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IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA

VALENCIA M. McCLATCHEY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
THE ASSOCIATED PRESS,	)	Civil Action
	)	No. 05-145J
Defendant.	)	

- - - -

DEPOSITION OF: GENE J. PUSKAR

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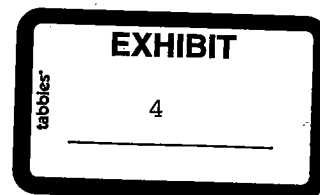
DATE: March 15, 2006  
Wednesday, 9:30

LOCATION: Eckert Seamans Cherin &  
Mellott  
44th Floor - US Steel Tower  
Pittsburgh, PA 15219

TAKEN BY: Plaintiff

REPORTED BY: Keith G. Shreckengast, RPR  
Notary Public  
AKF Reference No. KS93223

**ORIGINAL**



1 Q. Who is she?

2 A. She's a woman suing the Associated Press for  
3 copyright infringement.

4 Q. Did you know Val McClatchey, did you meet Val  
5 McClatchey on September 11, 2002 while covering  
6 the events of the crash?

7 A. I don't remember if that was the day I met her.

8 Q. Okay. Did you meet Val McClatchey in and  
9 around that date on September 11, 2002?

10 A. Somewhere around the first anniversary of 9/11,  
11 2001, I did have an occasion to photograph  
12 Mrs. McClatchey for a Charles Sheehan  
13 Associated Press story about her, about her  
14 picture.

15 Q. And do you recall who gave you that assignment  
16 to take the photograph associated with the  
17 picture, was that the Associated Press?

18 A. The Associated Press gave me the assignment. I  
19 don't recall who directly told me to go out  
20 there.

21 Q. And do you have a specific recollection whether  
22 your photographing of Miss McClatchey for the  
23 article by Sheehan took place on September 11,  
24 2002?

25 A. No.

1 Q. Do you know what photograph did you take of  
2 Ms. McClatchey, or photographs did you take of  
3 Ms. McClatchey to accompany the article by  
4 Charles Sheehan?

5 A. Took a photograph of her photograph. That's  
6 all I can really recall.

7 Q. Did you take any photographs of her?

8 A. You know, I can't really recall whether I did  
9 or not.

10 Q. You said you took a photograph of her  
11 photograph. Her photograph is the photograph  
12 that's called End of Serenity with the plume of  
13 smoke; is that correct?

14 A. I don't know what it's called, but it does have  
15 a plume of smoke that's purported to be the  
16 Flight 93 plane. Yes. That's the picture with  
17 the red barn?

18 Q. Yes. Where did you take the photograph of the  
19 photograph?

20 A. She was holding it for me outside the side door  
21 of her house.

22 Q. She was holding what?

23 A. Her photograph.

24 Q. And you took a photograph of that photograph?

25 A. Correct.

1 Q. What did you tell her when you were taking the  
2 photograph?

3 A. I don't recall. What did I tell her when I was  
4 taking the photograph? I don't recall  
5 specifically if I would be saying anything to  
6 her when I was taking the photograph.

7 Q. So was she posing by the side door of her house  
8 when you were photographing the photograph?

9 A. Posing, I don't understand what that would  
10 mean. She was holding the photograph by the  
11 side of her house. And I don't know that she  
12 was posing, she was holding the photograph. As  
13 an AP photographer, I'm not really supposed to  
14 or ethically inclined to set up a picture.  
15 Therefore posing a subject -- if I were to  
16 photograph you, right now would be a good  
17 picture, the way you are. If you were gussied  
18 up and sitting behind your office desk with  
19 your yellow pad in front of you, with your  
20 glasses in your hand, that would be posing.  
21 That's not something I'd be interested in.  
22 It's not something that I do as a journalist.  
23 It's kind of a documentary thing. So whether  
24 she was posing is -- she wasn't posing for me.  
25 We were standing outside her side door like you

1 and I would be standing outside a side door.

2 Q. How did you come to meet her at her side door  
3 with the photograph?

4 A. She came to the door and greeted me, went back,  
5 got her photo, came back out.

6 Q. And what did you say you were there for?

7 A. I was there to photograph her for the Charles  
8 Sheehan story, whom she had already been  
9 interviewed by. And she was welcoming, and  
10 brought the picture out, stood there, we  
11 talked. And I took a few snaps and was on my  
12 way.

