

THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NORTHEAST DIVISION AT COOKEVILLE

IN THE MATTER OF:

THE PUTNAM PIT, INC. AND)
GEOFFREY DIVIDIAN,)

Plaintiff)

-vs-) No. 97-0108

CITY OF COOKEVILLE AND)
JIM SHIPLEY, in his official capacity)
as City Manager of the City of)
Cookeville,)

Defendant)



DEPOSITION OF:

WILLIAM EDWARD GIBSON
October 4, 2001

APPEARANCES:

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1 This is the discovery deposition of
2 WILLIAM EDWARD GIBSON, taken by agreement of counsel, at
3 the City Hall of Cookeville, Tennessee, at approximately
4 1:45 p.m. on October 4th, 2001, pursuant to the
5 Rules of Civil Procedure.

6 All formalities as to caption, certificate
7 and transmission are waived. It is agreed that Carla
8 York Hannah, court reporter and notary public for the
9 state of Tennessee, may take the said deposition by
10 stenograph machine and tape recorder, transcribing the
11 same to typewriting. The signature of the witness is
12 hereby expressly waived.

13
14 WILLIAM EDWARD GIBSON, having been first
15 duly sworn, was examined and deposed as follows:

16 EXAMINATION

17 BY MR. HARRIS:

18 Q. Will you state your full name for the
19 record, please?

20 A. William Edward Gibson. That's spelled
21 G-i-b-s-o-n.

22 Q. And you're the district attorney for
23 the Thirteenth Judicial District here in Tennessee?

24 A. Yes, I am.

25 Q. How long have you been the district

1 attorney?

2 A. Since September the 1st of 1990.

3 Q. What did you do before September 1st,
4 1990?

5 A. Oh, I was a lawyer in private practice,
6 a law clerk, a police officer, emergency medical
7 technician, and a police dispatcher, and an employee of
8 the Holiday Inn here in Cookeville as a teenager.

9 Q. How long were you a private attorney?

10 A. Around three years.

11 Q. Three years. So you passed the bar
12 around 1987?

13 A. I think it was 1987. It could have
14 been '86. I'm not... '86 or '87.

15 Q. Were you working for somebody at that
16 time?

17 A. I worked for a man named Roy Miles in
18 Nashville.

19 Q. And were you also a law clerk for
20 Mr. Miles?

21 A. I was prior to graduating law school.

22 Q. Have you ever read the Putnam Pit?

23 A. I have.

24 Q. Have you read it on the internet?

25 A. I have read it on the internet and

1 occasionally in hard copy.

2 Q. What's your opinion of the Putnam Pit?

3 A. What do you mean?

4 Q. Well, do you have an opinion about the
5 Putnam Pit?

6 A. Would I subscribe to it or...

7 Q. Well, we'll start with that. Would you
8 subscribe to the Putnam Pit?

9 A. No.

10 Q. Why not?

11 A. I don't think the Putnam Pit is a
12 truthful publication.

13 Q. Why don't you think it's truthful?

14 A. I think it's published by a gentleman
15 that is out to promote himself and take out his
16 vendettas, the fights that he picks with other people, in
17 some sort of news type media. I don't think there's
18 anything truthful about it. I haven't seen anything I
19 thought was truthful.

20 Q. Okay. Why do you think that Geoff
21 Davidian--You're referring to Geoff Davidian, correct?

22 A. Yes, sir.

23 Q. Why do you think Geoff Davidian is out
24 to promote himself?

25 A. I'm clueless about what motivates

1 Mr. Davidian.

2 Q. Well, you now say you're clueless about
3 what motivates Mr. Davidian. Are you retracting the fact
4 that you think he's out to promote himself?

5 A. No, my original question was my opinion
6 of the Putnam Pit. And the second question was why do I
7 think Mr. Davidian does what he does. I don't know why
8 Mr. Davidian does what the does.

9 Q. Well, how do you know he's out to
10 promote himself if you don't know why he does what he
11 does?

12 A. I just know he picks fights with people
13 and then writes feature stories about them in the Putnam
14 Pit.

15 Q. Who has he picked a fight with?

16 A. Well, he's picked a fight with the
17 Circuit Court clerk. He's picked a fight with the clerk
18 at the Holiday Inn. He picks fights just about wherever
19 he goes.

20 Q. Okay. Wait a minute now. When you say
21 picks fights, are you saying physical fights?

22 A. No. Well, I don't know if it would
23 escalate to physical fights if the people were willing to
24 physically fight with him or not.

25 Q. Well, how do you know that... Have they

1 told... How do you know that he picks fights?

2 A. Because people have told me. You know,
3 that he's very intimidating. That he comes in and he
4 starts up issues that are meaningless. I think the
5 police have had to be called to the Circuit Court clerk's
6 office a few times because of the conflict he was
7 creating there.

8 Q. This is all based on hearsay. Right?

9 A. The receptionist in my office. You
10 know, he's just an intimidating person.

11 Q. Okay. My question to you is this is
12 all based upon hearsay. Correct?

13 A. Some of the things that I'm talking
14 about are based upon hearsay and some of them are
15 personal knowledge.

16 Q. When did you personally observe him
17 picking a fight?

18 A. Well, he's attempted to pick fights
19 with me on several occasions.

20 Q. How does he pick a fight with you?

21 A. Well, do you want some examples?

22 Q. Well, I want you to answer my question.

23 A. Well, he comes in and he acts in a very
24 aggressive manner. He challenges you basically. On the
25 web page one time, he challenged me to a fist fight. He

1 came into my parking lot on one day. I was doing a car
2 wash to benefit special education children. I had
3 several of them and their parents in the parking lot and
4 he drives in and stops real quick and rolls down his
5 window and makes a few derogatory comments. And speeds
6 off and stops and backs up.

