

Telephone Conversation of

March 10, 2005

from

Edmund M. Reggie

to

Carl Bernofsky

Transcription Prepared by

Shirley Bernofsky and Carl Bernofsky

New Orleans, Louisiana

March 15, 2005

CB Hello. This is Carl Bernofsky speaking.

ER Dr. Bernofsky?

CB Yes, this is he speaking.

ER Dr. Bernofsky, I'm Judge Reggie. I live in Lafayette. I just recently moved from Crowley.

CB Uh-huh.

ER I pulled up my name last night on the Internet.

CB Yes.

ER I saw where you had written a lot of stuff about me that's not true.

CB Oh, really?

ER Yes sir.

CB Oh, please... please tell me uh... about that... about that then.

ER All right. Well, let me pull it up and we can go item by item. I don't know why you... why you did that to me. I know that you've got a problem with Tulane.

CB It was with Tulane, and I thought I was... y'know... finding everything that had been well documented. But I don't... I certainly don't want to have anything that... that's not true.

ER Well, let me just kinda go over a couple of things with you. I'm looking now at that green border. You know, the one you have up there called "Judge Edmund M. Reggie, Tulane Board Member."

CB Yes.

ER Now...

CB I'm doing this... I'm doing this from memory, but that's okay.

ER You want to pull it up... Let's pull it up... because it's important.

CB I don't, I don't... Oh gosh. I don't have... let's see, I don't have a phone by the... by the computer.

ER Well, let me just go through it.

CB Yeah, sure.

ER Give me a moment, please.

CB Sure, sure.

ER Uh... it says here, "In 1984 following the election of Edwin Edwards as Governor of Louisiana and the appointment of Edmund Reggie of Crowley to a seat on the Tulane Board of Administrators..." you link those as though they are together.

CB Okay. If I, I... I can't remember. I think that I may have been quoting that from a... from a publication.

ER Now I know of none that said that.

CB Okay.

ER Now, it is a fact, you know, that I am a friend of Edwin Edwards and we've been friends since 1949 when we both got out of law school.

CB Uh-huh.

ER But, uh, and I served in different capacities in the state, but you link my... you link his election to my being elected to the seat on the Tulane board.

CB I see.

ER And then you say, that the attorney general rendered an advisory opinion that Tulane was exempt from the payment of sales tax.

CB Yes.

ER That's true. Yes. That is true, Billy Guste did do that. His opinion is based on the provision of Act 43 of the legislature in 1884. That's true. That established Tu... (interference) (pause) Excuse me.

CB Yes, I'm here.

ER That established Tulane different from LSU. It gave... (pause) Hello?

CB Yes... yes, I'm here.

ER I don't know what that problem is.

CB Oh, I don't know. Do you have a cell phone?

ER The ruling gave (unintelligible) significant financial gain to the university.

CB Yes.

ER That's true. It meant that they didn't have to pay sales tax. The board expressed its appreciation to Judge Reggie for his help in presenting the matter. That's true. And for the concurrent increase in capitation grants to the state. That's not true. That's not true.

CB Oh (unintelligible)

ER The Billy Guste thing had nothing to do with capitation from the state.

CB Uh, Okay, I'll have to look at that because if I'm not...

ER All right, let's just go on, I just want to show you...

CB I think that information had been quoted in another source.

ER You went on to say that, so grateful was Tulane to Judge Reggie...

CB Yes.

ER ...for using his influence. What influence? There's a bad pejorative word there. I used no influence. I'm a lawyer, and I pointed out to the attorney general that Tulane by its charter from the state was entitled to no sales tax privilege.

CB Oh, I see, but you were involved with the... that decision then... by pointing out simply the facts of the case.

ER Exactly. I mean I'm a lawyer. I mean, I'm a board member. I.. I think it's my duty to do that.

CB Okay.

ER You put a bad connotation on that.

CB Well, I don't understand...

ER You said that I was... Listen to what you say here. This is a crime that you're, that you're alleging.

CB No...

ER So grateful was Tulane to Judge Reggie for using his influence, that it awarded 34 years of scholarships to members of his family.

CB Uh-huh.

ER Now that's not true. There were some scholarships, but it's not 34.

CB Well, that was reported by...

ER And Tulane (unintelligible) and those were (unintelligible) set by the law, doctor.

CB No. The scholarships were, um, a report from the Times-Picayune. There was...

ER I can't help what they say. I'm saying to you, it's not the authority, and if you would have called me I would have gotten you straight. You're holding me up to ridicule, public ridicule, and I don't like that. I'm giving you a good opportunity to get it straight. Please give me a few more moments.

CB Sure.

ER Thirty-four years is not correct. Tulane, by the statute creating Tulane, in 1884, afforded every member of the legislature one scholarship...

CB Yes.

ER ...plus the mayor of New Orleans, and a couple of ex-officio people, the governor. I did obtain for my children, or my children are awarded -- and I'm not running away from that whatsoever -- members of the state legislature from my district gave them those scholarships. You don't have a lot of children here going to Tulane from Acadia Parish. But you...