13 Q. Did you tell her you were going to photograph  
14 her photograph and use it in the story?

15 A. Yes. She volunteered to give me one. And I  
16 didn't want to be responsible for it. I said  
17 here, I could do it this way, hold the picture,  
18 just hold it right there. I'm assuming, having  
19 said that to her, she knew I was taking a  
20 picture of her picture.

21 Q. Your testimony is that you don't know that she  
22 knew you were taking a picture of the picture  
23 versus taking a picture of her holding the  
24 picture; is that correct?

25 A. No, that's not my testimony.

1 Q. So she absolutely knew you were taking a  
2 picture of the picture?

3 A. Yes.

4 Q. And as an AP photographer, she offers you a  
5 hard copy of the picture as you said?

6 A. Yes.

7 Q. But you didn't want that, you'd rather have a  
8 photograph of a photograph?

9 A. Yes.

10 Q. Why is that?

11 A. I didn't want to be responsible for carrying it  
12 back. I was going to be on assignment for days  
13 out there in the fields of Shanksville. Didn't  
14 want it to get damaged, coffee spilt on it,  
15 folded and mutilated and spindled, and then  
16 having to find an envelope, stick it -- get it  
17 back to her. Didn't want to be responsible for  
18 her property.

19 Q. What side of the house were you standing on?

20 A. Left side. Well, I'm not sure how the house is  
21 oriented, but the door was on the left side of  
22 the building.

23 Q. Was Mr. Sheehan there?

24 A. I'm not aware that he was. He may have been.  
25 I don't know, I didn't see him.

1 Q. Yes.

2 A. The day is a long day. First of all, I'm not  
3 quite sure what day I was at Mrs. McClatchey's  
4 house. If you would like me to find out, I can  
5 leave and go find out.

6 Q. I just want your best recollection sitting here  
7 today.

8 A. And I'm telling you I don't recall.

9 Q. Did the photograph you photographed have a  
10 copyright notice on it?

11 A. Not to my recollection.

12 Q. Did you check?

13 A. Would I have checked?

14 Q. Yes.

15 A. Yes.

16 Q. And you don't recall whether or not it does, it  
17 did, the photograph that you photographed at  
18 her house; is that correct?

19 A. Excuse me?

20 Q. You do not recall whether the photograph you  
21 photographed --

22 A. I'm hard of hearing, I'm not trying to be  
23 obstinate.

24 Q. That's fine. You do not recall whether the  
25 photograph that you photographed at her house

1 had a copyright notice on it; is that correct?

2 A. I do not recall whether it had a copyright  
3 notice on it.

4 Q. And when you took the photograph of the  
5 photograph, isn't it true that you only  
6 photographed a portion of that photograph?

7 A. I would have to look at the original, and I  
8 would have to look at the frame that I have to  
9 tell you how true that is.

10 Q. Let me then hand you what's been previously  
11 marked as Plaintiff's Exhibit 2, and ask you if  
12 that is a printout and copy of the digital file  
13 that you submitted to the Associated Press in  
14 connection with this case?

15 A. Is this the file that I submitted to the AP?

16 Q. Is that a copy representation of the file you  
17 submitted, Plaintiff's Exhibit 2?

18 A. I don't know.

19 Q. I'm going to hand you what was previously  
20 marked as Plaintiff's Exhibit 4, and ask you if  
21 you recognize this?

22 A. This appears to be a record of the transmission  
23 of this photo from our file, which would not  
24 have been the original transmission date. That  
25 was -- it's noted as a file photo. It was sent



1 earlier as -- I don't think it was noted as a  
2 file photo. So it was -- that's an AP's  
3 transmission copy, yes.

4 Q. And does the photograph in Plaintiff's Exhibit  
5 4 represent the photograph that you personally  
6 transmitted to the AP?

7 A. Yes, it does.

8 Q. So as you look at that photograph now, can you  
9 tell me whether or not the photograph you took  
10 of Ms. McClatchey's photograph was cropped or  
11 altered just to show a portion of the  
12 photograph?

13 A. Yes. That's not a 35 millimeter frame that's  
14 represented there. So the frame that I shot  
15 was a 35 millimeter frame, which would have  
16 been longer. And again, I would need to see my  
17 full image, full frame image, but that's not  
18 it.

19 Q. That's not what?

20 A. That's not the full image that I would have  
21 seen in my camera when I copied her image.

22 Q. Is that the full image you submitted to the  
23 Associated Press, Plaintiff's Exhibit 4?

24 A. Uh-huh.

25 Q. So regardless of what showed up on your camera,

1 what was transmitted to the Associated Press is  
2 the photograph in Plaintiff's Exhibit 4  
3 correct?

