8/12/71

Mr. Emanuel Pavsner
655 Madison Ave.,
New York, N.Y.

Dear Manny,

Jerry Policoff told me your opinion in the Times matter. As he reported it, in part I understand it, in part I do not. I'm sorry I haven't the money to phone and discuss this and other things, like that long-delayed Dell matter, with you.

You understand I'll be paraphrasing what Jerry said. Cost is obvious. This will be a long-delayed and drawn-out thing, with every delay and every drawing costing money I do not have. Where I get lost in the seeming contrdiction between your having no doubt that this was damaging and that the chances of collecting are not good.

It would seem to me that the matter would hinge on a showing of malice. Restricting it to the Sunday Times, I think this is pretty clear, not just a matter of nastiness. This is what I sent you on Kaplan, their selection of him, the whole Wolff schmear, the unkept promise to rectify, the clear departure from their and everyone else's practise, the refusal to print the protesting letters, including the publisher's or mine or any contraction of mine or asking for a contraction of mine, and the admission that they had the Wolff one set in type in advance. When to this is added that Kaplan was simultaneously writing propaganda for USIA and this is a book on the killing of the black messiah and that propaganda was anti-Angela Davis, I think that even the political overtones become pretty clear and one of the few things the Times would prefer not to have aired in a court of law. My judgement in these matters, I am aware, is not from legal experience. And then the old Epstein matter, where they neither deny inaccuracy nor rectify and refuse to correct undenied factual error that is, I think damaging.

The Sunday Times dominates not only book sales but author acceptability. The Wall Street Journal recently did a piece on this as it relates to fiction and concluded, in effect, that the Times can and does kill books. With an author, this can mean his professional death, and if actionable, this can mean his expectable income for the rest of his life, no? If yes, does this not mean a suit of enormous potential?

However, I can understand a reluctance to undertake it. I'd just like to understand better, in part because I believe (please tell me if I am wrong) that I can file anywhere the Times does business and can be served. Washington is such a place, much more convenient for me and much more embarrassing for the Times.

I am having the same problem with crooked publishers (including your friends, there are no others). I am being screwed right now by the people who printed FRAME-UP, who have not even returned the contract to me. What they do not know is that I was foresighted and, with the first evidence of dirty work, taped our conversations, and there is no doubt they have cheated on the amount of the advance and the nature of the promotional efforts. I am about the only person who knows anything about it who isn't convinced they were reached by the feds. The distinction is meaningless for they haven't arranged a single promotion and did what they could to discourage those Jerry and I arranged. As a practical matter, can anything be done? Also, they seem not to be incorporated.

How about Dell? You were to consult Dick and be in touch months ago.

Best, Harold Weisberg