CB I see.

ER ...made it sound like Tulane was paying me. So grateful was Tulane to Judge Reggie for using his influence...

CB Uh-huh.

ER That my dear man is a crime, and I want you to straighten it out.

CB I see. I don't understand why that would be a crime.

ER Because then they would have paid me for some "influence" I had with a state agency.

CB I don't think that they... that they paid you to go ahead and do... do anything, but I do, but according to...

ER I'm going to read what you said.

CB Yeah. It said that Tulane must have been very grateful.

ER No, that's not what you said, they must have been. You said, "So grateful was Tulane to Judge Reggie..."

CB Yes.

ER ...for using his influence that it awarded 34 years of scholarships to his children."

CB Well, okay. Well, let me straighten... get one thing straight. The 34, I mean the 34 years of scholarships to the children were not correct?

ER No, sir. That's not correct.

CB And how can I find the correct number? That number was reported several times in the Times-Picayune, and you're saying that they're the ones that have it... that have it wrong.

ER Oh, I'm not saying anything. I'm looking at yours.

CB Yeah. Well, I'm just... I'm just reporting.

ER You're figuring I guess, one, two, three, four, five, six, seven of my children were there.

CB Well they were all... they were all listed in the newspaper. They were all listed in the newspaper that way.

ER You feel, that if something's in the newspaper you have the right to write a scurrilous, or scandalous, or libelous piece on me?

CB Uh... The...

ER You think it gets in the public domain to allow... to allow slander?

CB Well...

ER I don't want trouble with you doctor, I really don't. But I'm not going to take this. Either you're going to get it straight, take me out of there, or we're going to have litigation.

CB Well, um...

ER Now, I know you're angry at Tulane and you want to show Tulane in the worst light it can, you can, and that's between you and Tulane, but when you start saying that I'm paid for my influence, that I want you to know that that charges me with a crime and I'm not going to stand for that.

CB I... I will... I will definitely look at that again. But I am...

ER Why, why are you doing this to me?

CB I'm not... I have not...

ER Why did you put a blog? What am I to you? I never met you in my life. Why are you doing this? I gave Tulane 5.6 million dollars in stock, publically traded. You don't say that in here, do you?

CB I... I have never found that information. I have been looking...

ER It's not a public information. My wife and I don't go and put that on the... but you never called me to ask me. We never put that in the newspaper, sir.

CB Well, I use the newspaper as my source because the... the newspapers are supposed to check their... y'know... check their sources very carefully and if they put it in the newspaper I usually, uh, assume that...

ER Well, now...

CB ...I assume that is correct.

ER ...I here tell you that that's wrong. Are you going to change it?

CB Well if I can... if I can find that that is wrong...

ER Well, I'll tell you. If you keep it on here after today... Now, I'm a... I'm a very peaceable man. I'm 78 years old. I'm not going to have you saying that so to... so grateful was Tulane for his using his information that it awarded 34 years of scholarships.

CB Well, I will... I will look at that and...

ER You're going to use only what a newspaper reporter writes as your authority? First of all, what am I to you for you to put that blog up on me? I mean, are you... are you doing that against me or against Tulane?

CB Well, I, what I have been doing is... uh... is to show how Tulane uses... uses people to advance their own agenda and... and this...

ER But Tulane never used me, sir. (unintelligible)

CB Tulane uses everyone. Tulane uses...

ER I was selected as the distinguished alumnus of my law class, of the Tulane law school...

CB Well, that... that's...

ER ...in 1982. I tried my best. I mean, why are you putting me in this thing... to demonstrate that Tulane has some crooked deal and therefore you want to expose the crookedness of it? I'm telling you that this was done with the opinion of the Attorney General. I used no influence...

CB I, I see.

ER I used no influence. (unintelligible) you use that word and link it with my getting a reward is a federal crime, sir.

CB I see, I see. Well, I certainly didn't want to put it... have it...

ER I don't think you really did. I really don't think meant to put something that was untrue about me.

CB No, no.

ER I think that you originally thought that if you read it, it must be true.

CB Uh, yes, yes. And so... y'know... my complaint would be with the Times-Picayune. I have in the past... uh, been in... contacted them with certain things that, uh, that I thought may not have been quite, quite right and they have straightened that out. But, as far as I

know, that everything else that I have gotten from the papers has more or less than been valid. But I... y'know... I...

ER But sir, we're not dealing with more or less, and frankly I don't really care about what you write about everybody else. You've written some terribly, terribly scurrilous and slanderous things...

CB Well, I...

ER (unintelligible)

CB Well, I didn't see that your calling this... y'know... slanderous and scurrilous.

ER Yes I am.

CB Okay, I really didn't see it in that light.

ER I'm sure you didn't. I'm sure you felt that if you read it in the newspaper, it had to be true, and therefore this was going to clothe you with immunity from libels, lawsuits.

CB Uh, huh. Well...

ER I believe you really did, I don't think you had malice against me. You don't know me.