4 A. Yes, it is.

5 Q. I'm going to hand you what's being marked as  
6 Plaintiff's Exhibit 25. It's a copy of, color  
7 copy of a photograph. It's got a title End of  
8 Serenity, September 11, 2001, and in the bottom  
9 right corner it's got Valencia McClatchey  
10 copyright 2002, MC 00434. Do you recognize  
11 this photograph?

12 A. This specific photograph, this copy of that  
13 photograph?

14 Q. Yes.

15 A. No.

16 Q. Do you recognize the photograph that's in  
17 Plaintiff's Exhibit 25?

18 A. I recognize the image of the cloud of smoke,  
19 yes, I do.

20 Q. And is that the image that you took your  
21 photograph of and submitted to the Associated  
22 Press?

23 A. Yes.

24 Q. And if you look at your image in Plaintiff's  
25 Exhibit 4, and you compare it to the image in

1 Plaintiff's Exhibit 25, let's start with the  
2 bottom portion, it appears that all of the road  
3 underneath the barn is cropped off?

4 A. Uh-huh.

5 Q. From Plaintiff's Exhibit 4; is that correct?

6 A. Uh-huh.

7 Q. It also appears that on the left side of the  
8 photograph that the road and at least 1 to 2  
9 inches of Plaintiff's Exhibit 25 is cropped  
10 off; is that correct?

11 A. Yes.

12 Q. And if you look at the top, the top right of  
13 Plaintiff's Exhibit 25 has what appears to be a  
14 gutter sticking out. And if you compare the  
15 top of the photograph in Plaintiff's Exhibit 25  
16 to the one in Plaintiff's Exhibit 4 that you  
17 submitted to the AP, it appears to also be  
18 cropped off; is that correct?

19 A. Yes.

20 Q. And then if you look at the right side of  
21 Plaintiff's Exhibit 25 versus the right side of  
22 Plaintiff's Exhibit 4, which is the photograph  
23 you submitted to the AP, it also appears to  
24 have been cropped off; is that correct?

25 A. Yes.

1 Q. So the photograph you took of the photograph,  
2 of Miss McClatchey's photograph, was cropped on  
3 all four sides; is that correct?

4 A. No.

5 Q. Could you explain that, please?

6 A. This photograph in Exhibit 4 is not the  
7 photograph I shot of Mrs. McClatchey's -- this  
8 does not represent the image as it was cropped  
9 when I copied her image. We're just going to  
10 assume for my explanation that this picture you  
11 gave me is the picture she held up.

12 Q. Yes.

13 A. I shot a picture of this picture with a 35  
14 millimeter frame. This does not represent a 35  
15 millimeter frame. What I shot had more  
16 information than this transmitted picture. It  
17 is a 35 millimeter frame, which is 1 1/2 --  
18 1 3/4 x 1 1/4 deep, which probably was  
19 something like that in my camera, or maybe it  
20 was like that in my camera.

21 Q. If I could stop you so I can clarify, when you  
22 say like that, a 35 millimeter camera would  
23 have been thinner and longer; is that correct?  
24 So the top and the bottom of the photograph  
25 would have been cut off a little, and your

1 Q. How far away from Ms. McClatchey were you when  
2 you took the photograph?

3 A. One foot, two feet, three feet. Within three  
4 feet.

5 Q. Within three feet?

6 A. Yes.

7 Q. What type of lens did you use?

8 A. To shoot a photo like this of a photo the size  
9 of hers, probably could have actually shot an  
10 80-200 or a 28-85 macro, which would allow you  
11 to get in closer.

12 Q. What time of day was it?

13 A. Boy, I don't know.

14 Q. What was the weather conditions at the time?

15 A. I don't know. I don't remember right now.

16 Q. Was the sun facing you or behind you?

17 A. I don't recall.

18 Q. If it was raining out, you certainly wouldn't  
19 have taken the photograph outside; is that  
20 correct?

21 A. It was not raining, because she brought her  
22 photo out. And it would have not been good for  
23 her photo in the rain.

24 Q. How many times in your 28 years have you taken  
25 a photograph of a photograph and submitted it

1 time.

2 Q. Did you ask Ms. McClatchey if she had a JPG of  
3 her photograph that she could E mail to you?

4 A. No.

5 Q. Why not?

6 A. Why?

7 Q. I'm asking the questions. But why did you  
8 not --

9 A. I don't understand the question.

10 Q. Why did you not ask Ms. McClatchey if she had a  
11 JPG of her photograph that she could E mail to  
12 you?

13 A. I had no reason to.

14 Q. Would you not agree that a JPG of the image  
15 would be a much higher quality image than a  
16 photograph you took of the image?

