

5/16/73

Dear Sol,

Were it not that Lil is dozing after falling this morning (no serious damage), I'd not be answering letters at 4:30 on a beautiful, sunny day. We are trying to grow some of our own food on a once-woody spot I cleared this winter and after a week's absence it needs work or it will again go wild. Of all the things I should be doing, that is where I'd prefer to be. However, because her knee is still and swollen, I will not chance her coming for me if the phone rings.

And were it not for one special attraction in your letter of the 11th, I'd not pick it first of quite a stack, including some unanswered from when I was away.

It has been my experience that some of the brighter of those who to me are kids, the generation of young adults, and most of my peers, are quite inflexible in their beliefs and attitudes. I find mine changing with new knowledge and understanding, but I also find, especially among those working in the assassinations fields, that original concepts (often rabid or insane dreams) never alter.

There are really two points at which you display a flexibility of mind commendable at 60, where you mention my work in passing and where you refer to lawyers. It is not because you ever indicated that you believe all lawyers are a boon to mankind, for you didn't, but because of your then attitude toward some whose names I'll not here repeat that I find your comment about "oversights" welcome. I have never in recent years ever mentioned the name of a lawyer not prominent to you. You were inflexible when I made passing reference to the deplorable record of a man I know must have the reputation of being as decent as he is competent (and in most affairs I am confident was quite decent). My comment was based upon fact and more, his own words and work that he expected to be a perpetual secret. Your strong reaction was probably from personal knowledge of the man as well as knowledge of his public reputation. It troubled me that you did not consider fact relevant and put more trust in reputation. It troubled me more because when we were young there was nothing your mind would not consider, and I felt that the hardening of age had set it. So, I'm gratified to know this is not the case and to have an unintended explanation in your comment on what you've learned from your new work, from reading briefs. You are now seeing what you had no occasion to see before, and your mind is open to it. As recently as a year ago, despite the shabby treatment we got from him, I'd never have expected that an Edward Bennett Williams would let the statute run on us, as the government alleges and he does not deny. If only to prevent a negligence suit against himself.

My handwriting is much worse than yours, for the same reason and because I had to start writing too fast when young, as a reporter. In school I actually won a penmanship honor. My thinking races faster than my typing, faster than dictating, and in writing long and complicated things this is a serious problem. I forget. This is getting worse not only from years and troubles but because I am trying to hold an enormous amount of fact in mind. In an effort to overcome this, when I could no longer delay a motor tune on the old car and something came to mind, I took the typewriter and paper to the garage with me and wrote 1,500-2,000 words during the servicing. Ordinarily I would have read while waiting. Today I made a good start in a chapter and to the degree I got on paper what I did, eliminated that much chance of forgetting.

I've decided, by the way, to make a start on a Watergate book. The prospects are not good. The mess requires a context, and that dims prospects more. But there is no indication of any responsible work with a responsible context. And I do have what has not been published on the mess and some of the prime messers. From what little inquiry Ix could make while trying to arrange for the collection of some of what is due us, it seems there is a commercial fear that Bantam will cream the immediate market. The two Post reporters are under hardback contract and are busy with their daily work. Bantam has Clark Hollenhoff under contract. If he gives up his daily work, for his own paper and for his syndicated column, he can be ready pretty fast if he is not afraid of being over-

taken by events not yet upon us. (With the doctrine of the writing I have in mind, not even a forcible takeover of the government would date the work.)

Here a magazine salesman's knock awakened Lil. I steadied her on her aching knees, now showing the discolorations, into a hot tub, and she soaks. So I can do noisier in-the-house things that needding.

Your perceptions on publishing crookedness are precisely correct, except where they have their own accountants. These then became an almost indisponible element in the prevailing and pervading crookedness. I seem to have made a good beginning on handling my own legal problems on the last book, on the King assassination. If they are not just deceiving me, it will now work out. I am aware that deceit is possible. The long silence of the lawyer to whom I'd given the Dell case is explained by his disbarment. The friend who had referred me to him, a publishing lawyer not practising, is seeing if a settlement can be negotiated. The immediate vibes are slightly encouraging. A beginning.

I have to send John Shattuck, who is interested, a memo on federal violations of my rights to privacy and under the first amendment. It makes an Ellsberg case for people to be willing to believe I'm not paranoid even when, as is the case, I've had the proof for years. I have carbons of some of the federal surveillance on my public appearances. And I've had telephone conversations repeated faithfully, with correct identification of the phone I used.

