

TRANSCRIPT OF PHONE CONVERSATION: OCTOBER 24, 1991

DLS: "May I speak to Nancy Keefe, please. Hello, Ms. Keefe?"

Keefe: "Yes."

DLS: "This is Doris Sassower."

Keefe: "Yes."

DLS: "And I have my daughter, Elena Sassower, here with me."

Keefe: "Okay."

DLS: "Uhm, I just read your story about the program about gender bias in today's newspaper--the Metro Section, front page--and I'd like to know what investigation you did with respect to the Breslaw case before you printed, had them print this?"

Keefe: "Well I have met her and talked to her and talked with lawyers and judges on a number of occasions."

DLS: "Which lawyers and judges?"

Keefe: "I'm not prepared to discuss that with you."

DLS: "Well, did you speak to any of my lawyers?"

Keefe: "I don't know who your lawyers are."

DLS: "Oh, well then, it's obvious you didn't bother to speak with them. I know you didn't speak with me."

Keefe: "No, I didn't."

ERS: "What was the connection between identifying my mother's name and the story on gender bias?"

Keefe: "It happened at a public event at which about 200 people were present."

ERS: "And, uh, there was a great deal that happened in the course of I would estimate 2-1/2 hours. You stayed from beginning to end, isn't that correct?"

Keefe: "Um-huh"

ERS: "And there were a number of very compelling speakers, in fact, speakers that were much more compelling than

Mrs. Breslaw."

Keefe: "I guess that's a matter of perspective as Judge Miller pointed out, isn't it?"

DLS: "Well did you think that the comments that Mrs. Breslaw made were very serious charges against me?"

Keefe: "Serious?"

DLS: "Yes. Did you consider that her statements that she made before 200 people concerning me were of a very serious nature--"

Keefe: "Well, I--"

DLS: "--that you should make that a focal point."

Keefe: "I don't know on what scale you're talking about serious, but they certainly were compelling, one would listen."

DLS: "What was your opinion about her comments as far as, when you say?"

Keefe: "My comments are that I think she's gotten a rotten deal from a bunch of lawyers, and judges, and a husband."

DLS: "Well, uh, since you haven't spoken to me at all before this concerning the Breslaw matter."

Keefe: "Not on the Breslaw matter, but I have spoken to you on a number of other matters."

DLS: "What other matters have you spoken to me?"

DLS: "I called you exactly one time, isn't that true, Ms. Keefe and that was concerning the Castracan v. Colavita case in which you expressed absolutely no interest. Isn't that true?"

Keefe: "That's not the only time, I mean that was one of the times that you had called me over the years."

DLS: "I have no knowledge or awareness of any other time. Perhaps you can tell me what the connection is, if you have spoken with me in the past, then you know that I am an accessible, perfectly accessible person and I was willing to speak to you concerning the Castracan v. Colavita case which you said you had no interest in whatsoever, isn't that true?"

Keefe: "At the time I really didn't."

DLS: "Well since that time did you develop any interest in it?"

Keefe: "Not a whole lot. No."

DLS: "Right. The fact is that you never at any time called me since that time to express the slightest interest whatsoever."

Keefe: "Right."

DLS: "Right."

ERS: "Isn't it correct that somebody did get up at the program of gender bias and addressed the issue that alot of women seemed to be referring to, that is the political influences behind the raw deals that they're getting and that individual made specific mention of the Three Year Deal that was responsible for the callous indifference of the Court to the lives and liberties and interests of the litigants, and that, indeed, Mr. Fredman was identified as having been the architect of that Deal. Isn't that correct?"

Keefe: "Uh, I don't. That's not quite the way I remember, but it may have happened that way, I really don't know."

DLS: "Ms. Keefe--"

Keefe: "--politicians run for office, we know that but that does not presume to call them venal or evil."

ERS: "Well you've identified Mr. Fredman as one of the enlightened ones."

Keefe: "Yes"

ERS: "What is the basis for that?"

Keefe: "Of watching him over the years."

ERS: "And did you watch him in connection with the Breslaw case?"

Keefe: "I have watched Judge Fredman in connection with a vast number--"

ERS: "Did you watch Judge Fredman in connection with the Breslaw case?"

Keefe: "I am not on the witness stand I am not going to give you specific information."

DLS: "Well, let me ask you this, Ms. Keefe--"

Keefe: "I said what I had to say in my column, Ms. Sassower, and I really stand by that."

DLS: "Well."

Keefe: "I stand by my assessment of Sam Fredman. I don't apologize for it, nor do I wish to defend it."

DLS: "Well, how is it you didn't print any of my daughter's remarks which addressed a very compelling issue, which is the part that that 1989 Deal played in destroying the lives of litigants in the Ninth Judicial District? How is it you don't see the connection between that?"