7 Q. What were those derogatory comments?

8 A. Something about just trying to garner
9 votes or "You're just out here trying to impress the
10 voting public" and "Why won't you prosecute Coomer?" And
11 before you can answer, he drives off and...

12 Q. (Interposing) Did he yell this out?

13 MR. DUFFY: Wait, wait, wait. Let me ask
14 that you let the witness finish his answer before you put
15 another question on the table.

16 WITNESS: You know, just...

17 MR. HARRIS: (Interposing) Well, if the
18 witness is... Hold up for just a minute, Mr. Gibson. You
19 know, if the witness is going to ramble on and not
20 directly answer the question at some point and when he
21 takes a breath, Mr. Duffy, I might assume that he's
22 stopped speaking. I didn't mean to be rude. Just go
23 right ahead and keep talking.

24 WITNESS: Just driving in fast and rolling
25 down his window, with an aggressive tone of voice and

1 firing off some kind of little, you know, rude comment
2 and then taking off and slamming on his brakes and
3 backing up. And you know, accusatory things that...

4 MR. HARRIS: (Interposing) But you think he
5 was trying to...

6 MR. DUFFY: (Interposing) Once again, I
7 mean, this poor court reporter is going to have to be
8 taking down two people talking at the same time when you
9 interrupt the witness answering a question that you've
10 asked.

11 MR. HARRIS: Right, Mr. Duffy. Don't
12 interrupt me and we'll get along fine. I think at some
13 point he's answered the question. Go ahead, Mr. Gibson.
14 Do you have something you wanted to say?

15 WITNESS: What's the question?

16 BY MR. HARRIS:

17 Q. Okay. So you didn't know what the
18 question was so I couldn't have...

19 A. (Interposing) Well, I don't know what
20 it is now after your little interruption. I'm kind of
21 lost in the objection and the response.

22 Q. You would also agree that Mr. ... Let
23 me ask you this. Did you speak with Mr. Duffy before you
24 came in here?

25 A. Sure.

1 Q. What did you talk about?

2 A. This deposition and this lawsuit.

3 Q. What specifically did he say?

4 A. I don't know what specifically did he
5 say.

6 Q. You just had this conversation a few
7 minutes ago, did you not?

8 A. Right.

9 Q. And you don't remember what he said?

10 A. Sure, we talked about twenty to thirty
11 minutes. I don't remember what all...

12 Q. (Interposing) Tell me what he said.

13 A. I don't know how to tell you what a
14 twenty or thirty minute conversation is.

15 Q. Well, tell me the general nature of
16 what was said.

17 A. About the lawsuit. About what the
18 deposition would be like.

19 Q. You talked about what your testimony
20 would be?

21 A. Yeah.

22 Q. You talked about your testimony, didn't
23 you?

24 A. Sure.

25 Q. So you're here, you come in for this

1 testimony today and you've just been basically prepared
2 for this testimony by Mr. Duffy. Correct?

3 A. Is that unusual?

4 Q. I'm just asking you if that's what
5 happened?

6 A. I've had a twenty or thirty minute
7 conversation with Mr. Duffy in preparation for this
8 deposition if that's what you're asking.

9 Q. That's exactly what I'm asking. Did
10 you talk about various issues he wanted you to talk
11 about?

12 A. Did I talk about the issues that he
13 wants me to talk about?

14 Q. Did you talk about the various issues
15 he wants you to testify about here today?

16 A. Sure.

17 Q. Okay. What specifically?

18 A. We talked about the Putnam Pit,
19 articles in the Putnam Pit that had been aimed at me,
20 whether the level of truthfulness... whether they're true
21 or not. What the real story is behind them. What my job
22 is here in this community. What my duties are. The
23 basic stuff, that I'm a lifelong resident of Cookeville.
24 Just things like that.

25 Q. Now, when you were at the car wash, you

1 say Mr. Davidian... did you think Mr. Davidian was trying
2 to harass you?

3 A. Well, you know, yeah, I really did.

4 Q. Why did you think that?

5 A. Or at least Mr. Davidian was trying to
6 be antagonistic to the point that he would start a...

7 He was confrontational. Absolutely.

8 Q. Well, do you think he wanted to start a
9 fight with you?

10 A. Sure.

11 Q. Did a fight ever start?

12 A. Huh-uh (negative response), it did not.

13 Q. Did you ever...

14 A. (Interposing) Now, if you're talking
15 about a fist fight, there's never been any physical
16 violence. But a verbal fight, a verbal confrontation,
17 yeah.

18 Q. He was confronting you as a public
19 official and possibly... do you think he was possibly
20 doing this in his role as a reporter?

21 A. I've never had a reporter come
22 screeching in at a car wash for special education
23 children, roll down the window and make some sort of
24 confrontation statement. And drive off and back up and
25 make another confrontational statement before speeding

1 off in the role as a journalist.

2 Q. Were you and he... I'm sorry. Repeat
3 that, that last sentence.

4 A. I said I've never had a journalist in
5 that role acting in any manner close to what
6 Mr. Davidian acted.

7 Q. You get a pretty easy ride from the
8 Harold Citizen, don't you think?

9 A. I don't know.

10 Q. But there's not that much press usually
11 confronts you. Correct?

12 A. I don't get a lot of bad press, no.

13 Q. And do you have many journalists who
14 confront you with different sides of issues?

15 A. I answer questions for journalists all
16 the time about issues.

17 Q. I understand. Have you ever had any
18 journalists confront you with issues or questions, hard
19 questions that you didn't want to answer, for example?

20 A. Sure. But I always answer them.
21 Unless it's Mr. Davidian.

22 Q. You don't like to answer his questions,
23 do you?

24 A. Well, Mr. Davidian is not a journalist.
25 Mr. Davidian is somebody that will take answers and spin

1 them until the truth leaves the answer somewhere.