CB No, I don't really know you, no. I have...

ER But, I think if you don't straighten it out you'll show malice.

CB Yeah, uh...

ER I think once you're put on notice, I think you have to either prove what you're saying, or I'm going to prove malice against you....

CB Yeah

ER ...by continuing to use something that I am telling you now is not true.

CB Well, can you, can you help me with the...

ER I'll be glad to do whatever - hold on please (voice in the background). I'll be glad to get this thing straight because what you have is not true.

CB Okay. Well, you don't like the interpretation, but the...

ER No, sir. That's not interpretation. Listen what you said, "So grateful was Tulane to Judge Reggie." You linked...

CB Yes.

ER ...my, my contacting the Attorney General of Louisiana.

CB Yes.

ER There was no influence. Every lawyer in the state can do that.

CB Okay.

ER That's the way. They, they... there are opinions asked of the Attorney General by mayors, and sheriffs, and councilman, and countless people. They are bound every year in books.

CB Well, I don't know... I don't know how many they actually conferred with to come to their decision, but can you, can you...

ER Wait, wait, sir. You're being argumentative with me and I'm trying to get it straight with you.

CB Yeah.

ER For you to tell me you don't know how many opinions are asked...

CB No, no, no, no you...

ER Don't you think that that's (unintelligible) what we're talking about.

CB No, well you just got done telling me that the Attorney General...

ER I'm telling you that (unintelligible) the Attorney (unintelligible) influence, sir. Now if you don't want to believe that, you don't have to, but I'm saying to you, there was no influence. I exercised my legal right under the Constitution to ask an opinion of the Attorney General...

CB Yes.

ER ...and you they say, "So grateful was Tulane that it awarded 34 years of scholarships."

CB Well, how many...

ER Now, that's a lie.

CB Well, how many years of scholarships...

ER No, No. That's not what we're talking about. My children did get some scholarships. They didn't total 34. It's more like half of that.

CB Yeah, okay.

ER And they're each one... none was granted ipso facto on its own motion by Tulane University. Each one was on the nomination of a member of the state legislature...

CB Yes, I under...

ER ...as granted rights to them in the act in which Tulane became the private university and divested from LSU in 1884.

CB Oh, I understand that. I understand all of that. I know how the scholarships are... are awarded.

ER Well, why are you linking, why are you trying to hold me to ridicule, sir?

CB Well, I'm not trying to hold you to ridicule. That is your interpretation of, of... you know... of the information that I put on there.

ER (Unintelligible) This is the last time I'm going to ask you this. I'm not going to ask you this again. What did you mean that Tulane was grateful to me for using my influence?

CB Well, uh, what was the reason, uh, that, that...

ER No sir. Don't ask me with a question, answer me with an answer and I'll then answer your question.

CB Well, Tulane needed to reaffirm its tax-free status, and...

ER Of course not...

CB And this...

ER ...it had nothing to do with it. Of course not.

CB So what... what was the purpose of that... that reaffirmation?

ER It was to exempt them from the payment of sales tax and use tax.

CB Yeah, well, that... that's a tax-free status, isn't it?

ER Yes. It wasn't to reaffirm it -- it's been in there since 1884.

CB So then, I don't understand the purpose of the... y'know... of that Attorney General's opinion. If its already in the law, it was already in the law.

ER Don't you understand, sir, that the opinions of the attorney generals must be based on existing law and cannot make law.

CB Yeah, but who, who asked for his opinion? It was already in the law.

ER (Laughter) You insisting on this. I'm gonna pass now. But, I'll put you on notice here, do you understand?

CB I, I think I...

ER Now, I want to tell you this, sir, I am making a tape of our conversation.

CB Okay.

ER Which I am legally entitled to do.

CB Okay.

ER Now, I have put you on notice that there was no gratitude by Tulane to me and positively I never used my influence.

CB Okay, Okay. So... Well, I would say that... that any lawyer in the state that had contacted the... the attorney general in order to offer his or her opinion about... about this piece would have... would have attempted to... uh... to influence what the attorney general ever said.

ER No, that's not the way the law works. But if that's you going to continue with that... I'm going to pass it now, sir. I'm going to leave it. You're arguing with it to prove that you are right that I had used influence. If I go to court and get a judgment, that's not using influence, it's the judge using the law. Now, I'm going to point out some others to you and if you are patient with me, I'm going to point out where your errors are.

CB Okay.

ER Thirty-four years is wrong.

CB Well, how do I get the right figure? Those figures came from Tulane.

ER They have the records. That's right.

CB The... and the records... the records that I saw were...

ER No sir, you did not see that at Tulane.

CB No, I didn't see it from Tulane, but the records that I saw... that were published in Times-Picayune...

ER I want to say to you, sir, that if you saw that, it was wrong. And if you continue to publish the wrong, you are showing malice.

CB Well...

ER Let's move on to the next one.

CB Well, it's... wait a minute. Before you go on, if the Times-Picayune actually published those incorrect figures, why don't you go after the Times-Picayune and tell them that they got it wrong.

