

# Betty Broderick: Divorce...

## Desperation...Death

BY *Joseph Geringer*

### Haywire

"I realize now that he was right when he said our battles would continue until one of us was dead."

Are these the words of a highway bandit referring to a prophesy of a pursuing lawman?

A mountain man speaking of a member of an ages-old feuding family?

Or a wise old Mafia godfather recalling the threats of a top FBI investigator?

None of the above. They come from a scorned wife whose husband seemed to be as bent on her destruction as she was determined to get him back from another woman who took him away.

Betty and husband Dan Broderick's war of divorce in the late 1980s is the epitome of the tragedies encountered when one spouse realizes suddenly that his or her happiness has ended while the other desperately clings on to keep the marriage alive, an untouched fairy tale despite reality. It is a landmark case wherein it thrust to the forefront of the American family landscape a stark realization that often in cases of divorce one of the parties usually the one who controls the money can win big while the other is lucky to be left with the clothes on their back unrumpled. More so, it raised to the attention of women's divorce-reform groups as well as men's a truism that the divorce laws that currently exist do not adequately protect everyone in every particular situation.

Betty Broderick, after a four-year uphill battle to keep her dignity (which she often failed to do) and her sanity (which she *rarely* failed to do), killed her ex-husband, who had been one of California's top attorneys, and had made their divorce a virtual hell of humiliation, jail sentences and disgrace. Dan

Broderick knew the ropes, knew how to manipulate his selected team of divorce attorneys who would bow and jump and bark and reel to his every single finger-click until his wife was smashed.

Along with the ex, she also blew away the perennial "other woman" to leave the two lovers stiff in a mattress soaked with their own blood. She proved, unfortunately, that the gun click is stronger than the finger click of power.

Betty is definitely not a villainess, nor is she a heroine by any means. Some women's groups use her case as an example of how not to give oneself totally to a man. But, that's hindsight. The fact remains she did, and while she lived (what she mistakenly thought was) the life of an American woman and wife in the total American dream, there was a reality check waiting to dent the armor of her Prince Charming.

His armor, once scratched, would clank off piece by piece to reveal to her a man whom she never knew.

And Betty, once scratched, revealed to the jester knight the nakedness of a woman in insulted love.

## **Mr. & Mrs. Broderick**



Betty's Communion Day

Young Elisabeth Anne, born in 1947, grew up in Eastchester, New York, one of six children born to Frank and Marita Bisceglia. Betty's world as an adolescent was middle-class tranquility, representative of a gray-collar neighborhood where the bread-earning fathers were painters, mechanics, electricians, firemen, policemen and, like her father, plasterers. Attending Catholics, the Bisceglia honored the laws of the church as well as the laws of government. Education, too, was a priority in the household. After high school, Betty earned a degree at Mount Saint Vincent College not far from the Bisceglia home.

"(Betty) was programmed from birth to be a wife, not only by her parents and the girls' schools she attended, but by her peers," writes Bella Stumbo in her excellent, well-researched *Until the Twelfth of Never*. "For Betty, it was a world without options. She lived at home throughout college, right up until the day she was married, commuting to school in a sporty little MG."



Dan Broderick as a teen.

She met future husband Dan Broderick at a Notre Dame football game when she was 17; it was the first time she was allowed by her parents to travel out of town with friends. Betty fell in love instantly with the thin, dark-haired Notre Dame pre-med senior from Pennsylvania. Over the next three years they dated, he traveling back and forth to her home from Cornell Medical College, where he now attended, to continuously see her. He sometimes brought her with him to Pittsburgh to visit with his large Irish family. Both attended college, both had big dreams, both were clean-cut, fresh-faced kids from large families and were raised on the ideologies of hard-work-pays-off. They even loved the same song, Johnny Mathis' "Until the Twelfth of Never". The relationship seemed wrought in heaven.



Newly weds

A glamorous wedding ceremony took place on April 12, 1969. Judging from photographs of the event, it was a happy occasion for the bride and groom. As all young couples getting married, their faces in those photos reflect a preparation to spend a life together in bliss. After a honeymoon in the Caribbean, they returned to New York where Betty soon learned she was pregnant.

"From modest beginnings, Dan and Betty worked hard to build a life many would envy," reports Lexxicon, which conducted an interview with Betty in 1997. "Dan continued his studies while Betty worked multiple jobs and cared for the house and kids..."

Eventually, their struggling began to pay off. Betty enjoyed the reputation as an excellent mother and model wife. A beautiful, intelligent and talented woman in her own right, by all accounts she worked ceaselessly to create and maintain a near-perfect life for her family, an environment in which her children and ambitious husband could thrive. For a while, the Brodericks lived the American dream."

## **The Serpent Enters the Garden**

Betty gave birth to her first child, Kimberly, in January of 1970, and, pregnant immediately after, bore another child, Lee, who was born in July, 1971. Only after months into his medical residency, Dan decided to change careers and enrolled in Harvard, bent on becoming a medical malpractice attorney. Moving to Massachusetts, Dan devoted himself to his full-time studies while his wife took assorted odd jobs to pay the rent for their small Boston flat and keep the family in food. Betty could often be seen traipsing door to door in her neighborhood selling Avon or Tupperware, her two children bundled under her arms.

On the flip side, Dan maintained that image is an all-important factor to a burgeoning wannabe lawyer, so he clothed himself in an array of well-cut sport coats and ties on campus, earning the nickname of "Dapper Dan."

In early 1973, the Brodericks moved again, west this time, to California, so that Dan could complete a summer clerkship in Los Angeles. On advice from an attorney friend, Dan sought a legal position in San Diego where he wanted to be, in Betty's later words, "a bigger fish in a smaller pond." Dually degreed, in medicine and law, Dan was a catch to most legal firms and soon accepted a position as junior partner with Cary, Gray, in San Diego. Elated at suddenly having climbed a social and financial ladder, the couple celebrated by dropping their first down payment on a beautiful home in the Coral Reef neighborhood.