2 MR. HARRIS: Mr. Duffy, his response was not
3 responsive and I'd ask the court reporter to read back my
4 question.

5 (Whereupon tape of question is played
6 back.)

7 MR. HARRIS: It seems to be a pattern that I
8 ask a question and rather than answer my question, he
9 goes into his spin. At some point I'm going to interrupt
10 and try to get an answer or we're going to be here all
11 afternoon.

12 BY MR. HARRIS:

13 Q. How would you define who a journalist
14 is?

15 A. Somebody that is objective. That has
16 an audience and reports the truth. Somebody that's
17 intention is to seek out the truth and fairly report it
18 in an object manner. Somebody that's not pursuing their
19 own objectives. And somebody that's not consistently
20 trying to create conflict. Somebody that basically, I
21 guess, is fair and objective and has a publication with
22 an audience.

23 Q. Do you know whether Mr. Davidian has a
24 publication?

25 A. Well, I know he's got this web page.

1 Q. Is that not a publication?

2 A. I don't know if you'd call it a
3 publication or not.

4 Q. Well, how do you define what a
5 publication is?

6 A. Well, something that's got an audience.
7 Something that's well read. Not just somebody with venom
8 that's being spewed all over the internet.

9 Q. Okay. Now, you say he takes answers
10 and spins them a certain way. So basically you object to
11 Mr. Davidian's view point about certain things, don't
12 you?

13 A. I don't know about Mr. Davidian's view
14 point and I don't object to Mr. Davidian's view point. I
15 know from a personal standpoint, Mr. Davidian in the past
16 has taken statements from me completely out of context
17 and spun them until they were very... until they lacked
18 any semblance of the original conversation and printed
19 them in his newspaper. Or whatever he calls it, his web
20 page. To me that's not a matter of a view point. That's
21 a matter of somebody that has an agenda that's out
22 pursuing it.

23 Q. Well, can't people express... if you
24 have an agenda, isn't that the same thing as saying you
25 have a different view point?

1 A. I don't know what his view point is. I
2 know that he takes information and chops it up and
3 regurgitates it in a way where it doesn't show any
4 semblance to the original conversation.

5 Q. Certainly what he writes doesn't make
6 you look very good. But whether it's true or not, you
7 would agree that his view point is anti-Bill Gibson.
8 Wouldn't you agree?

9 A. I think it's fair to say that Geoff
10 Davidian is anti everything that has anything to do with
11 Cookeville. Especially those folks that have...

12 Q. (Interposing) That's not my question.

13 MR. DUFFY: Wait, wait, wait.

14 MR. HARRIS: No, no, no. That's not my
15 question.

16 MR. DUFFY: Well, you can let him finish his
17 answer and then rephrase the question.

18 MR. HARRIS: No, I'm not going to sit here...
19 Look, I'm doing this for discovery.

20 WITNESS: Okay. Well, it's anti... I'd
21 say sure. Mr. Davidian is anti-Bill Gibson, if I'm part
22 of the city of Cookeville or Putnam County.

23 BY MR. HARRIS:

24 Q. Well, regardless, even if you're the
25 D. A. over in Cumberland County--and you are the D. A.

1 over in Cumberland County, are you not?

2 A. I am.

3 Q. If he writes about your performance of
4 your duties in Cumberland County?

5 A. I don't know that he ever has.

6 Q. Well, you did a murder trial in
7 Cumberland County last year, didn't you?

8 A. Right. Looper.

9 Q. And right before here, you knew he
10 wrote a story about that murder trial, didn't you?

11 A. Right before where?

12 Q. Right before you came here, you talked
13 about the fact that the stories that Geoff Davidian did
14 about Byron Looper, didn't you?

15 A. Yeah.

16 Q. So I guess he has done stories about
17 you in Cumberland County, hasn't he?

18 A. I guess so, yeah.

19 Q. And it might help... Let me ask you
20 this. Have you ever taken a deposition before?

21 A. Sure.

22 Q. Okay.

23 A. Well, I don't know that I've been a
24 witness in a deposition before.

25 Q. Okay. Well, if you don't understand

1 the questions I'm asking, you know, tell me.

2 A. I understand your questions fine. You
3 may not like the answers, but the questions are fine.

4 Q. No, no, no, no, Mr. Gibson. Will you
5 promise me if you don't understand my questions that
6 you'll tell me?

7 A. I promise.

8 Q. Okay. You're free... I have no opinion
9 one way or another. My opinion about how you answer, you
10 understand, is not relevant to anything. Do you
11 understand that?

12 A. Sure.

13 Q. Okay. So I just asked you... Would you
14 agree that you won't try to rush and say one thing
15 without thinking about your questions and answers?

16 A. Right.

17 Q. Okay. Because I just said has he ever
18 written a story about you as a D. A. in Cumberland County
19 and you said no. And then I'm having to remind you just
20 a few minutes ago that you looked at an article that he
21 did do about you.

22 A. Well, I didn't actually look at an
23 article from Cumberland County just a few minutes ago.
24 But your question in that vein did remind me that he did
25 do some coverage, if you call it coverage, of the Byron

1 Looper murder trial in Cumberland County. But no, in the
2 general scheme of things, he has not done a lot of
3 articles that had anything to do with me that were on
4 issues outside of Cookeville and Putnam County.

5 Q. So what you're saying is Geoff Davidian
6 has focused on the district attorney's office as it
7 affects Putnam County?

8 A. Well, his focus has been Putnam County
9 issues.

10 Q. Now, you said that Mr. Davidian seems
11 to have an agenda. What's his agenda?

12 A. I think to cause trouble. To pick
13 fights with people and to cause dissension. To turn
14 people inward on each other. To give Cookeville and
15 Putnam County a black eye with anybody that will listen
16 to him.