ER They're not posting the blog, and I want you to take that blog off.

CB What's the difference between... between a blog and a published paper.

ER Oh, I don't have to... (unintelligible) Come on, I don't have to give you that explanation.

CB Well, I don't see the difference.

ER If, if three people shoot a gun or they hurt me, I don't have to shoot all... I don't have to sue all three.

CB No. I... I would say that the publish... I would say that the publication... It would be...

ER You, you use that as the defense. Go ahead, use it as the defense.

CB It's not (unintelligible)

ER I'm not going to teach you what the law is. I've gone as far as I want to go on that point.

CB Okay.

ER Now, you say that the federal government sued me for 40 million dollars.

CB No, I didn't say that. It was the... the newspaper article that I took that information from that said that.

ER No. I'm reading what you said. No, sir, I'm reading what you say. You keep telling me about the newspaper...

CB And that's where I get the information.

ER I don't care about the newspaper.

CB Well, that's where I...

ER I don't care... You can't force me to hold somebody else responsible for this blog. This is your blog. You have to live with it, and if you want to keep it up, you have to stand the responsibility for the slander -- for the libel that you committed.

CB Well, I... I am not slandering anyone. I am simply...

ER Well, that's what you say. Let the court decide if this is...

CB ...putting... I am putting...

ER Listen to what you say here...

CB ...the information comes from the newspaper.

ER The Federal Deposit Insurance Corporation had sought 40 million dollars from Reggie. Where did that happen?

CB I have a reference there. I would never have said that without the reference, without taking that directly from a reference.

ER I'm saying to you that that's not true. And you did not say the rest of the sentence, which proves malice. They didn't get a nickel out of any demand, and the demand was not made on me personally, it was made on the directors of an institution.

CB Uh-huh.

ER You didn't say that in there, did you?

CB Well, I said only what was in the papers.

ER Oh no, you didn't. No, no you can't use that there. The papers listed every one of the directors.

CB I... I don't...

ER No, no sir. That's not right.

CB I will re...

ER You can't say that. You can't do it one way, one way and then one way another way.

CB Uh-huh.

ER It's got to be one way, all the way.

CB Okay.

ER I'm saying to you that that's wrong, it's a lie.

CB Okay.

ER It doesn't explain the full truth.

CB Okay.

ER Now, let's look at the next thing. "For his role in defrauding investors..." You didn't say that I didn't receive a nickel, did you? You didn't say, and the papers said that. And the judge said that in his sentence. That I never received a nickel...

CB Uh-huh.

ER ...not a dime out of this transaction. Now, why didn't you say that doctor?

CB Um...

ER The paper said that.

CB Well, I just... I have to...

ER The judge said it in open court and read it in his... and it's in the open court, it's in the court.

CB He may have said that in open court, but that's not what was reported. I reported...

ER It's not what was recorded?

CB No, no, no...

ER It's not what was recorded?

CB No, no, no. Reported. Reported. It was not reported in the sources that I saw. I tried to get all of the sources...

ER Now, wait a minute. Let me ask you, am I wasting my time with you?

CB Uh, no, no because...

ER If I'm wasting my time, look... you busy, I'm busy, there's no need in our fooling around.

CB No, I...

ER If you on every point, you gonna say well that the newspaper said that.

CB Yes, well, this is my source of information.

ER And I'm telling you that this is a lie, and I'm the party of interest...

CB Well...

ER ...and not the newspaper. Now, I'm saying to you it is a lie. Now, watch what you said, "For his role in defrauding investors in the state..." What did I defraud the state from?

CB Well, there was a question of a savings and loan that went... that went belly-up...

ER And the state had the responsibility and it paid for it?

CB ...and, well someone paid for it.

ER You said the state.

CB Well, I...

ER Now, let me just tell you this, doctor...

CB I don't... Look...

ER ...let me just show you how unfair you are. I have served the state in more capacities and spent more time without compensation or expenses of any kind than any other person in the state of Louisiana's history. Did you just hear what I said?

CB Um-hm.

ER And you think that you doing me justice here?

CB Well, I've...

ER You've said I defrauded...

CB Listen, Judge Reggie. I'm not your biographer. If you want me to be your biographer, uh, that is an entirely different... different kind of thing.

ER You think you can publish as you see fit, if you're not called my biographer?

CB Uh, my sources...

ER Do you know what the law of libel is? Have you looked into it?

CB I'm not trying to libel anyone. I am merely, simply transmitting information from point A to point B.

ER Well, sir, if you're not going to make a difference, that's fine. I have told you all I can tell you about this, and that's all I can tell you.

CB Well...

ER Let's go to the next point. This is a major point. "Among the mitigating circumstances of Reggie's sentence were his close ties to prominent political figures that included President and Mrs. John Kennedy, President and Mrs. Bill Clinton, and Massachusetts Senator Edward Kennedy." Now, let's stop there.

CB Okay.

ER What newspaper said that the mitigating circumstances of my sentence were due to political friendships that I have?