Money didn't pour in right away. To help supplement their income, Betty taught religious classes at the local school and, in 1979, she received a real estate license. "It was five years

before Dan finally began to earn enough money that she could stay home," says Bella Stumbo. "From the day they were married until the year Dan Broderick's income first hit \$1 million, his wife was never too proud or too lazy to work twice as hard as most women could or would."

A shade of trouble edged in somewhere in those early years when Dan became obsessed with not only his work, but with ingratiating himself into the social life that he saw mandatory to becoming one of San Diego's top-echelon attorneys. Because he arrived at work at 5 a.m. every morning and spent many evenings with his associates after the office closed, Betty saw very little of him. While she cooked and kept house, Dan could usually be found evenings in one or another Irish bar trading law anecdotes with his partners or singing Irish songs with his fraternity, the Friendly Sons of St. Patrick. Through it all, his wardrobe continued to be name brand, hers discount store. In fact, she didn't own a washer or dryer until well into her married life, carting her's and her children's second-rates to the local laundromat.

Betty remained basically silent, however, her misgivings replaced in the attention she threw on her children she had conceived two more during the seventies, Danny, Jr. (born in 1976) and Rhett (1979). She totally supported her husband when he chose to leave the offices of Cary, Gray in 1978 to venture his own law practice. She helped him decorate his new quarters and sat with him evenings to choose the "right" conservative décor and patterns to emulate a law office.

## Trouble in Paradise



Happy times

For a time, it seemed to Betty that Dan, now away from his (what she called) "drinking buddies," was becoming more of the kind of husband she had hoped for. He would work late at the office, but come home immediately afterwards to share with her the day's professional events. He even hired a maid to help

her around the house so she could devote more time to community clubs, activities which she adored.

His new law practice skyrocketed. Because of his medical background he was able to combine that knowledge with that of his law, and he soon enjoyed the reputation in southern California as the lawyer to seek in medical practice cases. "Eventually," adds Stumbo, "even settlements in the low six figures seldom interested him."

But, as the Broderick bankroll piled, the Broderick marriage began to dissolve. That Betty began to feel second place to his career might have been manageable to her, but she noticed that his interest in her waned. Once on a family vacation, a fight erupted when he spent more time in the hotel bar than with her and the children. Where most families' troubles might stem from a lack of money to live the life they want, in the Broderick's case many arguments generated from how to spend the money. Dan constantly berated Betty for her purchases of furniture and clothing, money that she claimed she had earned as a real estate agent. In turn, he never failed to drop an investment in property or on a wardrobe that he claimed he needed as a man of his profession.

A candid view of the state of their marriage at that time comes from two sources. One, the household maid, wrote home to her family that she did not like her employer, Dan Broderick. He is, she wrote, "cold and unfriendly," and intimidated his wife. The other, a neighbor, recalls how Betty would change character every afternoon as time came nearer for Dan's expected arrival home from the workday. "Betty...would stop laughing and panic and run around the house, picking up all the children's stuff because she said Dan hated to have it underfoot. When he was around, she was completely a different person...She seemed afraid of him."

As his business prospered, Dan sought ever-the-more to manifest his image. He exchanged his glasses for contact lenses, had his hair layered, and had a minor operation to change the shape of his nose. Betty's interests remained more at-home and on her children. She made sure they enrolled in the best of the town's many schools and took part in activities where they would acquaint others of their age in the neighborhood. She loved celebrations and holidays, and she threw herself into decorating their Coral Reef dining room in the

personality of the event whether with balloons and bunting for birthdays or wreaths and garland for Christmas.

In her Lexxicon interview, a by-then embittered Betty states, "I was the perfect little Catholic schoolgirl...Marry the man of your dreams who will be a good provider for you and your many children. Be beautiful, have a beautiful home, beautiful children, be active in church and community, watch the kids grow, marry them off and be grandparents. I am not a scorekeeper everything we did we did as a couple. If we were poor, we were poor together. I viewed everything as 'us,' the good, the bad or the ugly. Dan never seemed to have that view. 'We' were poor, but 'he' was rich."

Dan's interest remained on his business and, yes, on getting wealthy.

And, by 1983, he found something else to add to his riches.

He wanted Linda, too.

## **The Other Woman**

Dan first laid eyes on blonde, svelte Linda Kolkena at a party given by lawyer friends in early 1983. Betty, standing near him, overheard her husband telling a chum, "Isn't she beautiful?" The remark surprised Betty, as Dan was not one easily given to such attractions so she thought. At the time, Linda, a former airline stewardess, was now a freelance receptionist for another attorney; she had no paralegal nor experience in medical malpractice insurance; she couldn't even type. Just a passing fancy at a party, Betty thought, who would never cross Dan's path again. So she thought.

Not long after that, Dan hired her as his personal assistant.

Linda Kolkena was 21 years old the year she met Dan. Born to a hard-working middle class laboring family in Salt Lake City, Utah, she had a high school education and had worked briefly for Delta Airlines, from which she was fired. The details are sketchy, but, according to author Bella Stumbo in *Until the Twelfth of Never*, the girl had been involved in an undignified scenario aboard a jetliner, coddling and sitting on the lap of a male passenger, an act which aggravated other passengers who registered complaints. After being terminated, Linda earned money as a temporary receptionist for a number of clients, including a legal office.



Betty & Dan at the Blackstone Ball

Betty was suspicious from the start, but played it cool until she had something more to go on than what she thought at first might be a mild case of paranoia. After all, her friends kept reassuring her that Dan was not the kind of man to cheat on her. But, subsequent events told her otherwise. When the Brodericks vacationed in New York City that summer of 1983, Betty caught her spouse hidden away in an alcove off the hotel lobby calling his pert assistant over the phone. When the family toured England, she discovered Dan had telegraphed flowers to Linda.

Dan, in turn, grew more and more irritated by his wife's badgering about his assistant and steadfastly told her she was imagining things. His attitude, according to Betty, had become one of, "Women are waiting in line to replace you!" That fall, pride be damned, Betty phoned one of Dan's paralegals and asked her outright what she knew of Linda and Dan's relationship. The woman denied knowing anything only because she preferred to remain uninvolved but, when she approached her boss to advise him to be upright with his wife, Dan Broderick fired her.

