.)

23

24

25

1 IN WITNESS WHEREOF, I have hereunto set my
2 hand and affixed my Notarial Seal this
3 day of January, 1999.

4

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SARAH L. COFFEY,
Notary Public

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