

TRANSCRIPT OF INTERVIEW WITH DAN BARTON
Wednesday, July 18, 2018

Participants:

Dan Barton, Kingston Times
Eric F. Coppolino
Ellen Dockery

Transcript begins at 00:00:30.

00:00:30 COPPOLINO So you guys are doing a story.

BARTON Yep.

COPPOLINO What's your headline?

BARTON Bad Moon Rising.

COPPOLINO What does that mean?

BARTON Part 1...

COPPOLINO You mean, Eric Coppolino did bad things and got fired?

BARTON It could be interpreted that way.

COPPOLINO Could be interpreted that way? I see. Well, I see from the questions, I see – I see the general heading. Are – are you oblivious to the – to the fact that I'm bringing employment discrimination actions?

BARTON No, we are not.

COPPOLINO So you're presuming those to be in some way a cover story? That I'm - I'm covering...

BARTON I would not say that.

COPPOLINO Are – are you aware – like, are you aware this has all been orchestrated political payback for this article?

BARTON Your interpretation of that is included in the story.

COPPOLINO I see. It's pretty ironclad. There's - there was no, no discussion anywhere of anything remotely resembling this, prior to this article appearing, and then Julie Novak announcing, on April 4 – announcing that she was posting a letter in direct response and reaction to this.

BARTON Yeah. That's in our story.

COPPOLINO Saying that – all right. So I've read – I've read these questions over. If I were – your headline, Bad Moon Rising – because I'm an astrologer. Have you – have you read – have you checked the AP stylebook? Have you reread the section on libel?

BARTON No.

COPPOLINO No, not lately. I'll refresh your memory.

BARTON That's a Geddy [Sveikauskas, Barton's boss]-level decision.

COPPOLINO Nah. Are you saying this – this is coming from Geddy?

BARTON I don't know what I'm saying. I – you know – I feel bad about this in some ways, you know, because obviously this is a monkey wrench that's going to be thrown into our friendship. I feel bad about that.

COPPOLINO It's your friendship or your corporation's business activities? You saying...?

BARTON That's where – that's where it's a Geddy-level decision and Geddy is not particularly afraid of litigation.

COPPOLINO All right. Well, you may be – you – you and your author may be, also – since you're involved in the gross irresponsibility required by New York State libel law...

BARTON I don't think our article is grossly irresponsible.

COPPOLINO Depends. I'm – you are aware that I'm a private person, right?

BARTON That's an interesting question.

COPPOLINO No, it's not. Tell me your definition of a private person.

BARTON No – I think – I think that's a question that's up to a legal authority to decide.

COPPOLINO Well, tell me your definition of a private person. Not a public person. The law defines it as 'not a public person'. So what's a public person?

BARTON Eric, there is nothing that you can say that will stop this

story from being published.

COPPOLINO I'm – I'm not planning on stopping it.

BARTON If you want to make me feel bad about the story, I – I already do feel kind of bad about it.

COPPOLINO Why would you possibly feel bad if it's an accurate, truthful and honest representation?

BARTON Because it's going to cause you some pain.

COPPOLINO Is there more in it than this? So why – you haven't confronted me with those other allegations? You're saying there's things appearing in the story that you're not telling me about?

BARTON We used what you wrote on Facebook, your complaint that you gave to us.

00:05:00

COPPOLINO That was all in the background, and was not – let me, let me give you some headlines from these questions. "Witnesses say Eric Francis respects age of consent." I see the age 18 referenced here several times, right?

BARTON Age of consent in New York is 17, technically.

COPPOLINO Yeah, well. I would say 18 would be - "Romantic predator says 'please, thank you', sends love poems." "Breaking news: Eric Francis into oral sex." "Lazy stalker only works in establishments of close friends, 100 feet from home." "Women think of sex when they see author who writes articles about sex." "Person from city exceeds fun quotient in uptown Kingston." "Eric Francis run out of New Paltz while living in Germany." "Nasty psychotic bitch claims Eric Francis wants to fuck her."