Keefe: "Well, I don't know, I guess there may be some synapses missing in my brain."

DLS: "Well, maybe if you did more investigating and less jumping to conclusions, you would be able to give a fair--"

Keefe: "I don't jump to conclusions. I have been around the track a number of times."

DLS: "Ms. Keefe--"

Keefe: "I have talked to you on numerous other occasions."

DLS: "What numerous occasions? You talked to me exactly once. You have not identified a single other time you ever spoke with me."

Keefe: "You've been in touch with the editorial board when I was editorial page editor."

DLS: "What has that--I, I, I was in touch with the editorial board, but I never spoke to you. You just said I spoke with you numerous times. And I am asking you to give me one time other than the occasion that I offered to give you details on the Castracan v. Colavita case."

Keefe: "I have no interest in that case, really."

DLS: "What?"

Keefe: "I have no interest in that case."

ERS: I do have a question, which I do think is important here. Do you remember Ms. Breslaw's list at the end of her presentation as to her recommendations to anyone out there, those women, what they should do to prepare themselves for their divorce, and the kind of situations they would be presented with. Do you remember what the listing was?"

Keefe: "No, I don't remember off the top of my head."

ERS: "Do you have notes? Do you have notes?"

Keefe: "Yeah, I have notes."

ERS: "Okay. I would suggest that you look at those notes and confirm that the first thing she said, because I took notes, is that the wife find out everything she can about the marital assets."

Keefe: "Uh-huh."

DLS: "You remember that?"

Keefe: "Yeah, I remember that"

ERS: "I'm glad you remember that."

DLS: "Did she say anything else about discovery?"

ERS: "No, Oh yes, do you remember what Ms. Breslaw said in terms of her own settlement, do you remember she said she was forced into it. No, the exact words were, because I put it down, she was pushed."

Keefe: "I am not on the witness stand."

ERS: "Would you agree that she said she was pushed into a settlement."

Keefe: "I said, and I'm not apologizing for any of it."

ERS: "Well do you have any knowledge as to the facts and circumstances as to how Mrs. Breslaw came to understand what her husband's net worth was?"

Keefe: "Yes. I'm not on the witness stand. I need not answer your questions."

ERS: "Well that was the most important thing that she

identified has to be known by women before they proceed in their divorce litigation. How did she find out what her marital assets were? Would you be interested to know that she got a lawyer, who was Doris Sassower, who enabled her to ascertain her husband's net worth. Because up until that time, although she had been represented by one of the most prominent members of the matrimonial bar, Raoul Felder, he, believe it or not, had not secured for her any assessment of her husband's worth. So when Mrs. Breslaw came to my mother, she didn't know what the marital assets were about. So when she claimed that her second lawyer, you know that woman lawyer, did nothing, she forgot some very important details. She also forgot to mention that after getting the value of her husband's assets which were approximately 10 million dollars--"

DLS: "Million dollars--just in case you didn't hear that"

ERS: "--she decided that--or let's put it this way, Mr. Landau decided for her--that she did not need to pay the experts for that evaluation, the experts wanted all of less than \$4,000. She couldn't see fit to pay that--neither could Mr. Landau. Although Mr. Landau then went on to use that evaluation of the experts in his litigation of Mrs. Breslaw's case."

Keefe: "[unintelligible] Mr. Landau and Evelyn Breslaw, but I don't really think you ought to take it up with me because I have no role in it"

DLS: "Well you expressed an opinion a few moments ago, Ms. Keefe, that she got a rotten deal. What was her deal? What's her rotten deal? Do you know?"

Keefe: "I detailed that?"

DLS: "You detailed the deal? I didn't see it in the paper."

Keefe: "I wrote what I wrote and that's what it is."

DLS: "But, but how could you form an opinion if you don't know what the deal was?"

Keefe: "Um"

DLS: "Do you know? Did anyone show you the documents as to how much she got?"

Keefe: "Uh, Look, I said I wasn't going to answer your questions because I'm not under oath here."

DLS: "Well, You must realize that you have--"

Keefe: "I don't have to realize anything"

DLS: "Well, you have defamed me in a very serious way."

Keefe: "I reported what was said in a public forum."

DLS: "That's not protected. If you are right, if you are correct, if she is right and that is not a lie than you are protected."

Keefe: "The fact is that you have been suspended."

DLS: "What?"

Keefe: "The fact is that you have been suspended."

DLS: "What does that have to do with the price of tea in china?"

Keefe: "Everything."

DLS: "Everything. What is the connection?"

Keefe: "Credibility."

DLS: "What?"

Keefe: "Credibility?"

DLS: "Do you know why I got suspended?"