17 Q. Why do you think that?

18 A. I don't know why. That's something
19 you'd have to ask Mr. Davidian.

20 Q. No, why do you think that?

21 A. Oh, just from reading his newspaper and
22 knowing the truth of matters that he's reported. And in
23 some instances, speaking with him in the early stages
24 about things and then seeing the way that it was chopped
25 up and spun just to do those things that I just said.

1 To depreciate this area.

2 Q. Now, let me ask you. Let's deal with
3 some of those articles.

4 A. Sure.

5 Q. I'm trying to figure out what articles
6 you're talking about. Now, he wrote an article that
7 indicated that you graduated from Putnam County senior
8 high. Correct?

9 A. Uh-huh (affirmative response).

10 Q. Is that true?

11 A. Sure.

12 Q. You did?

13 A. Uh-huh (affirmative response).

14 Q. Okay. Did you have a grade point
15 average of 1.66 when you graduated from high school?

16 A. I'm not sure.

17 Q. Okay. Do you remember him writing that
18 article?

19 A. I do.

20 Q. But you don't know whether that was
21 your grade point average or not?

22 A. I really didn't go back. No, I didn't
23 check my grade point average.

24 Q. Do you know whether he's telling the
25 truth or not?

1 A. I don't.

2 Q. Okay. So he might be telling the
3 truth. Correct?

4 A. I assume Mr. Davidian, to come up with
5 a number like that, probably got it from somewhere.

6 Q. Okay. In fact, he wrote that you used
7 to work at Holiday Inn as a dishwasher. Correct?

8 A. That's correct.

9 Q. Is that true?

10 A. That is true.

11 Q. He wrote that you went to Tennessee
12 Tech. Correct?

13 A. Uh-huh (affirmative response).

14 Q. Is that a yes?

15 A. That's a yes.

16 Q. Okay. Now, he pointed out in that
17 article, he said that you made six D's in your first
18 seven grading periods at Tennessee Tech University. Do
19 you know if that's true?

20 A. I don't know if that's true or not.

21 Q. So he might be telling the truth.
22 Correct?

23 A. He might.

24 Q. Okay. He said you made two D's in
25 American History. Do you know if that's true or not?

1 A. I think that is true.

2 Q. That is true. Okay. He also said you
3 made D's in science and English literature at Tennessee
4 Tech?

5 A. Well, I didn't actually have a subject
6 called science.

7 Q. Well, one science course. Oh. Well,
8 what about English literature? Do you know if you made a
9 D in English literature?

10 A. I don't remember.

11 Q. Now, the article says that he got these
12 records from your application for the police force at the
13 City of Cookeville. Do you know whether that's true or
14 not?

15 A. I don't.

16 Q. Is it possible it's true?

17 A. Anything is possible.

18 Q. Okay. But he did also point out that
19 you made eleven A's in your bid for an associate of
20 science degree. Let me stop first. Did you actually get
21 an associate of science degree?

22 A. I did.

23 Q. Okay. Do you know whether or not you
24 made eleven A's?

25 A. No.

1 Q. It could be true, though, couldn't it?

2 A. Sure.

3 Q. All right. He points out you made an A
4 in freshman orientation and horsemanship and reading
5 improvement.

6 A. I did get that A in horsemanship.

7 Q. You didn't get an A in horsemanship?

8 A. I did get an A in horsemanship.

9 Q. Oh, okay. So he wrote the truth there,
10 didn't he?

11 A. I can say that when he said I got an A
12 in horsemanship, he wrote the truth.

13 Q. Okay. I thought you said that
14 everything Mr. Davidian says in the Putnam Pit is a lie
15 and a falsehood. Is there some reason why... Do you want
16 to explain that answer in light of your testimony so far?

17 A. There's enough of what he says in the
18 Putnam Pit that is untrue or a vague truth taken so far
19 out of context that it's meaningless that I have no
20 reason to talk with Mr. Davidian about anything any more.

21 Q. And that's your right not to have to
22 talk to him, isn't it?

23 A. Sure.

24 Q. There's no law that says as the
25 district attorney that you have to talk to any particular

1 member of public unless duty calls. Correct?

2 A. Correct.

3 Q. And as far as you know, you've had no
4 duty to talk to Mr. Davidian. Correct?

5 A. Correct.

6 Q. Have you ever prosecuted Mr. Davidian
7 for any crimes?

8 A. Not that I recall.

9 Q. What about any assaults?

10 A. No.

11 Q. But he's running around town trying to
12 pick all of these fights and you haven't yet had the
13 opportunity to prosecute Mr. Davidian for assault or
14 harassment?

15 A. I don't think he's been charged with
16 assault or harassment.

17 Q. Well, if he's behaved the way you say
18 he has behaved, how do you suppose he's escaped
19 prosecution for these crimes?

20 A. I would assume that nobody has taken
21 out any warrants on him.

22 Q. Nor have you. You've never taken out a
23 warrant on him, have you?

24 A. No.

25 Q. Have you ever had a need or saw a need

1 to take out a warrant on him?

2 A. Well, there's not a crime of attempting
3 to pick a fight. If there were, I would have charged him
4 by now. But he is somebody that is very aggressive and
5 confrontive in his approach to things and that's just the
6 issue.

7 Q. And you don't like his aggressive
8 questioning of you. Correct?

9 A. I don't like his approach.

10 Q. Well, I didn't ask you what you don't
11 like. I asked only to the extent do you not like his
12 aggressive confrontational approach when it comes to you?

13 A. No, I don't.

14 Q. Now, in that same article, Mr. Davidian
15 said that Gibson publicly lashed out at a judge. And I
16 think in this case he's written another article referring
17 to some criticism you made of Judge Turnbull. Have you
18 ever criticized Judge Turnbull?