BARTON That's probably not a headline we would go with.

COPPOLINO Sounds like it. From this, it sounds like it. "Sex-starved spinsters gang up on bisexual astrologer." So, public person. What's your definition of a public person?

BARTON I don't know.

COPPOLINO Come on. You've read *Times v. Sullivan*?

BARTON Yeah, I have.

COPPOLINO You've read the AP stylebook.

BARTON Sure.

COPPOLINO You've read the libel part. So a public person is someone like Trump or Gillibrand, or maybe [...]

BARTON What about a celebrity?

COPPOLINO Then there's a special purpose public person.

BARTON What about someone who seeks status as a celebrity?

COPPOLINO I don't seek status as a celebrity. I'm an author. I'm not a celebrity.

BARTON That kind of contradicts what you write in your complaint to the Human Rights Commission.

COPPOLINO I'm – I'm renowned as an author, but I didn't say – I never said 'celebrity'. But let's keep going. There's two definitions under libel law. Listen, Dan, you – you should know this because you – you don't know that Geddy's going to stand behind you. You don't know that.

BARTON I do know that, dude.

COPPOLINO That he is going to?

BARTON Yes.

COPPOLINO Well, I've known Geddy longer than you. A lot longer. Okay. There's two definitions of public person. A Trump, senator, and then a special interest public person, such as a scientist who weighs in on an important issue in an attempt to change the issue. In writing a column, that is one of a series of 265 columns, pretty much like any other, I'm not seeking to do anything except file my column that month. I didn't weigh in on this to change the issue. I weighed in on it because it is in my coverage area of sex. You're – you're aware that I'm a sex author?

BARTON I am aware of that, yes.

COPPOLINO I'm wondering why none of these questions mention that.

BARTON You're going to have to ask Jesse that. That's his voice.

COPPOLINO I'll tell you why. Because you seek only to discredit me.

BARTON No, we do not.

COPPOLINO Sure you do. If you had said – if you had sought to do otherwise, you would have said: “We have heard you say something like your entire sexuality has been supervised since 1992.” Are you aware of that fact?

BARTON I am not aware of that.

COPPOLINO Well, I'm a tantric student. And that means that my entire sexuality is supervised and documented.

BARTON Okay.

COPPOLINO Can you imagine what it's like to have your entire sexual life supervised and documented?

BARTON I cannot.

COPPOLINO Well, I will tell you now that my sexuality, my means of transaction, is supervised and documented, and that I am a teacher on the sex circuit nationally and a student internationally.

BARTON Right.

COPPOLINO Have you looked into any of that?

BARTON I think Jesse has, yeah.

COPPOLINO Okay. Can you name any of my teachers?

BARTON No, I can't.

COPPOLINO Okay. It's funny you didn't ask me for any of them. You didn't – this is – I, I hate to use the term 'biased notes', 'biased questions', but these questions reveal the intent to injure my reputation.

BARTON I would not agree with that.

COPPOLINO If they didn't, you might slip in a question and say “We've heard you're a Tantric student – what does that mean?” Or you might say, “You mention Book of Blue – what is Book of Blue?” No-one asks me what Book of Blue is.

BARTON I think it's pretty clear what Book of Blue is.

COPPOLINO Are you aware that...

BARTON It's a volume of your art photography.

COPPOLINO Are you aware that I was on the faculty of the American Psychological Association?

BARTON I was not aware of that, but I don't see how that really bears on, you know, what our story is about.

COPPOLINO I don't know what your story's about. I haven't read it.

BARTON No.

00:10:00 COPPOLINO I - but I've read your questions.

BARTON So, are you going to respond to them?

COPPOLINO We'll get there. So, private person. I'm not a public figure. If I'm a public figure, you're a public figure, and I can...

BARTON I would actually – I would actually accept that I am a public figure as editor of the Kingston Times.

