

2 October 1969

Yes, Virginia, there is a clause:

And it is a loophole that in my uneducated opinion just cannot be plugged. That is, you cannot stop a husband now or at age 60 from taking the entirety of his pension entitlement, including the prospective widow's pension, in a lump sum. Normally, no one in his right mind would do that; but if it was the only way to frustrate or disarm your claim to the widow's portion of his pension, he might possibly do it.

HOWEVER, if he took the whole thing in a cash lump sum, and you were the legal spouse, then it would have to enter into the division of joint property and assets, I suppose. That you will have to check with your lawyer. If I am right in thinking that he would have to share the lump sum, or share it equally, with you, then of course he would be checkmated—and pardon the pun.

I have not got much of a "legal mind," Pat Palmer notwithstanding, and I hope that you don't feel that my interpretation is in any way authoritative. Have a look at the Regulations yourself and see what you think (Rev.5 is the current booklet). A copy is enclosed. I am also enclosing an old but still valid Explanatory Booklet (JSPB/G.7/Rev.2), in which see pages 15-17, 27, and Annex II (from which you can perhaps calculate roughly the amounts in cash and/or pension which would be involved).

You might also sound out Peter Guest, who probably knows a lot about the pension arrangements since he has a wife and children. And, as Pat suggests, you should get an official interpretation in writing, so that your legal position is invulnerable. Give me a ring in the evening if you would like to talk more about it, and please make sure that this letter does not fall into the wrong hands.

Best,

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