Refusing to believe that her fears were anything more than insecurity, Betty saw a therapist to help her overcome the doubts that plagued her. But the visits abruptly ended when the shadows of suspicion solidified into something more tangible. Realization hit hard on a day that was meant to be a happy one, Dan's thirty-ninth birthday.

## **Surprise!**

Meaning to surprise him, Betty showed up at his office unannounced, toting a bottle of champagne and a dozen roses. A sullen-faced secretary told her that her husband was out, but she wasn't sure where. Linda Kolkena's office, next to Dan's, was empty too, Betty noticed. Waiting for Dan's return, Betty strolled the premises, espying crumbs of a cake atop Dan's desk, as well as empty wine bottles and balloons evidence that there had already been a celebration of sorts. Peeking into

Linda's office, she saw a portrait of a teenage Dan hanging over the woman's chair. Neither her husband nor his "assistant" returned to the office that afternoon.

"She drove home, marched to the closet, and began ripping out all of his expensive, tailor-made clothes," Bella Stumbo attests. "Trip after trip she made to the backyard, as her children watched, wide-eyed. When the pile (of clothes) was high, she poured gasoline on it and lit the match. As the smoke billowed, as thousands of dollars of Dan Broderick's expensive clothes went up in flames, her children cried."

Despite the damage to his wardrobe, there was no fighting that night when he came home. He remained quiet, and the few words he spoke merely alleged, as they had alleged in the past, that she had an overactive imagination.



The Blackstone Ball again, but this time with Linda

This time she didn't believe him. Even if she had again naively tried to muster up a conviction that it was her problem, not his, he kept reminding her, through his actions, that there was indeed a real problem named Linda Kolkena. Worse, she sensed that he was trying to purposely antagonize the situation. In bed, she would hear him muttering Linda's name over and over, as if dreaming of her but, she could tell, he was not asleep, merely pretending.

The last day of February, 1984, Dan finally confessed his affair not as an apology to Betty, only to explain it as the reason why he was seeking a separation. Prior to this, the family had moved to a rental house in the nearby town of La Jolla while their Coral Reef home was being repaired a large crack had been detected in its foundation. (Symbolic of the state of affairs in the marriage?) With the separation, Dan moved back into Coral Reef while Betty and the children remained in La Jolla.

Living virtually as if Betty were out of the picture now, Dan redecorated the Coral Reef home to his own tastes, not consulting his wife beforehand. He refused to spend time with

the children and did so only when Betty was subject to forcibly dropping them on his doorstep. By law, he was obligated to pay the family bills, but threw her only a small "allowance" of his choice. And he continued to see Linda.

## **Mood Swing**

Deserted and still spinning, the situation overwhelmed Betty. Knowing she should accept fate and grasp the reality that Dan wanted out and Linda had won him, she just could not erase the anger that had been building up inside her those past months; it was an anger that she felt it bubbled red-hot. By this time, she had learned that Dan's affair with Linda had become public knowledge, and that knowledge humiliated her as his wife. He was her husband, damn it, and the bimbo had no claim to him! Not long after the sheriff's representative served her Dan's initiated divorce papers, the first of the scorned wife's many revenge tactics occurred.

Betty's change came suddenly to all watchers. She began to fight back with a vengeance. One afternoon, having stopped at the Coral Reef house to visit her children, she spotted a homemade Boston cream pie always Dan's favorite sitting on the kitchen counter. Learning from the housekeeper that Linda had dropped it off for Dan, Betty proceeded to carry it upstairs to spread its chocolate contents across Dan's bed once their bed and his closet-full of fine clothes. Dan, arriving home, surveyed the damage and immediately had a restraining order issued to keep his wife off the premises.

Notwithstanding, two days later, infuriated by the order that forbade her to set foot in what she still considered her house too, she flung a wine bottle through a window. Summoned police refused to become involved in what they estimated as just another domestic battle among the idle rich.

Betty's behavior was beginning to show signs of neurosis; of that there is no doubt. She felt the only world she knew, and had prepared for and loved, slipping out from beneath her feet the home, the family dinners, the backyard barbecues, the civic clubs, the husband. She would say years later in her Lexxicon interview that if Dan had been honest with her from the start she may have better coped, but he seemed to be playing and enjoying mind games.

"(I had) no desire to leave my home, marriage and children," she pleads. "If he had been discreet, he could have kept (Linda), but he was trying to force ME into divorcing him, so he could always appear the good guy...He maneuvered us into a rental house and a rental car, both in his name and he ended up with our house with the equity...Master manipulator of money, truth, people, courts, facts...It was very scary."

## **No Boundaries**

Betty encountered closed gates when trying to obtain legal help in San Diego, mainly because most of the town's best divorce and property lawyers were also Dan's best friends and Dan's political influences had spread so far that he had been named president of the San Diego County chapter of the American Bar Association. Her first choice for counsel had been a mutual friend named Thomas Ashworth, but he politely refused her case explaining that he had been appointed judge and was not accepting any new cases. However, not long after that, she encountered Ashworth again this time while he represented Dan in the early stages of the divorce proceedings. She was literally forced to turn to Los Angeles to find a lawyer who dared represent her. She found one in Beverly Hills by the name of Daniel Jaffe, considered a top-ranker.

Jaffe had his hands full with Betty almost from the beginning. Her acts of vandalism on her husband's premises would seriously harm her chances for a fair trial, he warned. She continued to vandalize the Coral Reef home, however, as well as verbally assault Dan in front of tearful kids and astounded neighbors whenever he dropped the children off at her house for agreed-upon visitations. Despite Jaffe's pleas to stop, Betty time and time again snubbed her nose at the restraining order. Once, when she learned Dan had taken Linda away for a weekend trip, she entered his house and smashed a window with a bottle.

Dan retaliated harder this time. According to author Stumbo, "His weapon of choice was a judicial order called an Order to Show Cause, or OSC, in legal shorthand. In the next year he used it repeatedly to haul Betty before a judge to explain why she should not be held in contempt of court for violating the restraining order...The first OSC cited the Boston cream pie mess and the broken windows. In time, the list of OSCs would expand to include a tossed toaster, a smashed stereo switch, a broken bedroom mirror, more windows and countless other

similar offenses against his property. No incident was too small to escape him."

