

Route 8, Frederick, Md. 21701
3/6/73

Mr. Lester M. Levin
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55 Liberty St.
New York, N.Y. 10005

Dear Mr. Levin,

Allan Rosenberg has sent me a copy of your 2/26/73 letter to him, captioned Weisberg v. A & A Distributors, Inc., in response to your reading of a copy of my letter to Allan. Your letter, which I take to be a negative, also tells me that you have more knowledge of publishing than most lawyers. Because of this you jumped to conclusions that in this case are not valid or not controlling. In the hope that on learning the facts you may find you can be helpful or might refer me to another lawyer in that position, I write further.

I will be preparing summaries in more detail than this letter. I had hoped to be able to prepare them by now.

My work has been aimed pretty squarely at the FBI. I have sued it with success. Just last week the court of appeals for the District of Columbia remanded one to the federal district court and specified that I be permitted to address the nature of the FBI's allegations in the court below. It is not possible to inquire into the political assassinations without investigating the FBI. This I have done. I have thousands of pages of FBI reports and have reprinted quite a few in facsimile. (I have committed no improprieties.) When I was having trouble getting my first book published a member of the Senate Judiciary Committee, who tried to help me after reading the manuscript but found himself unable to, told me that each time I left a publisher's office a federal agent entered. I did not believe this then or for years but more recent events suggest his seemingly paranoid opinion is not much exaggerated. I now do have carbons of federal surveillance on me. There is overt criminality in some cases. I can't explain this away as normal commercial dishonesty. Two different postal inspectors have told me there are mail-fraud cases. They accepted one of their chosing and then fell silent. I have correspondence on all of this. But I am not implying and I do not believe that federal "protection" is involved in all cases.

There are two New York City book wholesalers who owe me \$4,900+ and \$4,600+. They do not respond to letters. I have written both recently. I spoke to one in June. They bought books and did not pay for them. They returned some that were damaged and failed to make claims for them although I notified in writing. Under Maryland law I can't sue for the damaged shipments. By coincidence, the local lawyer I consulted just returned his files on this to me. The books were the property of the wholesalers, not mine.

Meredith contracted with me, through "Jay David", who is really the anthologist Bill Adler, to use certain specified passages of two of my books in an anthology. They in fact plagiarized an entire chapter, used it to defame me, and to date I have not received any payment. My last letter went unanswered. They had promised to pay and to do something about the unauthorized use. They also published another book which uses my copyrighted material, including error. This error was exclusively mine. They are aware of this, professed the intantion of doing something to make it good, and haven't. This is all covered in specific, extensive correspondence. In the second instance, there was no contract. My permission was neither sought nor offered.

Probably the largest sums are involved with Dell. Dell and a subsidiary rejected my first book three times and then came to me for it after I made a best-seller of it in the underground format. We had two contracts, one for them to buy, without return provision but at a special, low price, 8,000 copies of the underground book to use in promoting their reprint, the second for the reprint. They have paid for about 500 copies of the original book only. Their accounting for the reprint is fraudulent and probably fraudulent

without access to their books.

Not from personal knowledge but from what I was told by a former executive employee their computers are fed by more than one set of tapes. They can get from their computers whatever figures they may desire. What their books will show I don't know, as you realize, without examining them. Dell also owns its own printing plant, so its records can be more compatible with intended use or misuse. However, there are irrefutable proofs in my possession. One is copies of an entire edition for which they have not accounted and ~~at~~ which they have never made reference. Another proof is an affidavit filed by Dell in Louisiana in response to a spurious suit filed there by a racist, revanchist Cuban. At issue in the affidavit was sales. The affidavit accounts for twice the sales for which I was paid. The original contract was for an initial printing of a quarter of a million copies. In the first month there were two reprints. Dell alleges each was for 50,000 copies only, which hardly makes sense. It also claims to have sold a total of only about 170,000 of the admitted 350,000 copies printed. However, the unaccounted fourth printing of which I have copies was about five months later. It does not seem reasonable that with more than half of the print on hand there would be a totally unnecessary printing. Why print one more copy when they claim to have had more than 100,000 copies on hand? It is only by an accident in the shipping department that ^{we} know of the fourth printing. They were sent to me as freebies. Dell has also sold the book in territories not covered in the contract.

In the cases of the lawsuit by the Cuban, I was led to believe, despite the contractual provision holding me to account for alleged libel, whether or not real, that because there was no libel and because the suit could be used to promote the book, Dell would assume the defense. Saga reprinted a chapter. The initial suit was against Saga and me. The suit was amended by this fascist to include Dell. Later, without consulting me, Dell agreed in a letter to counsel for Saga that it would pay legal costs and arrange for local counsel and divide the costs equally between the three of us. However, it took the total costs, about \$5,000, from my royalties. Later, when I complained and complained, it defrauded both Saga and me by getting Saga to pay half the costs and refunding that half only to me. Thus Dell avoided paying any of the costs it had agreed to share, and simply took from me half of its third share.

Through a mutual friend I did arrange for New York counsel in the Dell and Meredith cases. He has copies of all this evidence and said it was an open-and-shut case. He also said as you tell Allan, that with proof a settlement is often possible. However, he has not done anything. I don't know why and when I asked I got no answer. By mail.

The Dell case is really more greivous, but I doubt the full extent of the crookedness can be established because the agent who was then representing me would not do any more business with Dell if he testified, as he promised to. The reprint contract gave Dell first turndown on my second book. They did turn it down and I published it myself. When the reprint of the first went crazy they came to me for the second. For six months Dell advertised the first as its only best-selling work of non-fiction. I have the ads. The man who represented me with the first book went abroad for a year and arranged for another to represent me. This second man was pressured and pressured by Dell for the reprint rights to the second book. I held back because Dell had not promoted the first book and because I wanted a better advance than they offered. To get me to agree, Dell told this agent, not two months after appearance of the first book, that they had already sold 435,000 copies and simply had to have the second book. They did give me an advance of \$15,000 on the second book and when they did, I signed. This agent told me that a Dell vice president had told him the initial, early sale was of 435,000 copies with the New York lawyer listening in on an extension phone. With any reprinting after an initial print of 250,000 copies, the 435,000 figure may well be accurate, whether or not the proof can be found in their books, cooked or honest.