COPPOLINO I would say you're stretching it. I would say that you're a local editor, because if you're a public figure, then every blogger is a public figure, and everybody is a blogger. Everyone posting to Facebook and Twitter is a public figure.

BARTON I don't know if I'd go that far...

COPPOLINO What's the difference?

BARTON I would say as, you know, the head or, you know, a person in a local media organization that writes editorials under his own name, I would say that would make me a public figure.

COPPOLINO That's not what the AP stylebook says, and that's not what *Sullivan* says. But even if I am a public figure, malice means reckless disregard for the truth. You can mask your reckless disregard for the truth with a kind of a journalistic act. Like, these people have masked their reckless disregard for the truth with a false activist movement.

BARTON How do you say it's false?

COPPOLINO Because there's nothing to these allegations. And if there are things you have not brought to me to respond to, that is reckless disregard for the truth. You're not giving me opportunity to respond.

BARTON Your side of the story is well represented in our article, even if you don't respond to those questions.

COPPOLINO No, to the things you're not asking me about. There's a long list of things you're not asking me about. If you weren't seeking to discredit me, you would be asking me, you would look on – you would look around and find out that I'm a professional photo model and a consultant to Dorling-Kindersley...

BARTON Who is that?

COPPOLINO It's one of the biggest publishers in the world. DK.

BARTON Okay.

COPPOLINO And that I'm – I'm a professional in my field, that I have been an author for this journal on the subject of masturbation and bisexuality, and there is none of that in here. This looks like a salacious hatchet job.

BARTON It's not that. But, you know, that's...

COPPOLINO I didn't say it was

BARTON [inaudible] The reader is going to take their own impression on that.

COPPOLINO I haven't...

BARTON But, you know, we certainly – and I will say this before you two people and God up in heaven – that was not our aim, to do a salacious hatchet job on you.

COPPOLINO Gee, have you contacted any of my character references?

BARTON Did you supply them to Jesse?

COPPOLINO You didn't ask me to. I supplied them to everybody else. Would you like me to provide my character references?

BARTON Why don't you? Because the story is going to be in two parts.

COPPOLINO Well, I'm – I'm honored.

BARTON So you will have...

COPPOLINO So the first one comes out tomorrow?

BARTON Yeah.

COPPOLINO Oh, I guess it's done, then?

BARTON Yeah.

COPPOLINO So I don't – I was told to submit responses at my earliest convenience, not 'we're going to press on Wednesday'.

BARTON That was not my unilateral decision.

COPPOLINO So you're saying you're sending this story to press without my comments, and I don't have time to comment?

BARTON But yeah, and between you and her, and the dog, and God, I will say I was not comfortable personally with that solution, but, you know, I was not the only one making that decision on that.

COPPOLINO Okay, so you're sitting here in all seriousness, a journalism graduate and a journalism professional, who was wet behind the ears when I met you, when I was already internationally published on the day that I met you. And you're telling me that you're going to press with Part 1 tomorrow, without me having had an opportunity to respond or meet with you, when I responded immediately to those questions and requested a meeting.

BARTON Yeah, that's accurate.

COPPOLINO And you're saying that's not some – evidence of some gross irresponsibility?

BARTON I will not say that.

COPPOLINO That it may be evidence of gross irresponsibility?

BARTON I will not say that either.

COPPOLINO It may – there may be, it may not be, it is or it isn't. So there's a few possibilities here. Ultimately up to a jury.

BARTON Yeah, ultimately.

COPPOLINO You don't seem very happy about this.

BARTON I'm not.

COPPOLINO All right. Let's talk about privileged and non-privileged documents. Everything you have is an unprivileged document. You have no protection. You do not have a notarized copy of the DHR complaint. The deposition by [name redacted] is not a privileged document. It is not a public document. It was circulated, but it is not a publicly available document entered in court. You are aware of that, right?