17 A. Absolutely. Well --

18 Q. And isn't it true that after you took the  
19 photograph, you still had to go home to your  
20 computer anyways; is that correct?

21 A. No.

22 Q. So you had to take it to a computer, the  
23 photograph; is that correct?

24 A. Yes.

25 Q. So did that computer have E mail?

1 A. Yes.

2 Q. So it would have been easy for Ms. McClatchey  
3 to just E mail you a JPG of her photograph  
4 instead of having you take a picture, download  
5 it and transmit it to the AP; is that correct?

6 MR. PENCHINA: Objection. I'm not  
7 sure he knows what would have been easy for  
8 her.

9 MR. HALL: I just ask that you  
10 eliminate speaking objections.

11 MR. PENCHINA: That was for me, not  
12 for you. You can respond to his question.

13 A. Could you repeat the question?

14 BY MR. HALL:

15 Q. Yes. Would it not have been easier for  
16 Ms. McClatchey just to E MAIL a JPG of the  
17 image to you rather than you take a picture of  
18 it and download and transmit an inferior  
19 quality photo to the AP?

20 A. I don't know.

21 Q. Do you have any additional photographs from  
22 that day still in your possession?

23 A. No.

24 Q. What happened to them?

25 A. I don't know.

1 Q. Did you look for them in connection with  
2 gathering documents for this case?

3 A. Yes.

4 Q. And the only one you found was the JPG of the  
5 photograph you took of the photograph?

6 A. Yes.

7 Q. If you had known Ms. McClatchey had a JPG of  
8 her photograph, would you have asked her for  
9 that instead of taking the photograph?

10 A. I don't know.

11 Q. Do you not get paid if you don't take the  
12 photograph of the photograph?

13 A. No, that's not true.

14 Q. So your job was to go there and actually take a  
15 photograph, so it would have been preferable  
16 for you to have a photograph that you took  
17 rather than a JPG just sent from her; is that  
18 correct?

19 A. No, it really didn't concern me one way or  
20 another how the AP got the picture. All I was  
21 out there doing was covering an assignment.

22 Q. What was your assignment when you went to  
23 Ms. McClatchey's house around the one year  
24 anniversary of September 11th?

25 A. To take pictures of a woman with a picture that



1           showed the crash a year before.

2           Q.     But you end up taking a picture of the picture,  
3           not a picture of the woman; is that correct?

4           A.     From what I recall, yes.

5           Q.     And you didn't ask the woman, or  
6           Ms. McClatchey, whether she just had a JPG of  
7           the picture; is that correct?

8           A.     I don't recall.

9           Q.     Did you speak with Charles Sheehan prior to  
10          going to Ms. McClatchey's house?

11          A.     Yes.

12          Q.     What was that conversation? Describe that for  
13          me, please.

14          A.     I can't recall the specific conversation. It  
15          would have obviously included directions to her  
16          house, and a brief description of why I was  
17          going to her house, and what -- why we were  
18          doing a story about her.

19          Q.     But you don't recall any specifics? Did he  
20          tell you what type of photograph he wanted to  
21          accompany his story?

22          A.     No, that's not what reporters would do.

23          Q.     So did Mr. Sheehan describe the content of his  
24          story so you could have an understanding of  
25          what type of photograph to take?

1 going to Ms. McClatchey's house?

2 A. No, I discussed where she lived and why I was  
3 going there, which is not what his -- I have  
4 not seen his article to this day.

5 Q. But if you're discussing why you were going  
6 there, what was that discussion?

7 A. Woman shot a picture in her backyard of Flight  
8 93 crashing.

9 Q. That was the extent of it?

10 A. Yes.

11 Q. And so you went to her house to get the  
12 picture; is that correct?

13 A. Yes.

14 Q. And you went to the house to get the picture  
15 for the AP; is that correct?

16 A. That's correct.

17 Q. Did you offer Ms. McClatchey any money for the  
18 picture?

19 A. No.

20 Q. Did you tell Ms. McClatchey that you would  
21 transmit the picture to the AP and then in turn  
22 transmit it to all the members and subscribers  
23 of the AP?

24 A. I did not tell her that.

25 Q. Did you ask Ms. McClatchey whether or not she

1 objected to the AP using her photograph for  
2 means other than in connection with the story?