He detailed every item and years later in divorce court was able to recite the agenda of transgressions like a student naming the events that led to the American Civil War. "You pounded a hole with a hammer into the wall. You broke the answering machine with the hammer. On another occasion, you broke the sliding glass doors. You spray-painted the wallpaper in several rooms, including the fireplace. You broke the television..." The list went on.

And attorney Jaffe was beside himself. "If you can live within the guidelines, I will continue to represent you," he communicated to Betty, "But I want to spend my time on finding what happened to the Broderick monies and getting you some of them, rather than spending my time keeping you out of jail."

Betty spent Christmas 1985 by herself. Linda and Dan had taken the children on a winter's vacation and she sat feeling unloved, useless, discarded in the gloom of loneliness. Outside her house, carolers sang of merry tidings, but inside, around her, Betty's walls closed in to suffocate. She couldn't stand another minute of being smothered so, to hell with them all anyway, broke into the Coral Reef house once again ripping open every gift-wrapped box marked "To Linda" that lay under Dan's expensive Christmas tree. Tossing the presents willy-nilly throughout the living room, she then left a Christmas greeting that Dan would be sure to recognize: She thrust a blunt object through the room's mirror. And left.

Good will to men was not on her mind that Christmas evening.

## **Snake Pit**

"What followed for the next several years was a ceaseless, dizzying series of complex legal maneuverings and manipulations, many of which were overseen and directed by Dan's professional colleagues," says a report on Betty Broderick done by Lexxicon. "Twice, Betty was jailed for contempt...Finally, an eight-day divorce trial took place but in a sealed courtroom, at Dan's formal request and judge's orders. The Broderick marriage was officially dissolved in January, 1989."

The particulars of this scenario read like a hard-to-believe gothic novel where a naive woman is ruthlessly mistreated, encumbered and driven to a bedlam of instability by a one-sided law and a conceited, conniving villain who avails every puppet-string of that law. Dan Broderick, no doubt a brilliant lawyer, saw to it that all loopholes of a law his layman wife didn't understand were used in his behalf against her. Whenever she flipped out, he was there to hand her a shovel to let her dig her grave deeper.

Years later, Betty realized she had played right into his hands. "(He) was a professional arguer," she told Lexxicon. "He loved putting the other side down he loved winning and humiliating and torturing the other side even beyond winning. He was always proud of seeking punitive damages as a personal assault on the other side, not covered by insurance...I was just another victim of his."

Betty had indeed been Dan's victim, and because of her obsession with a man who no longer cared, she also victimized herself. Every time he made a move away from her, towards Linda, towards a distant life, she was right there behind him counter-attacking. And one didn't vex Dan Broderick, the sharpest lawyer in town.

By the mid-1980s, Dan was earning nearly \$2 million a year and was considered by those in and outside of his profession as one of the men to watch in southern California. It wasn't strange to see him, often embracing Linda, engaged in one or another social activity in the photographic registers of the town's glittering who's who. In early 1986, not long after he came home to find that Betty had invaded his Christmas serenity, Dan decided to move into another house, to once and for all dump the old place in Coral Reef that reminded him of the days he had determined to forget those days when he was just a skinny nerd dependent on a working wife to put him through college. He relocated to old, baronial Balboa Park to a two-story pillared colonial mansion that he envisioned as his alone no longer his and Betty's and into which he poured money to redecorate to his taste, down to the door hinges.

And in the meantime he braced for repercussions from Betty.

## **An Unlikely Champion**

They weren't long in coming. To her, selling the old house represented bidding goodbye once and for all to the life she thought she had found, but had lost evermore to whom she called a bastard and a bimbo. She refused to consent to its sale, but once again Dan turned legal wheels and manifested a court order to sell the marriage residence without her consent. Before she knew what had happened, an appointed proxy signed the transaction papers for her and the Coral Reef house was history.

Betty obtained her share of the sale, but was not appeased. She was livid. She quickly retaliated by driving her Suburban van through the front door of Dan's stuffy castle, this time detonating King Dan's usually restrained temper. He vaulted over the shreds of wood that were once his front door and yanked Betty from the vehicle, slapping the crazy woman with whom he finally had had enough.

Police came, and this time they didn't shrug off the incident. At the mental hospital where she was brought squirming, kicking and weeping in a strait jacket, she refused to cooperate with the doctors who tried to sedate her. Throughout her three days of confinement, she would utter, "Look it here, he is the crazy one, not me!" When they released her, she walked out face to face with another of a long line of unending OSCs that Dan was piling up against her deepening frenzy.

A divorce hearing was set for July 16, but Betty declined to make preparations, physically or mentally. She fired her lawyer Daniel Jaffe and did not show up at court the day of the hearing. Her absence defaulted her claims to all properties and custodies, ruled the judge, and Dan, more sound of mind, took everything he wanted full custody of the four children, reiteration of the restraining orders against Betty, and a ban on visiting rights for the mother until she submitted to psychiatric care. As for support or alimony, he would continue to pay her what he had been paying her, \$9,000 a month, until a forthcoming trial would formalize other financial arrangements, including property and insurance settlements.

But the victors' elation was short-lived. Betty fought back, again in absentia, and through the loyalty of a friend she didn't know she had had. Even though lawyer Jaffe was officially off the case and had nothing to gain or lose from the court's decision, he was irate at its advantage-taking of a woman mentally incapable of defending herself. On his own volition, he

contacted Dan's lawyer, Tom Ashworth, enforcing Betty's right to a guardian ad litem.

"Unless I hear from you concerning the setting aside of Mrs. Broderick's default, I plan to contact the legal powers that be and the Bench in San Diego so that someone is made available to protect Mrs. Broderick's legal right," Jaffe wrote. Suddenly, Dan Broderick had a change of heart and even paid Betty the retainer for a new lawyer, William Hargreaves.