BARTON Yeah.

00:15:00 COPPOLINO Okay, so it's a non-privileged document. Therefore it is up to your – if, if you are litigated and [name redacted] is called on the stand, you're just hoping that I wasn't in New Jersey on the day she's saying that I hacked her email and - and met her at the Opera House, which is also my accountant's office. So you're just banking on this person. Lorna Tychostup. So one thing – we – we know who almost all of these people are. Just as fair warning. And we have exhibits that we've been tracking now – we're in day – today is the 18th? We're in day 104 of our coverage.

BARTON Okay.

COPPOLINO So we have amassed all of the statements of all of these people.

BARTON Yeah, so have we.

COPPOLINO On Facebook, on Hudson Valley Feminists? You've tracked every comment by every person on HVF? You have it all indexed, you're ready to go? You know all the versions of the Sari Botton story?

BARTON We know the story that Jesse has reported.

COPPOLINO Ah. But quoting accurately is not enough, according to libel law.

BARTON Yeah, I'm aware of that, Eric.

COPPOLINO Your – your person has to show up. And if – if Sari Botton is deposed and handed two other versions of this story, she's – this is going to have no credibility. And I'm telling you that if I am warning you about that...

BARTON Right.

COPPOLINO And you don't care, or act on it, or act in your capacity as editor, that is gross irresponsibility and reckless disregard for truth. It is actual malice under *Sullivan*, and I could be the President of the United States, and it would – it would still withstand summary judgment and go to the jury.

BARTON If you say so. I didn't go to law school – did you go to law school?

COPPOLINO I study libel law, and I study the law.

BARTON Okay. That's fair, Eric. You know, I – what is the objective of this conversation, truly?

COPPOLINO I'm putting you on informed notice

BARTON Very well. I thought this was an off-the-record talk, so... [Barton promised Coppolino that the discussion was off the record; Coppolino, as the story subject, made no such promise.]

COPPOLINO I – but I'm, but I'm telling you. You're still – you're still responsible for what you know. How about

DOCKERY Are you aware that one of these women has retracted her statement already?

BARTON I received something that Eric emailed me, but that didn't have a name attached to it, so [inaudible]

COPPOLINO Neither do most of these.

BARTON No. Our story is a mix of on-the-record and off-the-record sources.

COPPOLINO Right. Okay. So what I'm telling you is that – first of all,

you're not the police.

BARTON No.

COPPOLINO And you're acting like the police. And no crime has been alleged, except in this perjurious deposition, which is not a privileged document. So you are hanging everything on [name redacted] and whoever her boyfriend is. Do you know who he is?

BARTON I do not.

COPPOLINO Do you know his history?

BARTON I do not.

COPPOLINO Right. We do. We've figured it all out.

BARTON Okay.

COPPOLINO Just saying. So let's see, so we've got three subjects here. I know. Look, you're, you know, you – you edit a town newspaper, and – and for 30 years I've gone to bat against some of the biggest players in the world. And I've never had a correction. Ever. Once. Because I am trained, and I am disciplined. And I'm also a tantric student, and my sexuality is trained and disciplined.

BARTON You have a lot of women saying the otherwise.

COPPOLINO I have hundreds of comments on Facebook saying otherwise.

BARTON I don't know how those two weigh out against each other.

COPPOLINO Have you ever heard of a lynch mob? Have you ever heard of a MeToo movement...

BARTON Yes.

COPPOLINO Of just people who want to be in and say "me too"? I mean, you're – you're going – it seems to me like you're going for this, right?

BARTON Uh...no comment.

COPPOLINO You're not going for "To Lash a Predator: Harvey Weinstein" with Paltrow and Angelina Jolie?

00:20:00

BARTON I would say our objective is to try to tell a story about the MeToo movement and the de-platforming process, and how it played out locally.

COPPOLINO Without asking me any questions about the process? Only asking me questions about, do I like to lick ass with a consenting adult?