Keefe: "Integrity."

DLS: "No. Where did you get that idea. Did you see a copy of my suspension order?"

Keefe: "I don't want to pursue this conversation any longer 'cause it isn't going to get us anywhere."

DLS: "Well, Ms. Keefe--"

Keefe: "You can beat upon me all you want."

DLS: "Ms. Keefe, Ms. Keefe, Mrs. Breslaw is a millionaire today. Do you know that?"

Keefe: "She's a broken woman."

DLS: "She's a millionaire."

Keefe: "That's not everything. That's the whole trouble with the system that you assume that by application of dollar bills you can salve these wounds--but you cannot."

DLS: "But, did I--, perhaps if she had stayed with me she'd be even a multi-millionaire. I didn't inflict her wounds on her. Why are you holding me responsible for them?"

Keefe: "I want to end the conversation."

DLS: "Well, I think you should be willing to at least correct the story you wrote if I give you the facts and the documents to prove it."

Keefe: "It was in a public forum."

DLS: "Are you willing to make a retraction if I give you the documents to prove these are lies and calumnies."

Keefe: "No. Maybe you see things another way."

ERS: "Well, The documents speak for themselves. We're willing to give you the documents."

Keefe: "This is what was reported in a public, what was said in a public forum and I reported that."

DLS: "In other words, you consider it responsible journalism--"

Keefe: "Yes."

DLS: "--to print lies and reckless defamation."

Keefe: "These things were said in front of 200 people in the ceremonial courtroom."

DLS: "Does that make it true. Does that make it less injurious if it's wrong?"

Keefe: "It happened."

DLS: "What happened?"

Keefe: "It's true what I reported."

DLS: "You can only report. You take the risk if what you report is defamatory. You take the risk if you have not printed a true statement. You are not free to pass

on the filthy lies and character assassinations of third parties. You cannot do that Ms. Keefe. You owe me an investigation and a retraction and a full story about the Breslaw case, at very least."

Keefe: "I've written what I've written, and that's really all I have to say about it."

ERS: "It's false. It's false and defamatory."

DLS: "If it were written about you would you expect that kind of callous indifference from a newspaper that passes itself off as a newspaper that people believe. When they read about it in the paper they think they are reading something that is true?"

Keefe: "I--"

DLS: "Did you think of calling me up and saying this is what was said about you, Mrs. Sassower. I would like to know whether you have any comment because I intend to print this--even though there were 2-1/2 hours worth of heart-wrenching stories about the matrimonial cases that came before the Part presided over by Justice Fredman until he destroyed it? Would you like to comment, Mrs. Sassower? I'm going to print it and that's the only story I'm going to print outside of another story about a woman with a cervical brace on her neck?"

Keefe: "Uhm. I felt that you were, uhm--"

DLS: "A sap, what was I--"

Keefe: "a..player in the whole column."

DLS: "What was I?"

Keefe: "There was not going to be any purpose for me to call you and have you shriek at me--"

DLS: "Well, how about--"

Keefe: "--out of my way for this sort of treatment."

DLS: "Well, if you had called me in advance, I might not have been so angered and incensed that I have to express my anger because it is so unbelievable and mind-boggling that any any mature adult--considering herself a responsible professional--could incorporate in a column that kind of, uh--"

Keefe: "I'm sorry to have failed so badly in your eyes, but I will just have to go and make my act of contrition somewhere else. I really don't want to talk anymore."

DLS: "Well, how do you think that I should proceed in view of the fact--"

Keefe: "I have no idea."

DLS: "--that these are lies? Will you provide me with space for a column of my own?"

Keefe: "No, I have no control over that. I'm not an editor, I'm a columnist."

DLS: "Well, are you willing to meet with me and let me give you the documentation and--"

Keefe: "I have no plans to do that."

DLS: "Well, I'm asking you right now, would you, in all fairness, because you--"

Keefe: "It will not get us anywhere, Mrs. Sassower"

DLS: "In otherwise your mind is--"

Keefe: "--rational conversation"

DLS: "What?"

Keefe: "I don't think I can conduct a rational conversation."

DLS: "Well, In other words, your mind is closed?"

Keefe: "No, my mind isn't closed, it's just not working in this direction."

DLS: "Well, what would it take to make it work in this direction?"

ERS: "We're just asking you to evaluate documentary evidence rather than self-serving statements."

Keefe: "I have no way that I can do that."

ERS: "You mean you're willing to report self-serving statements, but not documentary evidence."

Keefe: "I--"

ERS: "Documentary proofs don't mean anything to you?"

Keefe: "No, I didn't say that."