## **Rocking the Boat**

Hargreaves, who like Jaffe would not last long as Betty's counsel, did make an interesting observation in the short time he was involved with the Broderick saga. Hargreaves apprised that Betty was beyond legal help since she "couldn't understand that life was possible without Dan." As for his opinion of Dan, he found his drive to control everyone and everything "obsessive". Hargreaves hinted that he was worried about a violent conclusion to the Broderick battle.

The ladder was leading to violence and many who profiled the case after the fact have expressed their amazement that Betty, or even Dan who was slowly losing his cool, didn't lose full-balance throughout those last years of the 1980s when skirmishes took place between the divorcing parties almost weekly. Who really was the aggressor is debatable when confronted by common sense for both were equally chronic but in the hard definition of the law Betty clearly irritated an already aggravated situation. She slowly destructed, descending into a madness from which she would not awaken until it was too late.

Refusing to surrender her marriage and submit to restraining orders and OSCs, Betty rocked Dan Broderick's otherwise calm boat any chance she could find. Her attitude at the time had been to make his life as miserable as he had made hers and, somewhere, who knows, maybe in the back of her mind, she hoped that he would chock it all up and come home like a good little husband should.

Starting right after Dan set up home in Balboa Park in 1986, and continuing through and after the final divorce judgement in 1989, Betty conducted a campaign of whirly-gig obscene phone calls aimed not so much at Dan but at Linda (whom she knew would stay at Dan's quite frequently). The instrument she

chose as her greatest weapon was Dan's home answering machine, leaving foul-mouthed tirades at all times night and day. Court orders and even a brief incarceration did not stop her; in fact, as ever, the more Dan's law struck back, the more impromptu and vehement her messages became. In a day there might be two or three, if not more, recordings left on his audio tape by the time he arrived home from work. Whether Betty was provoked by a custody-related issue, a financial entanglement, or merely needed to spew general anger, her wrath never seemed to cool. Often, Linda was the recipient of the calls when answering messages for Dan. She merely laughed them off.

## **Casualties of War**

But, not so Betty's children they couldn't laugh and walk away unhurt. Many times, they inadvertently heard the playback's oathing words that their mother had told them never to use and then some. Some words they didn't understand, but knew they were wrong. The children's tender souls had already been cut by their parent's divorce and all the maligning that accompanied it, and did not need to hear such messages as the following, which made them, in their innocence, feel that maybe just maybe they were the cause of all the trouble to begin with:

"This is a message to f-head and the bitch. You have one hell of a nerve dumping the kids here on the sidewalk and zooming away without making any attempt to communicate with me about my plans for the weekend. Make me sick, both of you. I have a good mind to dump the kids back on you and drive away. Call me. We have a lot to talk about, asshole. And come pick up your four children that you're working so hard to have custody of. Congratulations. You can have them."

These and hundreds of other messages like it were not the real Betty Broderick talking, the woman who only months earlier would have died before intentionally hurting her kids' feelings. These were, of course, a result of a vehemence damming up inside a powerhouse of hate that used to be Betty Broderick. But, she was now a volcano crammed with loathing and teetering under the madcap of events that violated all reasoning as she understood the word reasoning to mean.

As with the children of any divorce, the Broderick kids were feeling the pressure - and the blame of the parents' breakup;

their daily lives were painfully shattering. Graphic words, graphic scenes had replaced the harmony of domesticity. They heard their mother call their father a brute, and their father call their mother a madwoman. Their pressure to choose between the parents overwhelmed them. Betty and Dan saw their daughters slowly turning to drugs for solace and heard the school counselors call their sons on the verge of suicidal. The experts called for the warring couple to call a truce, any truce, for the sake of the children but the white flag never rose.

In court later, the children would be forced to testify. Of Dan, they told of a man whom they hardly knew, a figurehead merely, rarely at home. Of Betty, they sadly described a woman so preoccupied with her own anger that she forgot to hug them and reassure them of her love. Taped conversations between Betty and her children reveal a tormented woman unaware of the binding nuances between a mother and her flesh and blood. Her children represent just another set of supporting characters who fail to see the nightmare she sees, and because they can't see it, their opinions don't matter.

In one conversation taped in the midst of one of many custody battles, 12-year-old Danny begs his mother to quit screaming at dad so he will let him visit her again. Betty's reply sounds like she's talking to an adult next-door neighbor rather than to her son: "I was the best mommy in the whole world and the best wife in the whole world. It's not my fault your father is such a f-head...I cared about my family enough to put up with him f-ing Linda for two years..."

In her disillusionment, Betty turned her back on four people who could have loved her when no one else loved her, her children if only she would have shared a little heart with them in return. But, her heart quit beating except as a metronome to pace the war drum for Dan and Linda.

## A Shell of her Former Self



Betty at age 43

By 1988, not a vestige of the once-proud and caring Betty remained. Her mind frayed, she let everything else go haywire.

"It was (now) a radically changed Betty Broderick abroad in the streets of La Jolla," explains Bella Stumbo. "All personal vanity was gone, buried beneath layers of fat. Her language was now so routinely crude, even in polite gatherings, that old friends...lectured her about her foul mouth...By then she was pacing the floors of her house all night...Her mind gave her no rest; the late-night demons besetting her were relentless, vicious, and growing even larger."

By the time her divorce trial finally came to court in January, 1989, she had dismissed all legal aide and decided to represent herself. Needless to say, it was a mistake. Dan and his team of lawyers bounced on her. The eight-day trial resembled a massacre. "It was lamb to the slaughter from the git-go," asserts Stumbo.

At issue were child custody, cash advances paid to Betty by Dan over the four years of separation, property and alimony. Betty sought custody of the three children who were yet under the age of eighteen, plus \$25,000 per month for 10 years (a small sum considering Dan was a millionaire several times over), as well as a \$1 million tax-free up-front payment.

In terms of custody, two mental health experts who had studied the case over the last several months were brought forth for recommendation. Their opinions differed. Dr. William Dess believed that Dan should be given full custody of the children, as he diagnosed Betty as unstable, suffering emotional problems that required therapy. On the other hand, Dr. Gerald Nelson felt that Betty would provide excellent parenthood once the trauma of divorce had ended. Both physicians did agree, however, that the Broderick situation had been a remarkably negative one, prone to immaturity, dishonesty and even violence.