CB Oh, well, did you not have those political friendships?

ER Of course! You say it was a mitigating circumstance that the judge chose because of my friends... because the judge chose because of my friends...

CB Yes...

ER ...to put a light sentence on me. Not that the merits of the case called for a light sentence. It was friendships, it was political influence.

CB I see.

ER And that you never read anywhere.

CB And you're, you're saying that that had no effect on the judgment?

ER Well, if you think it did, you go hold the judge in a federal crime on that.

CB Okay, okay.

ER The judge would have committed a federal crime.

CB (Laughter)

ER And I would have been involved in it. You've been very reckless with the truth.

CB Okay.

ER You're mad at Tulane and then you take it out on people like me. But I'm not finished yet, and if you're patient, I'll go on and show you the rest.

CB Okay, sure, sure.

ER What did my case have to do in the next sentence? “In 1992 Senator Kennedy and Reggie’s daughter, Victoria, a Washington DC lawyer at the time, were married on the 4th day of July at the Kennedy’s home in McLean, Virginia, both for the second time.” I want to ask you, what does that have to do with the mitigating cases of that paragraph?

CB Well, this is... I don’t understand what you’re getting at. These are simply...

ER Why did you put that sentence in there?

CB Because these are facts that relate to your relationship with... y’know... with Senator Kennedy.

ER That the judge mitigated my circumstances in my sentence because Ted Kennedy is married to Vickie. Is that what you’re saying?

CB That’s not what I’m saying, but if... if you want to interpret it that way, you are free to do that.

ER You’re saying that I’m free to conclude that the judge mitigated my sentence because my daughter is married to Senator Kennedy? You said, from what you wrote here, I’m free to draw that conclusion.

CB Of course, you’re free to draw any conclusion you want. What I have... I set forth...

ER I have a right to conclude that?

CB Of course, you have a right to conclude that.

ER Thank you! Thank you! That’s what I want to hear you say.

CB You have a right...

ER Thank you! Now, you said, “Despite his connections...” what does that mean “Despite his connections?”

CB Look, I don’t understand what you’re... what you’re really, getting at here. Um...

ER You say...

CB I have reported merely what was reported in the press.

ER You’re so filled with venom, doctor, that you don’t see anything. Listen what you said. “Despite my connection...”

CB Yes.

ER “Reggie continued to be dogged by his past financial indiscretions” Which financial indiscretion did I ever have, sir?

CB Well...

ER And what paper said I had financial indiscretions?

CB There were... All of this information has come from the Baton Rouge Advocate, and it’s all in there.

ER No, sir, it is not true. It is not in there.

CB Well...

ER It is not in there. Now here’s the other reason that it shows malice on your part. I never had a financial indiscretion. You didn’t say two very important things. That when the... when I was being quote dogged in a federal lawsuit for \$819,424 dollars, I had already received the judgment of the United States Tax Court nine years before, and that the case was dismissed. Why didn’t you say that? Don’t you think those are important things? If I wrote such things about you, don’t you think I should, at least, put the whole story?

CB Well...

ER In that public record, is the statement that the United States Tax Court -- I sought their opinion before I made the transaction -- before I made the transaction. I have a judgment of the United States Tax Court saying that the procedure I had proposed to follow was legal and correct, and I followed it, and the case was dismissed. Why didn’t you say that? Are you trying to hurt me because of my association with Tulane?

CB No, no, there is nothing... nothing like that. You are searching and looking into things that... searching for things that were really never intended, number one. Number two, um, the... if it were my intention to review the entire case I would not have been able to do this based on newspaper articles alone. The information that was available to me is what I relied on. Now, if there is other information that you want me to see and write about, um... I’d be happy to look into it. But you have to... you have to...

ER But I’m saying that what you wrote here is a half-truth, and a half-truth is a lie, and a lie is libel.

CB Well, I disagree with all of that. A half-truth is nothing more than a half-truth and not necessarily libel, especially if it’s a half-truth.

ER You really know a lot of law that I never learned.

CB (laughs)

ER You must have really studied it. (unintelligible)

CB You know that I'm not a lawyer.

ER You sure been really giving me some law that's wrong today. Now, let's look at the next... (unintelligible)

CB I'm not trying to do anything having to do with the law. Merely reporting facts and...

ER If you think that you can keep that thing up, you're sadly mistaken because I'm going to sue you badly. Listen, let's go on to the next thing. "Judge Reggie's close friend from Crowley was Governor Edwin Edwards..." That's true. "...a master of political subterfuge." What do you know about his subterfuge? He had one conviction in his life.

CB I'll have to tell you that those words came from another source, from another author who was much more...

ER You think that when somebody... Let me ask you something. Are you really of the opinion that if somebody slanders somebody or libels somebody, that exonerates anybody else after that who continues the lie even though they're told it's not true?

CB Well, they are the ones that... that bear the brunt of... of any criticism.

ER What did you mean about "Birds of a Feather?"

CB Oh. Well, what are you trying to read into all of this? Why do you asking me what I would read...

