

SOL RABKIN  
ATTORNEY AT LAW  
315 LEXINGTON AVENUE  
NEW YORK, N. Y. 10016  
MURRAY HILL 9-7400

September 16, 1965

Mr. Harold Weisberg  
Coq d'Or Farm  
Hyattstown, Maryland 20734

Dear Harold:

I returned to New York City from a European trip on the night of September 13. I was gone from August 9. A day or so after I got back, I arranged to have the mail which had come to me at home picked up. Before I left I had asked the Post Office to hold all mail until I returned. This was after I had also arranged with all the people I thought should know for them to send me any material which couldn't wait while I was on vacation to my office. There my assistant opened the mail and sent on what he thought should go on.

I'm sorry that I didn't think of notifying you. But, I did slip and that is why I am answering your letter dated August 14 today. I see, by the way, that your letter was postmarked August 16 from Washington.

Naturally, I'm delighted to learn that the book is under active consideration by a British publisher. What's the status now, a month later? And what has happened at Atheneum? By now you should have an answer from them.

It is an excellent idea to have the book copyrighted since this is the only way you can protect yourself from the danger of losing your right of copyright now that you have copies of the manuscript out in a number of publishers' hands.

Now, let me get down for a moment to what I am supposed to do. I had thought that we were going to let the whole question of dealing with Obolensky stand until you had gotten a publisher. As soon as you had a publisher tied down I was then going to deal with Obolensky, not really to get back the manuscript, a comparatively unimportant aspect of the whole problem, but to

bring suit for breach of contract. If, as appears from your letter of August 14, you want me to proceed immediately to obtain the return of the manuscript, I will do so. The trouble with my doing that is that this may well alert Obolensky to the possibility of suit, something I'd rather not do until we're sure how and when we're going to sue. My recollection is that we had agreed that bringing the suit would be eased once we had the manuscript in the hands of a publisher because we would then be in a position to prove the extent of our damages. In any case, let me hear from you and I'll do whatever you wish. If you want me to write a letter to Obolensky or to call and tell them that I'm calling as your attorney and ask for the immediate return of the manuscript, I'll do so. Obviously, in so doing I won't discuss with them the contract or the possibility that we're going to sue for breach of that contract. To let them know this would be to increase the possibility of difficulty in obtaining their copy of the manuscript.

One final comment on this aspect of the matter. The fact that Obolensky has had your manuscript for six months doesn't, in my view, create any additional legal problem with other publishers. Obviously, Obolensky's failure to carry out his responsibilities under the contract has eliminated any possibility of his having a claim on the manuscript and you are free to sell it to any other publisher who is willing to put it out.

Finally, I'm delighted to hear that your agent wants you to be working on another book. I hope that jells quickly because it is certainly important that you solve your financial problems as quickly as possible. The news about the filing of the suit against the government is also good though you should not let this matter interfere with the wonderful productive work you can do.

One comment! Lawyers are like people, only more so. They are often not as reliable as they should be and will often also be motivated by fears which would seem to most other people to be silly.

Give my love to Lil. Frieda sends her love and regards to both of you. When do you expect to come into the city so that we can talk face to face? Let's get together soon. If I have occasion to go to Washington within the next couple of weeks, I'll call you from there.

Sincerely yours,

  
Sol Rabkin

SR:mef