On the financial side, it was doom for Betty from the start. By the time the trial came to the boards, she discovered that, because of something called Epstein credits, her share of community property had been substantially reduced. Epstein credits, according to the Lexxicon web site report on Betty, are "a provision under California divorce law which says that the supporting spouse (in this case Dan) may charge the dependent spouse (Betty) for one-half of all community debts accumulated not from the date of divorce, but from the date of separation. If there is a substantial amount of time (in the interim), a dependent spouse may actually accumulate enough

Epstein credits to effectively cancel out any share of the community property which might have been forthcoming had the divorce been finalized immediately after separation."

But, in the case of the Brodericks, legal maneuverings and delays postponed a divorce trial incident after incident. Judge William Howatt, therefore, "accepted all of Dan's proposed numbers and ruled that Betty owed him \$750,000 in Epsteins and cash advances, all accrued between the time Dan moved out and the date the divorce was final (January 30, 1989)," reads Lexxicon. "In the end, Dan Broderick, multi-millionaire, was ordered to pay his wife of 20 years less than \$30,000 in cash.

"In addition, Dan was awarded custody."

Three months later, Dan and Linda announced their engagement. And Betty began a whole new barrage of telephone epithets.

## **Big for a Big Shot**

The calendar on the wall told Betty's two tired eyes that it was November 5, 1989. Only a thin red light of morning lit her kitchen in a tremulous pose of half-shadow. Like the new day she faced, she was half-conscious but already on a runaway schedule. Her adrenaline pumped and her temples ached from confusion. On the kitchen table where she tried to swallow a tepid cup of coffee sat the latest two letters from her ex-husband's current representing lawyer, Kathleen Cuffaro. Two more letters in a succession of threats from various attorneys who had belittled her, condemned her for four years through the separation from Dan, and during and after their bitter divorce.

Dan had gotten what he wanted his freedom and Linda and he still hadn't let up. All those letters, all on Dan's request, calling her irresponsible, incapable, untrustworthy. Wicked. Batty.

Just because she couldn't stop leaving those messages on his answering machine telling him what absolute scum both he and Linda were. Now married, they were Mr. & Mrs. Scum.

One letter this morning claimed she continued to show signs of a "pathological obsession" with her ex and therefore still not in the right frame of mind to fulfil the latest child custody obligations. The other chastised her for using foul language on

Big Shot Dan's telephone answering machine. *Awww, Betty smirked, foul mouth language hurting Miss Bimbo's precious ears?*

Her two boys, whom she was watching this weekend, slept down the hall. Quiet so she wouldn't wake them, she dressed in a flash, grabbed her purse, checked to be sure it contained the .38 caliber Smith & Wesson she had recently bought, and walked out into the morning sunrise. She left her small apartment, one she had moved into after the divorce, and sickened at the sight that met her the shopping mall across the street with its tall neon signs and its stark parking lots, not the placid suburban serenity of glistening, tile-roofed stucco homes and tree-lined avenues she had been used to and shifted her ignored, overweight body behind the wheel of her auto.

La Jolla didn't seem the sort of place to incubate a murder. "Curled around one of the most spectacular half-moon coves in California, La Jolla is the quintessential Southern California dream town, a compact little colony...of pastel homes streaming down the hillsides to the sea," writes Bella Stumbo in *The Twelfth of Never*.

She turned her car towards the southern-bound freeway that led her through the awakening city of San Diego, through its center, and didn't pause her vehicle until she came to the picturesque little suburb of Balboa Park. There, she rounded a quiet cul-de-sac empty of pedestrian life in this early morning and pulled in front of Dan's large home with Doric columns and pretty shutters and winding walkways and manicured lawns and carved shrubbery. She jiggled the front door, but the key she had the one she had stolen from one of her daughters months ago didn't work. She went around to the back door. This time, she heard the click of the tumbler when the key turned without budge in the lock. Betty walked into the house.

As on the same locomotive course she had been the last several years she headed non-stop up the carpeted stairway to the bedroom where Mr. Big Shot and his new wife, that ex-airline stewardess cum secretary cum home-wrecker slept. And she pressed the trigger. The bimbo shook. Betty pressed the trigger again and the bimbo jumped this time never to jump again.

Now it was Mr. Big Shot's time. Awake in time to see the scorned ex-wife standing over him with smoking pistol, he

muttered something, tried to roll off the bed, but took one of Betty's next bullets in the back. He yelped, coughed blood, gagged and continued to gag until he choked to death.

*Bang-bang!* went the echoes...*bang-bang*, you're dead!

Betty would later claim in court that she hadn't necessarily planned to kill them that morning that when she climbed into her car outside her apartment she wasn't sure if she was even going to wind up at Dan's. A daze, that crisp, clear morning. But, it was over now. History. The years of money battling, custody battling, hurtles of insults, violent threats. All over except for what would definitely be one hell of a crazy trial.

She turned herself into the police, almost with relief.

The worst part of it: She still loved Dan.

## **Black Humor**

San Diego County law keepers found themselves dangling on a high wire with the Betty Broderick case; she had been suddenly thrust into the media highlight as a role model of scorned wifedom and, unless her upcoming trial was handled with utmost care, the legal prosecutors could wind up being viewed as just another pack of male Neanderthals picking on a woman.

District Attorney Edwin L. Miller, Jr., had two solutions. First, he appointed 37-year-old Deputy DA Kerry Wells, a female, to head his team. Then, he announced that the court was not out for a woman's blood; he would not seek the death penalty.

Betty's hired a brilliant 41-year-old attorney named Jack Early. Early, a former public defender, was a very successful lawyer specializing in off-beat murder cases and therefore seemed the perfect choice to lead defense for such a case history that Betty's warranted.

Jury selection began on September 27, 1990, at the San Diego County courthouse. In the meantime, Betty had been confined to the county jail, growing anxious for the trial to begin. She seemed to be out from under hysteria, despite being penned up; it was as if the weight of the whole divorce trauma had lifted with the retort of the gun. She stayed in constant touch with her children, who were temporarily residing with Dan's family, and communicated ongoing with friends from the women's group to

which she belonged. Lawyer Early visited her often to interview her in preparation of defense.