3 A. These are -- no.

4 Q. Did Ms. McClatchey say to you you can have my  
5 photograph free of charge and can transmit it  
6 to all the members and subscribers of the  
7 Associated Press?

8 A. By standing there holding it, knowing I was an  
9 AP photographer, it's implied to me that she is  
10 agreeing to what I'm doing.

11 Q. Did she say anything to you to that effect,  
12 that she was granting --

13 A. I don't recall.

14 Q. So Ms. McClatchey did not specifically say  
15 anything to the effect of I am granting the AP  
16 permission to use my photograph; is that  
17 correct?

18 A. Other than by her actions, no.

19 Q. And you said you were there to take a  
20 photograph, to photograph Ms. McClatchey; is  
21 that correct?

22 A. I said I was there to get pictures to go with  
23 Charles' story.

24 Q. Did you get directions to her house from  
25 Charles Sheehan?

1 that correct?

2 A. More than that.

3 Q. If you take a photograph of a copyrighted  
4 photograph, is it your understanding, I just  
5 want your understanding as you sit there, that  
6 that gives you, the photograph taker, rights in  
7 that copyrighted photograph?

8 A. That's a legal question. But of course that  
9 would give me no rights at all. But I have no  
10 rights anyway as a staff photographer.

11 Q. But you were there on behalf of the Associated  
12 Press in Ms. McClatchey's house; is that  
13 correct?

14 A. Correct.

15 Q. That was a yes?

16 A. What?

17 Q. You were at Ms. McClatchey's house on behalf of  
18 the Associated Press, correct?

19 A. Yes.

20 Q. Your belief is your photograph on behalf of the  
21 Associated Press of Ms. McClatchey's  
22 copyrighted photograph therefore granted rights  
23 to the Associated Press to use the photograph?

24 A. Well, you're assuming --

25 MR. PENCHINA: Objection, calling for

1 legal conclusions. You are certainly free to  
2 give your own personal view.

3 Q. I just want your understanding.

4 A. First of all there was no sign of copyright  
5 when I shot the picture. So you're hammering  
6 me with copying a copyrighted image. I wasn't  
7 aware that I was. And I had a willing woman  
8 holding her picture, telling me her story of  
9 woe from the past year since this tragedy  
10 happened in her backyard. We were talking,  
11 heartfelt, about the tragedy, my covering it  
12 for ten days, when it happened, my experience  
13 at ground zero when it happened. Those are the  
14 kind of things that were going on. We were  
15 connecting as people. There was no  
16 copyright -- there was nothing in this exchange  
17 that expressed to me that she didn't know fully  
18 well I was there and fully what I was doing.  
19 And so I didn't know that the image was  
20 copyrighted. And I was there representing the  
21 AP to do something that Val McClatchey knew was  
22 happening. I didn't sneak up on her. I didn't  
23 do this in any way, shape or form to pull the  
24 wool over her eyes. She entered into this  
25 story with the Associated Press of her own

1 volition. There was no copyright on the image  
2 I photographed. I had no idea that there was  
3 any issue at all with this woman who was  
4 standing there willingly participating in doing  
5 and understanding what I was doing.

6 Q. You testified earlier that you didn't know  
7 whether or not there was this copyright notice  
8 on the photograph?

9 A. Huh?

10 Q. You testified earlier that you didn't know  
11 whether there was this copyright notice on the  
12 photograph; is that correct?

13 A. I don't know. You're right. I don't know.

14 Q. But can you give me any specifics of this  
15 conversation you had with Ms. McClatchey?

16 A. Yeah, specifically she was depressed, had a  
17 very tough year, that's the specifics.

18 Q. But there was nothing specifically said on your  
19 part, or her part, regarding transferring  
20 rights to the Associated Press in the  
21 photograph; is that correct?