19 A. I think he's referring to some
20 statement I made after a trial.

21 Q. Did you make that statement?

22 A. I don't know what the statement is, so
23 I can't really admit it or deny it.

24 Q. Well, did you ever say anything
25 critical about a ruling that Judge Turnbull made in a

1 murder case?

2 A. Yeah. I think there was some
3 statements made. And what I'm saying is I can't recall
4 what the statement was, but there was a case that after
5 the case was over with, there were some statements made
6 that Mr. Davidian may have defined as critical against
7 Judge Turnbull.

8 Q. Would that have been a fair
9 characterization?

10 A. Yeah, I believe so.

11 Q. Okay.

12 A. I think I made some statements that
13 were probably critical.

14 Q. Is there anything wrong with a person
15 publicly criticizing a public official?

16 A. Not at all. If it's done in a truthful
17 and fair manner.

18 Q. Okay. Have you ever sued Mr. Davidian
19 for slander or libel?

20 A. No.

21 Q. Why not?

22 A. Well, for one thing, I don't have a lot
23 of time for that. And another thing, it seems that
24 Mr. Davidian loves litigation and probably would just
25 enjoy something like that. He, I think, is probably at

1 times... You know, I've discussed it at times, the
2 possibility of doing it. Just because, you know, when
3 somebody says so many untrue and ridiculous and degrading
4 things about you that suddenly, if you don't do something
5 about it, it may seem to take on some truth in the public
6 opinion.

7 Q. Mr. Davidian wrote, and the Putnam Pit
8 published this story, that you had had a disagreement--I
9 think he calls it a urinating contest--with former U. S.
10 Attorney John Roberts over whether... And I'm quoting
11 from this article in front of me. It's not important to
12 our... Over whether a man with blocks tied to his body
13 jumped to his death or whether the deceased was murdered.
14 "Gibson said, 'He's suicide'--that's actually in there,
15 so I guess Mr. Davidian makes mistakes--"and Roberts had
16 the hutzpah (spelled phonetically) to challenge that".
17 Did you actually have a dispute with John Roberts over
18 any article?

19 A. Not at all. That was totally false.

20 Q. Okay. Do you know if the Tennessean
21 ever also wrote any article regarding that?

22 A. The Tennessean covered an investigation
23 that involved John Roberts and a man that committed
24 suicide here in this district.

25 Q. And you said he committed suicide?

1 A. Well, the police said it. The T.B.I.
2 and the sheriff's department said he committed suicide.

3 Q. But you never said he committed
4 suicide?

5 A. Well, I may have adopted their finding,
6 but it was in fact suicide.

7 Q. And did U. S. Attorney John Roberts
8 disagree with you?

9 A. I don't know that he disagreed with me.
10 The investigation had to do with the U. S. Attorney
11 attempting to get a local officer to change a report from
12 suicide to homicide. And we asked the T.B.I. to
13 investigate it. But I was in communication with John
14 Roberts throughout that time and there was certainly no
15 urinating contest.

16 Q. Okay. So he characterized it that way.
17 That was his view point that it was a urinating contest?

18 A. Davidian?

19 Q. Yes.

20 A. Yeah. And that was false.

21 Q. And you think that was false?

22 A. I know it was false.

23 Q. But that's just a characterization?
24 That was his opinion?

25 A. It's something that to me is either

1 true or false and it was false. And I don't think he
2 knew anything about it.

3 Q. Okay. Did he violate some law in
4 expressing his view point that it was a disagreement
5 between you and John Roberts?

6 A. No criminal law.

7 Q. No criminal law. In fact, the first
8 amendment actually protects his right to say it?

9 A. Sure.

10 Q. To characterize it?

11 A. Sure, you can say anything. That's the
12 great thing about America. The truth... you know, the
13 Constitution doesn't require that you tell the truth.

14 Q. Well, where does the Constitution say
15 that?

16 A. It just doesn't require that you tell
17 the truth. The First Amendment doesn't say that the
18 things you say have to be true.

19 Q. Are you not familiar with case law that
20 says that actually the First Amendment does not protect
21 libelous speech?

22 A. No, I'm not.

23 Q. You don't...

24 A. (Interposing) I'm not a First Amendment
25 scholar, but I know the Constitution doesn't say that.

1 Q. Right. Well, case law that defines it?

2 A. If you say so.

3 Q. Well, I'm asking you if you know. It's
4 not what I say.

5 A. I don't.

6 Q. The Putnam Pit wrote that you
7 prosecuted City Councilman Don Wagon. Is that true?

8 A. That is true.

9 Q. Okay. It also published the story that
10 Don Wagon was quitting. Was that true?

11 A. That was true.

12 Q. Okay.

13 (Off the record.)

14 Q. Are we back on the record? Would you
15 ever prosecute somebody just because you didn't like what
16 they had to say?

17 A. No.

18 Q. Would you ever deny them the government
19 services that your office provides just because you
20 didn't like what somebody says?

21 A. No.

22 Q. Why not?

23 A. Well, I think that would be wrong.

24 Q. Why would it be wrong?

25 A. Well, it would just be inherently wrong

1 for the district attorney to take or refuse to take
2 official action because he doesn't like something that
3 somebody has to say.

4 Q. Doesn't the Constitution prevent...
5 Doesn't the First Amendment prevent a public official
6 from denying government services because of a view point?

7 A. I don't know.

8 Q. You don't know. Did you take
9 Constitutional law in law school?

10 A. Some time ago, but we didn't really get
11 into whether the First Amendment does that.

12 Q. Well, you're a public official, are you
13 not?

14 A. Sure.

15 Q. You're a politician, are you not?

16 A. I guess, yeah.

17 Q. And you're bound by the First Amendment
18 in your job, are you not?

19 A. Well, I'm bound by ethics and morals
20 that come way ahead of the First Amendment.

21 Q. But in terms of the law, even in terms
22 of the law... Okay. So you say your ethics and morals
23 alone preclude you from denying government benefits
24 solely because you disagree with somebody's view point.
25 Is that what you're saying?

