

4/6/73

Dear Sol,

Some years ago, when you saw the situation in which we were, you said that if we need financial help to let you know, that while you were not wealthy you were comfortably fixed and, depending on the extent of our need, might be able to help us. I am not now asking for that help but I am asking if we can depend upon it should the very bad situation get any worse. There is much money owed us. We have been unable to get it. From the few things Lil has said, I would imagine that if we face a crisis, it will be in July. I'll explain.

The helicopters that ruined our farming also had a very serious effect on Lil. A psychiatrist I then consulted told us we had to move, that she had to be separated from the constant viewing and recollections of what had happened. She got as conditioned to helicopters as Pavlov's dogs did to his bell. She is phobic to all aviation.

When Dell came to me for my second book, I was not satisfied with what they had done with my first so I demurred. They kept after my agent, telling him that they had to have it, that the first had by then (a matter of but a couple of months) already sold ~~25~~ 435,000 copies. When they increased their advance to \$15,000 I accepted and I used that money for a down payment on this place to which we then moved. With a sale of 435,000 copies on the first book and only \$10,000 paid on it, this meant that in September 1966 I should have gotten not less than \$35,000 more from them. Never dreaming of the crookedness that hasn't ended, I borrowed the balance and paid cash for the house. Fortunately the vice president of the bank was more foresighted than it. He wrote the contract for two years. Since then they have renewed it, changing only the rate of interest to conform to that which is then current.

Each year we have to pay \$1,250 on the principle and quarterly payments on the interest, now just under \$400 each.

I have only nominal life insurance. This comes to about \$400 a year. We also have taxes and insurance on our home and the farm, which we are trying to sell. It is unincumbered. Our medical insurance is about \$800 a year. None of this has anything to do with day-to-day living expenses. Our old car now has more than 100,000 miles on it and I shudder to think of what would happen if, living in the country, something should happen to it.

The real estate agent has placed a value of \$125,000 on the farm. We have offered to take back all but the down payment as a mortgage to be paid on annually. We want as a minimum downpayment enough to pay the bank off. To get this price the farm, which has an excellent clover-leaf location, will have to be rezoned. If and when we sell the farm, our situation will be improved immeasurably. Until then we go from crisis to crisis and enjoy a very low standard of life in all its aspects. (I spent all the time I could this past winter clearing a piece of land to use as a garden. Although Lil is exhausted we plan to can as much food as we can.)

Lil has regular employment from the first of January until the middle of February April, as a block tax consultant. Her net is about \$1,500. That is our entire predictable income. I am as close as one can be to completely unpublishable. Regardless of subject. I have made many friends in publishing. I submit samples and ideas, get editorial approvals and policy rejections.

I don't think one who hasn't live through it can begin to believe the totality of the crookedness we have faced. Dell is but one example. They have been so crooked they have published editions for which they have not accounted. I have copies of them. They owe me for 7,500 copies of my underground edition they bought to use to promote theirs. They have even fleeced me out of money alleging legal expenses, in violation of specific, written commitment. Nobody fears even mail fraud. Even the post office so evaluates it.

Once it gets past the investigator, there is silence. My Senator is now enquiring why they have not responded to any letters after they took the first case, one they selected from the files I took them. If not the answer, I know the end when I have sued the Department of Justice with success (summary judgement, no less!) and have them in court now in what will be a precedent decision under the Freedom of Information law. (Through the court of appeals I have prevailed.) They hate me for my than my exposures of the FBI, which would be enough.

My work has been used in anthologies without payment. In one case, even without permission. Four of the larger book wholesalers owe us about \$15,000. I could go on and on. Our problem, as with Dell and other publishers, is not the lack of contracts or of proofs but of being able to do anything.

When what Dell did became clear with the phoney accountings, I spoke to a new friend whose legal specialty is publishing law. At first he said he'd represent me, evaluated the proofs as irrefutable, and then said that because he had in the past been Dell's general counsel, he'd have a conflict. He arranged for another lawyer, not expert in publishing, who undertook to represent us after going over the contracts and evidence and offered the same evaluation, we could not expect to lose. The second lawyer drafted a contract, so there is no doubt that we were represented. Only he has done nothing. He has not answered my last inquiry, was he letting the statute run?

My experience with lawyers is worse than the usual experience of the indigent litigant. You may remember that initially you sent me to Harriet Pilpel. A truly impressive woman. She was sympathetic, said she'd be helpful, etc., and to keep in touch. She even said she'd help get my first book published with her connections. I could never get to see her again. No call was ever answered. She is, without doubt, a fine person, too. Yet the fact remains that I could do nothing about the breaking of that first contract and to this day have never gotten a penny of the contracted "advance". In fact, I couldn't even get the manuscript back and to this day haven't.

I am so broke I can't go anywhere. I can't go to New York to seek a replacement lawyer. I have sought one by whatever means I could.