ER Only what a reasonable man would read. One that's not got a burden to carry.

CB You can... you can read into this whatever... whatever you want and other people will read into it whatever... whatever they want.

ER Well, you hope so.

CB I mean...

ER You sure hope so.

CB I mean, I...

ER Why you got... Well, let's... let's get down to the final. I'm not... I don't want to take too much more of your time. Are you going to take this blog off?

CB Well, I will seriously... The first thing I am going to do is review it and make any changes that I think need to be made.

ER When are you going to do that?

CB Well, I... I don't see that I have to give you... I mean you're making a demand and threatening me and saying to take this entire thing off and I'm saying that...

ER No command. No command.

CB what... pardon me?

ER No command.

CB You're making... you're making a demand (emphasized).

ER Yes, absolutely a demand. You're right on that.

CB Right. And I'm saying that I have merely put together information that was in the public... public arena that I've gotten from sources that I had no reason to dispute. You don't like the way that...

ER No, No. No, No. I don't care the way. That makes no difference to me. The way you do things, that's left up to you. But when you say something that's not true... Well, first of all, let me just ask you this, maybe we could cut right across and get this thing straight. Do you believe that there is such a thing as libel law?

CB Of... of course there is. But I have not tried to libel anyone.

ER I'm not saying whether you tried. I'm not talking to you about tried. I'm talking about do you believe in libel law?

CB Well, I believe that there is such a thing.

ER Well, what is a libel law?

CB Uh... I'm not a lawyer. Why are you asking me?

ER (unintelligible) in your estimation.

CB You are a judge.

ER Yes, sir, I am and if there's anything I believe so is what I'm talking about.

CB (laughter) Right. So you can't ask me. What I am... I view myself as... more of a reporter as anything else and my major concern is to make sure that, to the best of my ability, that anything that I disseminate is true... is not... I mean is based on some fact that I can prove or show.

ER Let me ask you. Why are you...

CB Pardon me?

ER Why are you doing this?

CB What is... what is this?

ER You don't know what we're talking about?

CB Well...

ER Gee... Wait a minute. You don't know what we are talking about?

CB You mean, what am I... I'm not sure what you are referring to.

ER Why did you put up a blog? You know, that's the last thing I would do about somebody.

CB You mean, you mean your particular...

ER I would never think about doing this. For whatever reason Tulane separated you or you separated or however that happened. Let's say, I get that and start making public all kinds of public things against you, wouldn't you say that, that... that's a little off base?

CB Um... People have already done this about me. They have said horrible things about me.

ER No sir. Have I ever had your name mentioned?

CB Not you, but other people have done this. And they have...

ER But why are you doing this to me?

CB I'm not doing anything to you.

ER Why are... Okay, all right. Okay, you got a good one there.

CB I mean...

ER Why are you writing this about Edmund... (long pause during tape change)

CB ...possible, and this is an example... another example... yours was simply another example of how Tulane has attempted to use influence through judges for their own benefit.

ER Sir, are you really... are you really gone so far that you believe that those professors, that those supreme court judges who teach in a law school are being corrupted -- United States supreme court judges, whose expenses are paid to Greece, or to England, or to France to teach law students, and they receive no compensation -- do you believe that the chief justice of the United States Supreme Court has been corrupted in 1995, 1997, and 2004 so Tulane can get some advantage?

CB Well, what I believe is... is unimportant. The important thing to me is that...

ER Why is that unimportant. Wait, stop!

CB is that... is that.. is that...

ER No, wait. Stop. Why is that unimportant?

CB This is a policy that Tulane has been following, and I think it is very important for people understand that...

ER Boy, you're eaten up with it aren't you?

CB that... that... that Tulane...

ER You are really eaten up with hatred, huh?

CB Against Tulane?

ER You don't care who you hurt. You are so eaten up with hatred. What did Tulane do to you? Do you mind telling me?

CB I don't... I don't need to discuss this with you now. What Tulane did to me was unconscionable, but I'm not about to get...

ER But, sir, what did... what did the chief justice of the United States Supreme Court have when you say that they're... they're... they're being corrupted in Tulane's foreign travel about judges in court that...

CB I never said that they were being corrupted.

ER ...serve Tulane in federal matters.

CB I never said that they were corrupted. I did say that Tulane does follow a policy of trying to... to get judges to come here, and to pay judges to go places abroad...

ER How old are you? How old are you?

CB I'm 72.

ER How much?

CB 72.

ER Well, I've got you beat by 6.

CB So, I've been around the block a few times myself.

ER I'm sure.

CB (laughter)

ER Why, why... what happened at Tulane? They separated you or what?

CB I really... I really do not... It's... it is so complicated that I do not want to get... talk about it, but I do outline some of the... some of what Tulane did on my Web site.

ER You mean the Judge Berrigan thing paragraph? Where you talk about Judge Berrigan?

CB Well, she was part of it.

ER Do you think... Let me ask you this. Do you think she's under the influence of Tulane?