1 A. Sure. Absolutely.

2 Q. Absolutely. Okay. So if somebody came
3 and wanted you to do a child support--and when I say you,
4 I mean your office--and it was somebody who had said
5 something that you thought was untrue, that was negative
6 about Bill Gibson, would you still tell your child
7 support collection division not to help this person?

8 A. Would I tell them not to help the
9 person?

10 Q. Right.

11 A. There is a mechanism in place,
12 Mr. Harris, as you probably are aware that if there is a
13 situation of conflict or apparent conflict, another
14 D. A.'s office from another part of the state can be
15 appointed through a neutral selection process to come in
16 and handle the matter. And we use that sometimes where
17 we feel like we have a conflict or even where the person
18 seeking the services would feel like we have a conflict,
19 or be uncomfortable with us handling the case. And if I
20 had a real problem with somebody that I felt might
21 infringe on my judgment and objectivity, then I would use
22 that process and have used that process.

23 Q. But what you wouldn't do is to tell
24 them to go away; you're not going to help them. Correct?

25 A. Because I don't like what they have to

1 say about something?

2 Q. Yes.

3 A. Right.

4 Q. All right. Do you know Dale... is it
5 Dale Potter? Do you know Dale Potter?

6 A. I do know Dale Potter.

7 Q. Okay. And he's a district attorney in
8 a nearby... in McMinneville. Correct?

9 A. He is.

10 Q. Okay. And he was recently indicted, in
11 fact, because... Regardless of whether he's guilty or
12 not, he was indicted because he refused to provide help
13 in a child support simply because he wanted them to write
14 a favorable letter to the local newspaper.

15 A. I know he was indicted. I don't know
16 all of the details of it.

17 Q. Now, regarding your prosecution of Don
18 Wagnon. The Putnam Pit wrote that you prosecuted him and
19 that he was acquitted. Correct?

20 A. Correct.

21 Q. Was that true?

22 A. It's still correct. It's still true.

23 Q. So the Putnam Pit once again wrote the
24 truth. Correct?

25 A. Yeah, in that situation, those two

1 facts were true. And I'm not saying he never hits the
2 truth.

3 Q. Well, actually earlier I thought you
4 said he never gets to the truth at all?

5 A. Well, if I did, I'll change that by
6 saying that there is enough untruth and enough distorted
7 truth that I don't have anything to say to him.

8 Q. But it wouldn't be fair to characterize
9 the Putnam Pit as everything that it's written has been
10 untrue and unfavorable to the city of Cookeville. Is
11 that true?

12 MR. DUFFY: I'm going to object to the
13 double question.

14 Q. All right. Is it true that the Putnam
15 Pit does publish some stories, in your opinion, that are
16 true?

17 A. I don't know about the stories. I know
18 there are some facts that come through on the Putnam Pit
19 that are true, some of the ones you've cited.

20 Q. Okay. Have you or your office ever
21 prosecuted anybody in this area for Methamphetamines,
22 possession, manufacture?

23 A. Sure.

24 Q. Is there a Methamphetamine problem in
25 your judicial district?

1 A. I think there's a Methamphetamine
2 problem in this whole area of the state and certainly
3 including this district.

4 Q. So if Geoff Davidian and the Putnam
5 Pit, rather, published a story that said there was a
6 Methamphetamine problem in this area, would that be true?

7 A. Sure. I think his story was "Dead
8 babies in Gibson's back yard" or something.

9 Q. Okay. You understand... Did you take
10 that to literally mean that you had dead babies in your
11 back yard?

12 A. Well, I think the average reader could
13 have possibly taken it that way.

14 Q. So you're saying that you don't think
15 that the average reader around here has the intelligence
16 to understand rhetoric and satire and humor?

17 A. Well, I don't know how many... And I
18 don't think it's just around here if it's on the
19 internet. I think it may be the average reader anywhere.

20 Q. They wouldn't understand that this is
21 an editorial criticizing you in your work, your
22 prosecution of Methamphetamine?

23 A. Well, sure. I think a huge, you know,
24 a huge segment of the population may not read past the
25 headline.

1 Q. So is...

2 A. (Interposing) Is that not like border
3 line slander?

4 Q. Why do you think that people don't read
5 past the headlines?

6 A. Well, I just know a lot of people
7 don't.

8 Q. Who in particular? Do you not read
9 past the headlines?

10 A. I don't read past all of the headlines.
11 If I'm scanning the newspaper, sometimes I'll look at a
12 headline and go on to the next thing. I know a lot of
13 people probably do that. Especially on the internet.

14 Q. Would you agree with this? That
15 regardless of whether it's true that you have or have not
16 done a good job in prosecuting and clearing up the
17 Methamphetamine problem, which certainly probably is
18 incomprehensible to anybody, but would you agree that the
19 First Amendment protects Geoff Davidian and the Putnam
20 Pit's right to criticize whether you've done a good job?

21 A. I agree that the First Amendment would
22 protect Geoff Davidian's right to criticize whether or
23 not I've done a good job. According to you and the case
24 law, if it's done in a nonlibelous way.

25 Q. Okay.

1 A. And I don't know where "Dead babies in
2 Gibson's backyard" falls on that.

3 Q. Okay. Well, is it possible that what
4 the story is saying... You will agree that there have
5 been children who has suffered the consequences as a
6 result of the Methamphetamine problem in this area?

7 A. Sure. Now, at that time I don't know.
8 The Methamphetamine problem has grown everywhere over the
9 past few years. And actually I don't know that
10 objectively it is a result of any prosecutor's inability.
11 I think it's a huge problem.