ERS: "Okay. If they do, we are going to invite you--"

Keefe: "[unintelligible] I really don't want to be insulted in this fashion and for that very reason I would not call Doris--"

DLS: "Insulted? How did I insult you by inviting you to sit down with us--"

Keefe: "By shrieking at me."

DLS: "Well, I truly apologize if you feel I shrieked at you. You must understand that--"

Keefe: "You have been doing that for more than ten minutes."

DLS: "No, well I have to tell you that since I read this article I have been suffering heart-palpitations, I have been trembling, I have been in pain, I have been in pain all the time, and you have caused me serious, serious pain in my heart."

Keefe: "I'm sorry for your troubles Mrs. Sassower, I cannot solve them."

DLS: "Well, Why don't you want to see the true facts and the documents so that I can prove to you that all that was necessary from the very beginning of that unfortunate case, as far as Mr. Landau was concerned, from the first moment that I heard from him, I offered him the entire files of Mrs. Breslaw with only a very minimal obligation--which is just ordinary practice insofar as attorneys' rights are concerned. There is an attorney's lien to retain a file until all charges are paid. I waived my charges. I was willing to turn over the files to Mr. Landau, even though there was no basis whatever for my discharge. All that had happened was that he had, he had persuaded Mrs. Breslaw who had never even given me any hint of the fact that she was going to discharge me or that she was dissatisfied with me. She simply--all that was necessary was that the experts who had trusted me, who had done work on my credit because they trusted me and knew that before I got ten cents on the case of my own, that they would be paid. And all I asked was that there be an agreement that they be paid at the end of the case. Do you think that was unfair?"

Keefe: "Well, it doesn't square with the other stories that

I've heard and I have no way of getting at that truth, nor do I think that's to the point right now."
[unintelligible]"

DLS: "Ms. Keefe, you say you have no way of getting at those facts. But, there is a way. I can give you documents, I can give you transcripts of the proceedings. Because the examiner who heard the initial case decided in my favor--that I had been discharged without cause and that Mrs. Breslaw had no right to refuse to pay the experts. And all that we were talking about was less than \$4,000 on a case involving millions of dollars. Do you realize how ridiculous it was that Judge Fredman made a mountain out of a molehill, out of nothing? I tried over and over to explain it. To satisfy the whole situation, I myself paid the \$4,000. To this date, even though she has received already hundreds of dollars, would you believe they have not paid that and they are trying to pretend that somehow she's some impecunious indigent that somehow she deserves some consideration because Judge Fredman described her as "poor Evelyn". It's the most ludicrous, laughable thing, if it weren't so tragic, that I lost my--. I am suspended after I devoted most of my professional life for women like her--"

Keefe: "I'm sorry for your troubles--but I can't--"

ERS: "You're not sorry for her troubles if you could print something like that without seeing that it was not defamatory and that there was some measure of truth to it. There's no measure of truth to it."

Keefe: "There is a great deal of truth in it."

DLS: "There's no truth. There's no truth at all. It's a lie straight. Not only is it a lie, it is, but she has to be shown to be the liar she is from beginning to end. Because she has blamed me--"

Keefe: "This is not going to be my crusade in life, you're going to have to take this up."

DLS: "I beg you pardon?"

Keefe: "This is not going to be my crusade in life."

DLS: "Well, it should be that you should try to rectify a terrible injustice that was done to a leader of the women's rights movement, that worked--"

Keefe: "I'm sorry that I don't see it that way."

DLS: "That's the trouble that I have been smeared, I have been smeared because of your newspaper's biased and reckless reporting that has characterized me in a false light that has made people believe something that is diametrically the opposite of what is true."

Keefe: "Why is nothing your fault?"

DLS: "What?"

Keefe: "Why is nothing your fault? Why is everything our fault?"

DLS: "Because you know your newspaper repeatedly was requested to give coverage so that the full story could be told. And that was refused. Now, that isn't--"

Keefe: "I think we've told the story."

DLS: "No you didn't. You told a biased story--"

Keefe: "I think we did."

DLS: "--with lies in it. And when I asked for a retraction, your publisher told me that if I didn't like it, I should buy my own newspaper."

Keefe: "Uh-huh. Freedom of the press is, I guess, available to those who own one."

ERS: "Well, how can we present the true facts."

Keefe: [unintelligible]

DLS: "Well, Ms. Keefe, that is not what I expect from a journalist who has any sense of responsibility."

ERS: "Could you please connect us with your editor?"

Keefe: "Thank you very much."

ERS: "Could you connect us with your editor, please?"

Keefe: "No."

ERS: "Why not?"

Keefe: "You can call the editor yourself."

ERS: "Would you please connect us."

DLS: "That's all right, I'll call ourselves."

ERS: "Give us the number please"

DLS: "Ms. Keefe."

Keefe hangs up.