Betty also granted interviews to whomever asked. Hoping to plead her case to a sympathetic public, she often lent herself unwittingly to a cynical press who, according to Bella Stumbo's *Until the Twelfth of Never*, "soon began to display a tired, cynical bias against her, (one paper depicting her) as no more than a frivolous scatterbrain.

"Black humor became the local media order of the day," Stumbo continues. "The whole city, in fact, at times seemed caught up in sick irreverence over the Broderick case. During Halloween of 1990, for example, (a) columnist reported that a couple had shown up at a party dressed as Dan and Linda in pajamas with bullet holes."

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## Trial Begins

The trial opened Monday, October 22, 1990, on the upper floor of the county courthouse, Judge Thomas J. Whalen presiding. Among the newspaper and television people cramming the narrow courtroom were members of the Broderick family of Pennsylvania and the Bisceglia's of New York. Most random spectators were female.

"This case is not only about murder it is about *premeditated* murder," Kerry Wells opened the session, clearly giving away the prosecution's objective. "Killing Dan and Linda Broderick was something she thought about for a long, long time." Thematic to that goal, she played Betty's answering machine outbursts over and over like a machine gun display mercilessly driving home a point.



Jack Early & Betty

In easy contrast to Wells' kinetic opening remarks, Jack Early clarified that he would prove Betty was not the aggressor, but a woman pushed to a nervous breakdown by Dan Broderick's "snowstorm of paper, a litigious assault that started somewhere

around 1985." Dan Broderick , he said, was really the hunter "whose reputation as a lawyer was the most important thing to him, more important than his family...(and) he would do anything to protect it."

To prove premeditation, the prosecution introduced witnesses who came forth to tell of Betty's unconcealed anger and mania, about the threats she made, the reckless break-ins at Dan's house, the full-nine-yards mania. Among those summoned to testify were Dan's housekeepers Linda David and Sylvia Cavins. David claimed she heard Betty utter, "I'll either make his life a living hell or I'll kill him." And Cavins testified that, on the day of Dan's marriage to Linda, Betty said she would "put four bullets in Dan's head, one for each of the children."

Wells even brought in the two Broderick daughters Kim and Lee to testify. Both girls, 20- and 19-years-old, respectively had somewhat estranged themselves from the parents during the last months of parental feuding the eldest, Kim, had even been disowned by Dan at one point for her rebellious attitude. Strangely, then, Kim presented a rather negative picture of her mother. Although there had been no love lost between father and Kim in those final years, now with Dan dead he seemed to have become a metaphoric martyr in her eyes.

Kim not only testified that she heard her mother say "a lot of times" that she wanted to kill Dan a fact that Lee supported but in the process presented the court with a previously unconsidered motive: a court-ordered \$1 million dollar insurance policy for the four children, which had gone into effect two months before her mother killed her father. According to Kim, Betty told the four siblings, "I'll kill him (and) we'll all be rich."

For the benefit of the prosecution, Wells had family therapist Dr. Ruth Roth explain her reactions to Betty whom she had met briefly in 1987 when she helped counsel the couple's marital problems. Referring to notes she had made on Betty at that time, Dr. Roth recalled Betty as a woman of uncontrollable anger; she quoted Betty as saying, "I'm not going to be a single parent of four kids. He'll die first."

In cross examination, Jack Early attacked all of Wells' witnesses with fervor. He was particularly concise with the Broderick daughters who, under Early's *baton*, admitted that, well yes, Betty would use the term "kill" routinely and as a

figure of expression, such as *I'm gonna kill the paper boy if he throws the newspaper on the lawn again*, etc. etc. Early got a tearful Kim to admit that if her mother's temper was one to reckon with, so was that of her father, who had once smashed an uncooperative lawnmower to pieces.

As for Dr. Roth, when he asked her to compare her notes on Betty with those on Dan, the therapist conceded that she could not she had failed to take notes on the husband.

## **Hung Jury**

When, on October 30, Jack Early introduced Betty Broderick herself to speak in her own behalf, the press, says Bella Stumbo, came out "in double force...One local TV station would even interrupt its own regularly scheduled soap operas and talk shows during the next four days to present Betty's testimony live."

In front of TV viewers who had forsaken their favorite shows for this real life soap opera, Early led Betty through her marriage years the good and the bad and her ruination through travails with money, with Linda Kolkena and with Dan's ego. Subdued, with no appearance of meanness nor malevolence, the witness, sometimes through sobs, told of her husband's growing infatuation with his office assistant, his deceits toward her and her children, and his eventual departure from the marriage home for his own space. She addressed Dan's refusal to compromise on all legal matters, including custody, and her own falling dignity, a collapse that culminated with those final two letters from Dan's lawyer, Kathleen Cuffaro: "(They were) just more of the same, more of the same, more of the same! Threats! Manipulation!...I felt like I was dying...the legal stuff was killing me...I had not slept for the last two years. I had headaches from biting my jaw so tight (from stress)..."

Early eased her to the morning of the murders. She couldn't remember much, but she did recall driving to Dan's, thinking for a moment she might even kill herself in front of him, splattering her brains across his bedroom. "I pushed the (bedroom) door open...They moved, I moved, and it was over...When I was first in jail...I was able to sleep for the first time in what seemed like interminable years to me. I was happy to be locked in a dark, safe little world where nobody could get me."

Betty's testimony had been the highlight of the trial, and, guided by the expert hand of Jack Early, it had created an impact of sympathy. Certain jury members could not forget Betty's words and the haunting face that spoke them. After that, everything seemed anticlimactic and Kerry Wells couldn't catch up. Early ushered forth witnesses from across La Jolla who spoke up for Betty's moral character and attested to her slow degeneration under the toppling weight of divorce; he even interviewed an expert on infidelity, Dr. David Lusterman, whose diagnosis was basically that Dan had handled Betty all wrong, thus driving her to maladjustment.

After four days of deliberation, the jury returned, split. Two members refused to believe she was guilty of premeditated murder and would not budge, ever. There was no unanimous verdict.