BARTON We think your side of the story is well represented in our article.

COPPOLINO How could it possibly be well represented, if I'm not even asked, if this is the closest thing we're coming to an interview? Nobody sought out contact with me except in this – in these questions, which I wasn't even given time to answer. And you've gone to press already, and now you're saying you're submitting your questions? I mean, just to be clear, you sent me these questions on Monday morning, and said “at your earliest convenience”? When I'm corresponding with someone, and I'm on deadline, I say, as a legitimate reporter, “I'm on deadline; you have today to comment.” You didn't think I was going to run these questions past my attorneys? No?

BARTON I am not going to talk about that any further.

COPPOLINO You didn't think – come on, you're a journalist. You didn't think I was going to run the questions past my attorneys?

BARTON That would seem to me to be a reasonable act.

COPPOLINO And that might take a day or two, and – but you're saying this is not a hatchet job.

BARTON It's not a hatchet job. I [inaudible]

COPPOLINO Why is it going to cause me any pain, then? Honest journalism should say, let's see, I'm disciplined, I have sex teachers. They can be interviewed. You can talk to Betty Dodson. You can talk to Joseph Kramer. You can talk to Roberta Skye in Canada. You can talk to Joe Trusso. You can talk to [Eric's yoga teacher]. But no interest in that. So it's not...

BARTON I – I do have interest in that. You know, I am beginning

to feel that this conversation has served all the purpose it can serve. And, you know, I'm also feeling that, you know, I may have to answer in a deposition to what is being said in this room.

COPPOLINO That's very possible. Because we are...

BARTON So – so I'm going to cut it off.

COPPOLINO Okay. I just want to show you something, just so you can see our monument. This is the New Paltz PCB story – we keep it, and then it's the – Nevada Power, the one where New Paltz went international, and so I keep it where I can see it, where I'm reminded. You know what's funny?

BARTON What?

COPPOLINO I've had hundreds of women astrology clients and numerous models. And no-one's saying anything about that here.

BARTON Probably, well...

COPPOLINO You think if I aggressed on an 18-year-old photo model, she wouldn't say something?

BARTON Yeah.

COPPOLINO You think she wouldn't say something? Do you think that if I transgressed a client's boundaries – they're all women – that, that they wouldn't say something? I mean hundreds locally, and I informed my entire clientele of this issue. We sent this to 23,000 of my readers. It's funny this is only going on where people talk to Lorna Tychostrup and Julie Novak.

BARTON We tried – and I think we did a decent job – being as objective as we could about this.

COPPOLINO Except for doing the thing I would never do, and that, frankly, you would never do; which is send a story to press without getting comment. Without getting comment from the subject – of someone you've known 28 years. And apart from me raising my voice to you now, you have never seen me be impolite to anyone.

BARTON That's true.

COPPOLINO And you have never known a woman personally who I have harmed.

BARTON That I'm not sure about.

COPPOLINO Prior to this bullshit? Can you name one person I've even had sex with?

BARTON No.

COPPOLINO Isn't that funny? Email – we're talking about emails in this, and texting, with adults? And somehow my nose detaches from my face and wiggles into the hair of someone? She doesn't notice me standing there first? No, she feels a nose floating around. No dates and times on that entire deposition, none. None. Including the most recent one. It's all impeccably detailed. Except for the Opera House, which just happened – a meeting that was scheduled, that I knew about, that she could say was at 6:00 on Wednesday, May first, and I could prove to you that I was in New Jersey on that day.

BARTON Okay. I – again, Eric, I...

COPPOLINO So I'm telling you, be aware – you can resign right now. You can pull the story right now. Actual malice under *Sullivan*. Private figure, under *Sullivan*. Reckless disregard for truth, and New York libel law, gross irresponsibility. Get the fuck out of here.

BARTON Take care.

COPPOLINO Bye for now.

Transcript ends at 00:24:58.