22 A. That is correct, there were no rights talk at  
23 all.

24 Q. Did she offer you a copy of the photograph as a  
25 souvenir?

1 A. I don't recall what her purpose for offering me  
2 the photograph was, but she did offer me a  
3 photograph.

4 Q. And your testimony here today is you did not  
5 take that photograph from her?

6 A. I can't recall. I don't believe I did.

7 Q. But you certainly don't have the photograph  
8 anymore; is that correct?

9 A. Not that I know of.

10 Q. Did you search for it in response to your  
11 counsel's request?

12 A. Yes.

13 Q. And you didn't find it; is that correct?

14 A. No. No.

15 Q. Have you spoken with Charles Sheehan since  
16 finding out about the lawsuit?

17 A. I think I saw him at the mine explosion in West  
18 Virginia on January 3rd.

19 Q. Did you speak to Charles Sheehan about this  
20 lawsuit?

21 A. No.

22 Q. At any point in time?

23 A. No.

24 Q. Other than the fact that you were there on  
25 behalf of the Associated Press, at any point in

1 A. I don't recall.

2 Q. You don't recall?

3 A. Huh-uh.

4 Q. So it might have happened, or you just don't  
5 remember?

6 A. It might have happened or what?

7 Q. Strike that, I'll ask you another question. So  
8 you don't recall whether or not they asked you  
9 what rights do we have in this photograph; is  
10 that correct?

11 A. I don't recall any conversations regarding this  
12 photograph.

13 Q. If an editor at the Associated Press had asked  
14 you what rights do we have in the McClatchey  
15 photograph you're transmitting, what would you  
16 have told them?

17 A. I would have told them I don't know.

18 Q. And why is that?

19 A. Because I didn't.

20 Q. What is your professional opinion as a  
21 photographer for at least 28 years of the  
22 photograph taken by Ms. McClatchey?

23 A. My opinion of it?

24 Q. Yes.

25 A. How do you mean that?



1 Q. What do you think of the photographic value of  
2 the photograph that Ms. McClatchey took?

3 A. I mean there's a lot of things going -- I mean  
4 to answer your question, I don't know whether I  
5 should speak to the technical, and I can't  
6 speak to that, because this is a flimsy copy of  
7 I'm sure a much better image.

8 Compositionally --

9 Q. Let's break it down. Compositionally what is  
10 your professional opinion of the McClatchey  
11 photograph?

12 A. I think it's -- We have a saying in journalism,  
13 "F-11 and be there," which implies what this  
14 picture means. This is a mediocre picture at  
15 best compositionally, technically and every  
16 other way. What it is is a moment. "F-11 and  
17 be there," she was there at a moment in time.  
18 Just like Joe Rosenthal at Iwo Gima, and my  
19 friend Ron Edmonds when Reagan was shot. Just  
20 like I was on the sidelines when the Steelers  
21 won the Super Bowl, it was F-11 and be there.  
22 So this picture is a picture of a moment in  
23 time that is like -- it's like Pearl Harbor.  
24 It's the day that changed our world and the way  
25 we look at it, the way we check on airplanes

1 and the way we look on playgrounds at strangers  
2 walking through when our kids are playing. It  
3 was a dawn of a new paranoia in our world. So  
4 for that it's a picture, a picture of that  
5 moment. It's technically not great, it's  
6 compositionally pretty boring, but it's a  
7 moment.

8 Q. So it's a moment such as when you said Iwo  
9 Gima, such as the marines raising a flag, there  
10 happened to be a photographer at that one  
11 moment to capture that; is that correct?

12 A. Uh-huh.

13 MR. PENCHINA: Let me remind you to  
14 say yes or no instead of uh-huh.

15 A. I'm sorry, yes.

16 Q. In your two or three days that you were at the  
17 one year anniversary of the Flight 93 crash,  
18 did you see any other photographs that were  
19 taken of the moment of the crash of Flight 93?

20 A. No.

21 Q. So the fact that it is the only picture taken  
22 of that moment would also increase the value,  
23 even if you thought it was a mediocre  
24 photograph; is that correct?

25 A. I don't understand what you mean by value.

1 Q. In terms of historical photograph, being one of  
2 a kind, that sort of value.

3 A. Well, the value is not for me to determine. I  
4 personally don't know what all there is that  
5 was shot on this event at this moment, or soon  
6 after this moment. I know we had pictures  
7 given to the AP by a volunteer fireman who was  
8 at ground zero, right back there, moments after  
9 the thing happened, which is another example of  
10 how we get pictures from people who aren't AP  
11 employees. But my point is yes, this is a  
12 moment. And my ability to ascertain value is  
13 neither here nor there. I think the fact that  
14 I didn't see this picture until a year after  
15 the event, and I covered this event probably  
16 longer than anybody who was there, or as long  
17 as anybody who was there, the fact that it took  
18 me a year to see it made we wish I would have  
19 had it on September 11th, 2001, then it would  
20 have been valuable to me. A year later it was  
21 a feature story about this lady who took this  
22 picture a year before. But as a newsperson,  
23 its value would have been a year earlier for  
24 me.

25 Q. Do you have any understanding of what the