CB Yes, I do... I do. And the reason is... and the main reason was that they lied to her, and she believed their lies and dismissed my case based on those... on those beliefs without giving us a chance to go to trial to show that those things were lies.

ER Now, how about Justice Rehnquist? You think that he has done something that helps Tulane in return for being on their faculty.

CB Well, I mean... This has nothing to do with me or anything now. I... I understand why you called, you were concerned about negative connotation about some of the things that I've written about you. My main... my main concern is to make sure that everything is truthful to the best of my ability.

ER Will you please take off that blog?

CB I will look at it and alter it as I see... as I see fit. But, you know, as far as interpretation is concerned, well my main concern has to be with the facts of anything I put on there. If those facts are not...

ER Let me ask you this. Have you become some kind of a public journalist? What is this that you have to put up on a public blog? What... what is the motive of it?

CB Well, it's not a blog. What I'm trying to do is to understand why Tulane does certain things to certain people and how they get away with it.

ER Well, do you think Tulane did something to me?

CB I don't think Tulane (laughter) did something to you; you did something for Tulane.
(laughter)

ER No to, not for.

CB (laughter)

ER I think as a director, as a member of the Board of Administrators, I believe I'm supposed to do things for them.

CB That's, that's right.

ER You never mentioned in there, though, that, uh, my wife and I contributed 5.6 million dollars to...

CB My wife and I and our family have contributed enormous amounts, a great portion of our lives to Tulane...

ER I don't deny that. (unintelligible) I haven't written anything...

CB ...that's totally immaterial.

ER I haven't written anything. It's immaterial? What?

CB What we have given to Tulane is immaterial.

ER But, what I've given isn't immaterial because you're attacking me.

CB Well, but I'm not attacking you.

ER Doctor, you're far gone. Doctor...

CB You feel like... like you're being attacked. This is your... I mean, you're entitled to your opinion. I was not intending to attack you. I was intending to show how Tulane tries to gain influence through politicians and through people in the judiciary which... you and I both know that this happens... this does happen. It occurs because the evidence...

ER No, sir, I don't know that.

CB Well, the evidence is everywhere.

ER Well, I'm sorry, but I don't know what you just said.

CB This is what I'm trying...

ER If you think I think that Steve Breyer, who's a good friend of mine on the supreme court... do you think that he goes and teaches Tulane law students is being swayed, ruled for Tulane because of that.

CB Well, I'm sure that it doesn't anger him.

ER It what?

CB It certainly doesn't anger him. I'm sure he must be very pleased at the chance to meet law students and to share his experiences. I mean, this is very valuable for the students. And, it also value... helps... helps Tulane as well.

ER When are you going to change that blog on me?

CB Well, as soon as I...

ER On Tulane, that's left up to between you and Tulane. But what's on me -- I've pointed out to you clearly what I want out that blog.

CB Well, I will... I will look at it and... I will look at it at my first available opportunity and see what needs to be... what needs to be changed. And I, and I... if you will leave me your phone number I may need to call you... y'know... with regard to specific... get more specific information because I may want to...

ER Specific information on what?

CB Well, I want to make sure that anything I put on there is going to be correct.

ER Let me say something to you. I'm 78 years old, man. I'm retired. I'm out of the arena. I'm living whatever life I had left. I just had cancer surgery. Just got home Thursday from Boston, from surgery... cancer...

CB Uh-huh.

ER I'm not looking for any problems. I don't want to sue you, man. I just want peace.

CB (sympathetic laugh)

ER I don't want you, because you're mad at Tulane to start all this bullshit about me and all these inferences about me. I... I just can't believe it.

CB Um-hm, yeah. Well, I'll tell you, I'm going to... I understand where you're coming from, and I understand what it is that you want, and I will... I will try to look into it. And I.. no, I will look into it, and I will... y'know... make whatever changes I think need to... need to be made, and ...

ER Now, let me ask you something.

CB But I... I...

ER I'm, I wanna ask you this. I'm a Lebanese by heritage. My parents immigrated here from Lebanon. In 1920, I was born in this country.

CB I thought... I thought it was Syria. I thought your grand...

ER Are you... are you... I know that you said in some of your stuff that you've written, that Tulane is anti-Semitic or jumped on you because you're a Jew.

CB Ahh...

ER Do you believe that the fact that I am Lebanese has something to do with your putting this thing on me like you did.

CB No, no. No, not at all. I had no idea that you were Lebanese.

ER I am and its very well known. I just wanted to make sure because I'm trying to find a reason why you would put all this scurrilous stuff about me on a blog, on the Internet. What is it to you, even if those are truthful things, which they are not.

CB (laughter)

ER What is it to you that you would spend your time writing this kind of stuff about anybody?

CB Well, it's because I'm trying to get down to the basis... um... the source of why Tulane does some of the things it does. And this is an investigation. What I'm doing is an historical investigation...

ER You have every right in the world to investigate any fact, but to put them up in half-truths and outright lies is certainly unfair to me as a fellow human being.