12 Q. Do you know who C. D. Norman is?

13 A. No.

14 Q. You didn't go to school... you don't
15 remember a C. D. Norman?

16 A. No.

17 Q. Well, actually if you'll look at the
18 Putnam Pit. You referred to this story that you think
19 Geoff Davidian wrote. Actually that was written by
20 C. D. Norman. Did you know that?

21 A. Huh-uh (negative response).

22 Q. Have you ever read C. D. Norman's
23 cartoons in the Putnam Pit?

24 A. I'm sure I have. I don't really sort
25 out who writes what in the Putnam Pit and I don't really

1 read it that much.

2 Q. Okay. So it isn't just Geoff Davidian
3 that's written a critical article possibly. It's other
4 people who have written for the Putnam Pit. Correct?

5 A. Geoff Davidian is the Putnam Pit.

6 Q. Well, isn't it possible that other
7 people write for the Putnam Pit? Do you ever read the
8 by-line?

9 A. Yeah, I know. I assume if Jeff
10 Davidian, if there's any truth to the names he puts on
11 other articles, then there are other contributors to his
12 Putnam Pit. I assume he determines what goes in it and
13 what doesn't.

14 Q. Well, let me ask you this. Do you
15 think the Methamphetamine problem has had a... do you
16 think that impacts the local economic welfare?

17 A. I think the Methamphetamine problem
18 impacts the local economic welfare.

19 Q. Do you think that there are industries
20 around here are affected by the fact that there is
21 Methamphetamine problems?

22 A. I would assume that industries
23 everywhere, including here, are affected by
24 Methamphetamine.

25 Q. Would you agree that the Meth problem

1 is a drain on the local, county and state budgets?

2 A. It's a big issue.

3 Q. It is. It costs money, doesn't it?

4 A. It does.

5 Q. And the local budget affects the
6 businesses of Cookeville, doesn't it?

7 A. The local budget affects the
8 businesses?

9 Q. The county budget, doesn't that
10 affect...

11 A. (Interposing) I don't know. You'd have
12 to ask somebody in city hall.

13 Q. You don't think that in your... Just in
14 your personal opinion?

15 A. I know industry affects the local
16 budget, but I don't know to the extent the local budget
17 affects industry.

18 Q. Well, if the county has trouble, for
19 example, with the local budget, doesn't that cause
20 hardships in opening the schools and things?

21 A. If the county has budget problems, then
22 it can cause hardships in getting schools open on time.
23 I know that.

24 Q. And certainly there's a lot of industry
25 and jobs that are affected by the local budget then,

1 wouldn't you agree?

2 A. You're going to have to focus that
3 question a little bit.

4 Q. I'll retract it, Mr. Gibson.
5 Mr. Davidian wrote a story about you having, when you had
6 your building on Jefferson. Do you remember that story
7 he wrote?

8 A. You'll have to tell me which one.

9 Q. Okay. The one about the sign and how
10 much it cost to have the sign painted. Did you ever read
11 that story?

12 A. I think so, yeah.

13 Q. Did you think that... And he said that
14 you had spent too much money on getting that sign
15 painted, didn't he?

16 A. Right.

17 Q. And he tried to use ridicule as a way
18 of criticizing you with that sign. Correct?

19 A. Right.

20 Q. Now regardless of whether it's true or
21 not, certainly people have, certainly everybody,
22 including Mr. Davidian, have the First Amendment right to
23 criticize whether public officials are spending too much
24 money, don't they?

25 A. Right.

1 Q. And if they're criticizing these public
2 officials for spending too much money, do you think the
3 public officials should be able to deny government
4 benefits and services that they make available to
5 everyone else, just because they don't like the view
6 point of the person who has written negative things about
7 them?

8 A. Okay. You've asked me to get you to
9 clarify your question. If I don't understand one, I need
10 to get you to clarify that question a little bit.

11 Q. All right. Public officials can't deny
12 government benefits because they don't like somebody's
13 view point. Correct?

14 A. Right.

15 Q. And if somebody has the view point that
16 a public official is spending too money (sic), then the
17 public official can't deny those public services just
18 because somebody expressed that view point, can they?

19 A. A public servant should not deny
20 benefits to a person that they disagree with.

21 Q. What if they're allowing those benefits
22 to everyone else? Would that...

23 A. It doesn't change things.

24 Q. Do you disagree with the fact that you
25 spent too much money on the sign?

1 A. No, I don't disagree with that fact.

2 Q. So he expressed a very valid opinion,
3 in your...

4 A. Yeah. In that case, yeah.

5 Q. So sometimes his view point is not too
6 different from yours, is it?

7 A. Very rarely.

8 Q. Very rarely. Mr. Davidian was also
9 critical...

10 (Off the record.)

11 Q. Let me ask you this. Where are you
12 going next week? I understand you're leaving the
13 country?

14 A. Is that relevant?

15 Q. I'd like to know under oath why you're
16 not going to be available next week?

17 A. I'm going on a vacation with my mother.

18 Q. Where are you going?

19 A. On a cruise.

20 Q. Now, you know that Mr. Davidian was
21 critical of your handling of the investigation of Darlene
22 Eldridge. Correct? The Darlene Eldridge murder.
23 Correct?

24 A. Well, I never handled the investigation
25 of Darlene Eldridge. The Cookeville police department and

1 the fire marshal and the T.B.I. handled that
2 investigation. I know he was critical of me in matters
3 surrounding that investigation. I think he implied that
4 I impeded the investigation or was involved in the murder
5 in some way.

6 Q. Did you ever try to ask him to let you
7 do an interview with him so you could tell your side of
8 the story?

9 A. No. I realized where Mr. Davidian was
10 coming from.

11 Q. Well, did you ever sit down and have a
12 talk with anybody?

13 A. He did come in one day and asked me
14 some questions about it.

15 Q. So you did do an interview with him?

16 A. I answered a few questions for him
17 about that case, yes.

18 Q. Now, Mr. Davidian has written that he's
19 been told by people that you've used Cocaine before.
20 Have you ever heard those allegations?