One of the hold-outs, Walter Polk, told reporters afterward that as he listened to the court's description of Dan Broderick's infidelity, snobbishness and psychological brutality, his only thought throughout much of the proceedings was: "What took her so long?"

## **Back to Court**

Twelve months later, October 1991, Betty again faced a court trial. Having virtually won the first go-around with a hung jury, she approached the second with confidence. Kerry Wells, incensed at the non-verdict of a year earlier, had seethed to reporters, "It ain't over 'til it's over," and vowed to come back duking up. Betty's biographer Bella Stumbo reports that Larry Broderick even sent her a list of Dos and Don'ts compiled by his late brother's professional associates. After relating these, Larry smugly wrote that the suggestions were based on "what I believe would have the most positive impact on a jury of lower-middle-class, less-than-average-intelligent jurors."

Jack Early, who would again oppose Wells, knew that the angry prosecutor would hit him with some new twists and turns abounding; he prepared for the high drama to come. The first trial had mainly centered on the squabbles of the battling Brodericks and had resembled more of an installment of *Peyton Place* than a murder trial. Early guessed and he was on target that the county prosecution team would focus this time on the details of the murder, not the emotions that led to it.

Betty, in the meantime, survived another year in prison. She remained in high spirits, found several close friends and took part in prison activities. She was delighted to see her two boys when they visited. But, as the trial neared, an incident occurred in prison that marred the easy transition. Betty fought with two female jail guards who came to her cell to move her to an isolation unit as punishment for an earlier infraction; refusing to cooperate, she apparently kicked, howled and struggled and had to be forcibly evicted from her cell wearing green panties and a sweatshirt. Details are sketchy but at that time lurid enough to catch the eye of the press. The following morning's headlines roared to an American public that Betty was once again exhibiting her old defiant ways. Jack Early cried foul, blasting the incident as a stage-up.

However, contrary to the melee, Betty followed it with a completely controlled and relaxed interview with the TV show, 20/20, not appearing at all as the type of creature who tries to gouge out the eyes of prison wardens. Void of a sneer, Betty told her listening national audience that, "The law has to take into account the differences between men and women in terms of their respective power. Men have all the power... That's why (Dan) could do to me what he did...This whole case is a story of extremes extremes of rich to poor, and all the rest. I said I represent the extremes of what can happen to women in divorce courts."

"The second Broderick trial was, in most ways, a repeat of the first," relates Bella Stumbo in *Until the Twelfth of Never*. "Most of the same witnesses returned, and the essential trial themes were unchanged was this an evil, gate-filled narcissist, or an emotionally abused housewife driven to kill? Opening arguments were pretty much the same as before, although both Wells and Early had sharpened their rhetoric. Wells referred now to Betty as 'the executioner,' Early spoke of Dan as 'the gladiator'."

## **Shadow of a Doubt**

There were some major differences in this trial, noticeable from day one, that leaned in favor of the prosecution. Kerry Wells, for one, seemed more relaxed this time, less scolding and obviously coached by veteran Deputy DA Paul Burakoff, who assisted her and whose presence lent an air of determination to the state's clear objective of Get Betty.



Betty breaks down during testimony.

Jack Early found his defense much more difficult in trial number two. Several times the court refused to allow testimony that would have supported his client as being a victim of abuse. Early was appalled when a star witness, Dr. Daniel Sonkin, an expert on battered women's studies, was limited to speak of abuse in very general terms and not in terms of Betty's particular case. It was the judge's contention that there was no hint of Betty being a victim of other than perhaps emotional abuse, not physical nor sexual.

Mid-trial, Early dropped a bombshell that sent Wells and the prosecutors off their litigant chairs. He raised the possibility that Dan Broderick may at one point tried to have Betty murdered. A city cab driver named Paul Taylor had come forth claiming that Dan had approached him, musing to have Taylor do away with the vexsome wife "permanently," to quote the cabbie for about \$500,000. Newspapers rushed forward, braced for a juicy story and a rambunctious turn of events in the courtroom, but no sooner had the smoke of Early's blast cleared than the court objected and banned Taylor and any further word of hit men from the trial. Taylor would only produce misleading cues, said Judge Whelan, since Betty had no knowledge of any such external activities and this was not Dan Broderick's trial, but Betty's.

Early raged, but the trial seemed to slide downhill for him from that point.

However, the outcome proved that the notion of reasonable doubt that Early had hoped to seed in the heads of the talismen had indeed been planted. After all the fuss and flying feathers and the reinventing of the wheel that the prosecutors had caused in its second trial, the resulting verdict proved to be not much more than a compromise: guilty of second-degree murder.

Early was pleased, but he pointed out to the newspapers that had his defense not been quagmired he believed the jury's decision would have been no more than manslaughter.

The Broderick family were not happy campers. Dan's brother, Larry, seated in a San Diego Irish bar afterward, angrily told reporters, "What's the matter with a system that allows this woman to threaten these people dozens of times...blow them away in their sleep and that's not murder one in this goddamn country?"

As for Betty, she stood mixed between relief and sadness. The court recognized her struggle, but condemned her resolve. She had not expected to walk out free, but the two consecutive fifteen-years-to-life sentences she received wouldn't allow her parole for nineteen years.

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Today, Prisoner Number W42477 continues to tend to her various responsibilities menial and then some that are required of any prisoner at the Central California Women's Facility at Chowchilla. She has resigned herself to her daily fate of routine mornings and early bedtimes, and keeps her eyes and hope on the year 2011, the date of her first possible parole. Her children do not visit, but she still sees a man named Brad Wright, whom she met during her separation period.

In a recent interview with Lexxicon, she sounds rather upbeat: "I am kept very busy in here. I am forced to 'program' from 8 a.m. to 4 p.m., then we have meals, showers, laundry, phone calls...I try to tutor ladies in the GED exam (and) am very active in my 'community,' serving on boards and committees just like home...I am very well liked and respected...I don't live in fear."

But, with a twist of emotion peppered with lingering bitterness, she adds, "Goddamn shame you can only feel safe and free in prison! Nice society we have!"

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