If I didn't tell you, you have several of my all successful suits vs DJ confused. It is that for the confiscated public record ~~fax~~ of the Ray extradition in which Kleindienst lied so and repeated it after I gave him the proof I knew he was lying and he even then repeated the lie. It is in the suit the reporting of which you have just seen that that DJ and its judicial apologist, Judge Danaher, hoist themselves on their own petard over this, a project to which I added unstinting support. As of yesterday, we had heard nothing about the request for an en banc rehearing. But I am delighted that as a result of their own in-court crookedness and Danaher's departure from the role of a judge, DJ was forced to certify that the then Attorney General was indeed a repetitious liar. By this time I really have no feeling about a precedent-setting case partly because it is not my first and partly because DJ will stall in every possible way before going to the upreme Court. They don't dare comply with the remand if it can be avoided, don't care give me what I seek, and I've picked this case with care because it is not immune under the exemptions. Meanwhile, they have the capability of contriving a case they can rush ahead for special interpretation of the exemption involved. However, when we get to the Supreme Court, they'll find I still have a few surprises in reserve! Believe me, I do!

You know I speak for my old soak(er) in wishing you all our best and in hoping that some pleasant way we can get together soon.

Sincerely,

And thanks for the typing.

SOL RABKIN
ATTORNEY AT LAW
75 HENRY STREET
BROOKLYN, N. Y. 11201
522-7466

May 11, 1973

Mr. Harold Weisberg
Rt. 8
Frederick, Maryland 21701

Dear Harold,

I enclose a copy (Xerox) of an item from the Vesey Street Newsletter, a publication of the New York County Lawyers Association dated May 1973. The first item is, I assume, a brief report on that case you were talking about in which you bested the then Attorney General Kleindienst. How does it feel to be the person whose name leads a precedent-setting case?

Sincerely,



Sol Rabkin

SR:mef
enc

I left the copy out since you told me
you have seen it
It was good talking to you. Lets try to get
together

SOL RABKIN
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May 11, 1973

Mr. Harold Weisberg
Rt. 8
Frederick, Maryland 21701

Dear Harold,

This is in belated acknowledgment of your letter of April 12, 1973. In view of the opening sentence of your letter, I am having this letter typed. But I must confess my handwriting has become crabbed and illegible as the years passed. I guess it's because I resent the slowness with which my hand tries to keep up with my thoughts which wing along, not because I'm such a fast thinker but because as time gets shorter and shorter for me, I find myself pressing to speed up completion of such chores as writing things out.

Let me comment on things in your letter. All of life for good guys consists of learning that there are people who can't be trusted. This is true of the publishing industry, especially the marginal part of it with which you have had to deal. It is almost axiomatic that in royalty contracts with publishers you should expect to be cheated. After all accountants are limited to the books the publisher gives them and they reflect entries made by the publisher. The accountant cannot, except at great expense, go behind those entries. That's the rub. And even if you establish a case, the cost of litigating it often exceeds what you'll get if you win.

As for the property, why not explore with local banks how big a mortgage you can get on it? That would help you to find out what kind of value you can get for it that way. Then you'll know what you can realize on it by taking the mortgage and defaulting on it, allowing the property to be foreclosed. Just be sure that the bank's recourse is limited to the mortgaged property and is not against you personally.

I find your comments on your dealings with the DJ interesting especially in view of recent developments with respect to the DJ. There have been a lot of changes there recently. Maybe that surveillance of which you speak may join the Ellsberg surveillance as an element of the cause celebre which is making the current headlines in the national press.

Mr. Harold Weisberg

May 11, 1973

I'm sorry to hear about Lil's difficulties and her inability to travel. And I'm even sorrier that my current job allows me no opportunity to get down to Washington. Now that Frieda's mother is dead we don't get down there much even to see her sister, Edith, and her husband. But if we do have occasion to get down there, I'll let you know before so we can get together. In any case let me know when you'll be in New York so we can get together then.

Finally, on the matter of lawyers and their oversights. I've learned a lot about them since I've been working here and reading briefs. I'm often shocked at how poor the quality is. And of course, I'll verify your story to Lil.

Keep in touch.

Sincerely,



Sol Rabkin

SR:mef