21 A. I have.

22 Q. Have you ever used Cocaine?

23 A. I've never used Cocaine.

24 Q. Okay. Now, you're a politician.

25 Correct?

1 A. What's your definition of a politician?

2 Q. Well, you've run for elected office.

3 True?

4 A. I am an elected official, yeah.

5 Q. And you've run for elected office.

6 Right?

7 A. Uh-huh (affirmative response).

8 Q. If you had used Cocaine, you certainly
9 wouldn't want to admit to it, would you?

10 A. Well, that would be a difficult thing
11 to admit to. But the fact of the matter is that I
12 haven't and that's not exactly the spin that he put on it
13 in his publication several times.

14 Q. What's the spin that he put on it in
15 his publication?

16 A. I think he asked me one time if I'd
17 ever used Cocaine. And I said, "No, I've never used
18 Cocaine". And there was this headline, you know, in the
19 Putnam Pit "Gibson denies Cocaine use".

20 Q. Well, is that true?

21 A. Technically yeah, it's true. But the
22 truthful meaning of it was lost. And every yellow
23 journalist knows that when you issue something like that
24 that it seems to imply that it's true, that the
25 approached person is denying the truth.

1 Q. I see you smiling. Did you think it
2 was a funny use of journalism?

3 A. I didn't think it was a bit funny.

4 Q. Why are you smiling now then?

5 A. I'm just smiling at you, Mr. Harris.

6 Q. I'm a pretty nice guy, right?

7 A. You're smiling. I think you started
8 the little smile, so I'm smiling back.

9 Q. Would you agree that Putnam Pit uses
10 humor in a lot of its stories and articles?

11 A. I don't know that I would agree with
12 that.

13 Q. Well, do you read it often?

14 A. Not any more.

15 Q. Okay.

16 A. I don't think anybody does much.

17 Q. Well, how do you know? Do you take a
18 survey regularly of who's reading the Putnam Pit?

19 A. No, but you know, in the beginning the
20 Putnam Pit got a lot... it was talked about a lot. Now,
21 any more nobody seems to know what is going on in the
22 Putnam Pit. I think everybody has sort of seen it for
23 what it is.

24 Q. Have you talked to people about that?

25 A. Yeah, I've had people comment on that.

1 Q. Who? Who has told you?

2 A. You know, I don't remember the ones.

3 What I know is that it's probably more fair to
4 characterize that several years ago that people would
5 just talk about the Putnam Pit as though it had some
6 significance and all of that talk has sort of just gone
7 away.

8 Q. So the Putnam Pit has not... In the
9 last four years, would you say the Putnam Pit has been
10 diminished in terms of its impact?

11 A. I would say so.

12 Q. Now, earlier you mentioned something
13 about having a mechanism about having a conflict. You
14 prosecuted Fabian Eldrige, is that not correct, for
15 attempted murder?

16 A. Well, our office did.

17 Q. Your office did. And you were in
18 charge of that office. Correct?

19 A. Right.

20 Q. Okay. Did you not appoint special
21 prosecutors?

22 A. Knowlton and Day were appointed, I
23 assume, through the court as special prosecutors in that
24 case.

25 Q. Who recommended that they be appointed?

1 A. Assistant D. A. Fann and Sells
2 approached me about it. And the defense attorney was a
3 fellow named Mike Galligan, who was defending Eldridge,
4 and he was in harmony with it. And that was who
5 recommended it. It came to me through my assistants who
6 had been in communication with the defense attorney and
7 nobody had any problem with it.

8 Q. But it turns out there was a conflict
9 with appointing civil attorneys who are suing somebody
10 civilly to actually be the special prosecutor. Correct?

11 A. I know the case did go up on the appeal
12 and came back and it was determined that that shouldn't
13 have been done.

14 Q. And the Putnam Pit wrote that very
15 story, the Court of Criminal Appeals had reversed that
16 conviction?

17 A. I'm sure they did.

18 Q. And that was true. Correct?

19 A. Yes. If he wrote that the Court of
20 Criminal Appeals reversed that conviction, then that
21 would have been true.

22 Q. But you're pretty... I almost see a
23 gleam in your eye. You're pretty sure that whatever spin
24 he put on that case didn't leave your office looking
25 favorably. Right?

1 A. I just don't know. I don't remember
2 reading that.

3 Q. Well, let me ask you this. Are you not
4 familiar with that case involving Fabian Eldridge at all?

5 A. I am somewhat familiar with it.

6 Q. And you were sued in Federal Court.
7 Correct?

8 A. Yeah. A lot of us were.

9 Q. And you were found to have immunity.
10 Correct?

11 A. I know the case, the last remnant of
12 that case was recently dismissed. But I didn't handle
13 that case and I don't really know a lot of the details
14 about it.

15 Q. I see. Are you good friends with
16 Jim Shipley?

17 A. No.

18 Q. Are you friends with him?

19 A. I know him. I don't socialize with
20 him. I know him. I spoke to him when I came by. I
21 don't know anything much about him.

22 Q. But are you friends with the Cookeville
23 Chief of Police Bob Terry?

24 A. I am friends with Bob Terry, more so.

25 Q. And you used to work for the City of

1 Cookeville. Correct?

2 A. I did.

3 Q. That's about it.

4 FURTHER DEPONENT SAITH NOT.

5

6

7

WILLIAM EDWARD GIBSON
(Signature Waived)

8

9

SWORN TO BEFORE ME WHEN TAKEN
THIS 4TH DAY OF OCTOBER, 2001.

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Carla York Hannah
CARLA YORK HANNAH
Notary Public-at-Large
State of Tennessee

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My Commission Expires: 8/26/01

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