When I heard that Allan Rosenberg was in practise in Boston I wrote him. He took my claim against a Boston wholesaler but he tells me the statute has run and he has little hope. He also wrote a friend in New York, but that lawyer said he couldn't take us as clients. I don't know the reason, but representation of those who owe us money can be a factor, as can our inability to pay a retainer. The last lawyer I wrote is Ira Gollobin(?), whose name was given to me by another lawyer. He has not had time to respond.

The history is similar but worse in our suit against the government for the ruin of our farm. In winning the first suit we set precedent. Edward Bennett Williams took us on about early 1964. He assigned the case to an attractive young lawyer who began excitedly, retreated to doing virtually nothing, and ultimately abandoned us under conditions that raised the judge's hackles. For a while I was pro se. During one of the conferences in chambers, when I was trying to get the government to at least go through the motions of negotiating the settlement they professed a willingness to ~~an~~ attempt, the judge turned to the assistant United States Attorney and told him "I have already ruled on this case. The Plaintiff's have won. The sole question is establishing the amount of damage done." But the government kept stalling. Eventually I obtained counsel in Baltimore through the assistant U.S. Attorney who had been my opponent during the Democratic administration. Slowly, very slowly, the case is advancing. The last development is the government's allegation that Williams let the statute run on us. Hard to believe? Our present lawyer believes it is true. Williams makes no response. If it is the fact, most of the time covered by the damages, where I stopped the running of the statute by filing claims, is lost to us. Williams didn't file the Complaint in time. Hard to believe? Or to explain? All I can think of is what I later learned, that he did not know of my work on the Warren Commission when he agreed to represent us. He is one of Warren's best friends and the young lawyer he assigned to

the case, grandson of President Taft, had been Warren's law clerk.

I can't make an honest estimate of our prospects in this case. We should win something but until there is a ruling on the running of the statute there is no way of making an estimate. I don't have to tell you that when the law prohibits the taking of a retainer and the judge fixes the lawyer's compensation up to a maximum of 25% of recovery, since a guy as he is, he isn't breaking his back. He moves at all only when I prod. It is a prestigious law firm. One of his colleagues, who specializes in courtroom appearances, has gone over the files and was tugging at the reins to get to argue the case in court. He said he had never seen so clear a case of deliberate official abuse, worse and less excusable because of the decision in the first case. However, they are leaving such things as the locating of expert witnesses, especially medical experts, to me, entirely. And I can't afford to drive off looking for any. In fact, when for the first time I got any lawyer to move for discovery, I had to tell him what to seek. Even though the files have been purged, we got real good stuff. It includes admission of legal responsibility for admitted damage. I am now analyzing this material for the lawyer. (How many clients have you had do some of your work for you?)

I know only three lawyers at all well. A local friend undertook to seek recovery on books for me until he learned that while there was an open and shut case, the cost of collecting would wipe out the collection. (The one case about which I've been able to do anything is one in which it was possible for me to be pro se. I won it.) Another is a wealthy man for whom I've done favors, but he is an egocentric nut and he won't get into these kinds of cases anyway. The third is one who has just passed his bars. He knows no lawyers elsewhere. If his opinion is worth anything, what he has seen is beyond question. And actionable.

I go into all of this so you will understand that there is also no prospect of paying back anything we may borrow from you except by the proceeds of some legal action or from the sale of the farm, and so that you can make your own estimates of the situation. We owe the bank about \$20,000, have at least \$10,000 in other debts (like the dentist, our old friend you may remember, the printer, etc.), and no cash reserves at all. Bill has laid aside the interest payment we have to make to the bank on the 10th and it clears out our bank account. Our other creditors are not pressing us and extended the credit in full knowledge of our situation. In personal debts we owe only \$750.

You should also understand that there is the probability of strong official pressures against anything we may attempt, in court or out. I have carbon copies of official surveillance on me. Because of the curse upon me in publishing, I have given two books, both of which should have excellent commercial prospects, to others. One is a close personal friend, the other a stranger. The stranger got fired from a public-relations job as soon as it happened. He gave me even the name of the man in Washington who brought that about. I am finally trying to get that monkey off my back. I have asked an ACLU-type Washington lawyer to take a case based on this improper official spying on me and a prima facie if not entirely proven case of interfering with publication. He has expressed interest. I will not know the answer until he returns from an out-of-town case on which he is engaged. I know this sounds paranoid, but the wealthy lawyer to whom I referred above was once told by a Washington assistant U.S. Attorney (and accurately!) when I was in his office, I have so many thousands of pages of FBI reports I have more than 2,000 pages I have not yet had time to read, and I can produce in court the man who quit over his spying on me and gave me the carbons I have. Less probative is a recent confession sent me of spying on me for the CIA. However, it may interest you to know that this stranger knew what nobody else did, that I had gone to Praeger with Whitewash. I have never mentioned this to anyone. Remember, you sent me to Mort Funer? I can't explain how, except from official sources, this could be known by anyone except you, me and Mort.

If we have to borrow, I would imagine it would be about \$2,500 and in early July.

Next time you go to Washington, how about aking off an extra day and spending it with us. The one thing we have here is beauty. We are in five acres of woods, have a pond and fish in it that come up when they hear the human voice. Our best, and thanks either way.