CB That's right. I'm not... I mean, I don't want to have anything on my site that can be... that can be cited as a lie, and I'll tell you why. Because it... because it's going to ruin... it will ruin my credibility with anything else.

ER Well, I'm telling you, sir, that I'm not threatening you. I'm asking you to get this thing off.

CB But, you are threatening me. You just...

ER But, I am saying to you, that if you don't put it off, I'm going to sue your ass.

CB ...you just got done saying to me...

ER Yes, that's exactly what I'm saying.

CB That's... that's not a threat?

ER Oh, no. It's a promise.

CB (laughter)

ER There's a big difference between a threat and a promise.

CB Oh, really?

ER Of course.

CB I would love to hear you explain the difference. (laughter)

ER Well, you said to me a while ago, you would try to get this thing done... this investigation.

CB Right.

ER Is that a promise or a threat?

CB That's not a threat. I've been working on this for years.

ER When did you have your trouble with Tulane?

CB That was back in '95.

ER 1995.

CB Um-hm.

ER I was long gone before then.

CB Yeah. Well, I'll tell you. It... it made me so sick that I lost a couple of years with terrible cancer myself.

ER Well, I deeply regret it.

CB And so... I mean... so when you say that you came back from, cancer therapy, I... I know exactly what, what you went through. I went through it for over a year: surgery, chemotherapy, radiation. It was just... just awful. It was just awful. After all I had done... done for them, they just came along and bang, just... like that. So... I mean... so it... it became important for me... to try...

ER What did you teach at Tulane?

CB Biochemistry... Biochemistry.

ER I see. Oh, you're a Ph.D. doctor.

CB Yeah, yeah.

ER I see.

CB But... but it was important for me to try to understand the nature of the beast. How and why they... they ever did something like this to me and to others, and get away with it so easily.

ER Well... well, let me just say this...

CB I mean, they have enormous amounts of influence.

ER I'm not in any conspiracy with Tulane to do anything. I was a director of...

CB I never said you were in a conspiracy... it's terrible. That was never... y'know... I'd never even want to imply anything that.

ER Well, I've gone over this thing with you and I don't want to go over it again.

CB I mean, you've done so much to help them. I mean...

ER I want you to read it and see if you see any inferences there of wrongdoing on my part.

CB Okay.

ER You know, in my entire life I had that conviction, and, of course, it's a deep, deep hurt in my life. I never had any, any, not even a... not even a speeding ticket in my whole life.

CB Um-hm. Yeah.

ER And you have just hurt me desperately.

CB Okay. I'm... I'm really deeply sorry about that. I mean... this is... this is really horrible for me to hear this. I will... I will look into this and... and change whatever... and change whatever... but I still, um, have a certain right...

ER If you take the blog off, I'm finished. You can keep whatever you want with Tulane. That's between you and Tulane.

CB Well...

ER But, if you take the blog off of me, then you and I are square, but if you don't I'm gonna have to do something to get you to do it and... and I'm gonna sue you.

CB Yeah.

ER And I don't want to do that. At my age, I don't want litigation with anybody.

CB Well, there are... there are other... other concerns. First of all, if there's anything... I want to get anything off there that... that is wrong. But, if...

ER I pointed out what's wrong.

CB Yeah, okay.

ER As far as it concerns me.

CB Yeah.

ER I think you have. I really believe in your anger, you've gone too far on Tulane. But, that's between you and Tulane.

CB Um-hm.

ER That's between you and Tulane. I'm not here...

CB I'm waiting for them to tell me to take it off.

ER (unintelligible)

CB They haven't told me to take it off yet. The only thing I've ever gotten from them was that there were one or two facts that were wrong. I corrected them right away and that was the end of it.

ER No, no. I'm not talking about Tulane. I mean that's left up to you and Tulane.

CB Well, yeah I'm telling you that Tulane's not telling me to... to take it off.

ER No, but I'm telling you. Just for me. They weren't pleading my case, I'm sure. I didn't know about this until last night.

CB Um-hm. Yeah. I will...

ER I didn't know... I didn't know. I just happened to punch my name up.

CB Uh-huh.

ER Then I see all of this, this venom, this vomiting all over me.

CB Well, okay. I've not intended to vomit on you. That's... that's a horrible thing...

ER I pointed out how you have.

CB It's a horrible thing....

ER If you take it off, you won't have any problem with me.

CB Yeah. Well...

ER If you don't, you're going to have big problems with me.

CB I... I will look at it and...

ER I appreciate your looking at it.

CB I will look at it. I will look after... I will look after...

ER Will you call me and let me know what you're doing?

CB Can you give me... can you give me your number so I can...

ER Of course. I'm in Lafayette at 337...

CB 337

ER 267...

CB 267

ER 9128...

CB 9128.

ER And let me hear from you, please?

CB You're in Lafayette?

ER Yes, I am.

CB Okay, okay. And I can call you then at any time?

ER Any time.

CB Okay. Thank you so very much for calling.

ER Thank you very much.

CB Okay. Take care now. Bye-bye.