

4/12/72

Dear Sol,

Two things in your letter of the 9th I appreciate very much, the gift and the fact that there is another with a handwriting almost as illegible as mine. My typing isn't much better, but at least my errors can be figured out. The script can't be!

I can make out most of what you wrote. Where I miss words, I get the sense. I understand your feeling and I recall the ancient maxims. I understand also because I have until recently been in the reverse position.

I guess you know me from the past from what you say. I have an infinite capacity for trusting people and have been a frequent mark because of it. The story sounds paranoid, but if there is an opposite of paranoid, that I guess I am. Even today. (On the other hand, had I been other than I am, I could not have accomplished what I have.) The problem is not as much sloppiness as it is crookedness, and the crookedness is so pervading I don't think it can be the commercial norm or without tacit official sponsorship. Where things seem sloppy, they are actually standard practises. They are no worse than written contracts which, in turn, are worth only what one can make them worth. And then are "interpreted".

When a wholesaler phones for books instead of writing an order, it is because he has rush need for them and if he doesn't get them immediately will lose sales. Thus we shipped books on verbal order, relying on shipping receipts. When a shipment is damaged, the owner of what is shipped, under Maryland law, anyway, is the one who must file the claim. How can you compel this, after you have notified? In California alone I have about \$9,000 of this kind of money due me, and I fear the statute has run. In New York, probably 1/4 to 2/3 of this.

I am aware of the standard contract provision permitting a designated accountant to inspect books. In the last contract, I substituted myself for an accountant, since I can't afford one and can do this myself. Where a publisher is determined to be crooked, this is meaningless, for he has special books to be inspected, criminal as it may seem. And where the publisher owns the printing company, as is the case with Dell, proving what I need to prove is even more difficult. With Dell I have such proofs that a count is important for establishing the amount, not the fact. The proofs I have are under oath and prior to the publication of an unaccounted edition, copies of which I have. Computers complicate accounting further, because one has to feed the right tape to get the right count, and that is hidden. In 1968, when I learned this, it was already too late to do anything about it unless I could get the right tape. Dell then had six sets of tapes to feed, depending on what they wanted to come out of the machine.

To the right buyer the property can be worth what I do not expect to get, \$125,000. When money was worth more and our situation was not separate, I took the advice of the since-retired real estate agent who was handling the farm and rejected an \$85,000 offer because he expected to close a \$105,000 deal the next year, with a client who was closing a sale and would want to re-invest within six months. So, he had a heart attack. The farm is at a cloverleaf and is not but 45 minutes from Washington.

Until recently I was unconcerned with the efforts against me. They are not always casual and ineffective. When the post office says mail fraud is obvious and takes a case and DJ kills it, that is pretty effective. Then, aside from the exposures of my writing, I had done no more than get a summary judgement against DJ and forced Kleindienst to expose himself as a liar. Since then my sin is greater: I have tangled directly with the FBI and beaten them in court under such circumstances that the court of appeals saw the probability of perjury (which is the case) and, in remanding to the district court, directed that I be given full opportunity to explore it. To stall going to their own Supreme Court DJ has asked for an en banc rehearing, which is not very usual. They are not casual about this or what I have done to them in the Ray case, meaning, of course, the King crime. No, they are so uptight about me that a public-relations man was fired summarily when he accepted the research for a book from me, a book he was to write. His people have a Washington deal and check everyone. There might be some chance if I knew someone in the New York district attorney's office. I don't.

of the surveillance on me proven. I have carbons of it and what goes with them. In this case, it is CIA, not FBI. The man who did it quit, gave me the proofs and will testify.

I'm sorry you don't get to Washington any more. I haven't been to New York since I last saw you. Lil, who is as conditioned as Pavlov's dogs, can't take any noise and won't travel except for real need. Even road noises are now intolerable to her. The years have been very hard on and for her. The situation is much worse than I've indicated. She has suffered much, as I think you can at least imagine. The kind of thing that becomes very hard to take is the present status of our suit for the ruin of the farm. On the one hand, the judge tells the federal attorney that he has already ruled ~~92~~ (in the first case- this is for damages following those) and the only question is the amount of damage; and then, when we get a new lawyer and finally prod him into activity, the government alleges that no loss than Edward Bennett Williams let the statute run on most of it. Immediately new counsel understands that if this is true, his take has been fractioned. Can you imagine what this alone did to Lil? Anyway, she won't go with me when I go to New York. She has been to New York only twice since World War II. You saw her both times.

I will be in New York next month. After I wrote you I got a chance to make a speech to a small New Jersey college, and I await their notifying me of the date. The chief reason I have accepted, with a very small honorarium, is that it makes my going to New York possible. I have not heard from Ira Collobin, to whom I wrote a little more than a week ago to ask if he would represent us. Aside from the problems of the indigent litigant, we present another. We have been represented by counsel and if ~~it~~ he has let the statute run, I don't think any lawyer will relish the choice between suing another lawyer and abdicating his responsibilities to his client. I have not spelled this out, but I have had to say that we ~~we~~ have been represented by inactive counsel. I'll let you know when I will be there. I hope we'll be able to get together. I'll probably be staying with a friend who works nights and will drive me around. He will insist on it even when it is not practical.

Lil does not know that I wrote you. It will be too painful for her for me to tell her what I wrote you. So, I will tell her that I asked for your help in getting a lawyer, that your present position makes this awkward (which is what she knows Ted Kupferman said), and that you estimated our situation to be what it is and sent this gift. She has two more days of regular work left this season, so she is not home. After two weeks off she will be working 18 hours a week for a couple of months, keeping the office open for non-profit servicing, for which she will be guaranteed only the minimum wage.

She will appreciate your kindness at least as much as I do. Our tanks,

Sincerely,

SOL RABKIN
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April 9, 1973

Dear Harold & Ed,

Your letter came as a surprise
since it was so long since we've been in touch.
Before commenting on its contents let me say
that I'm responding not with a loan such as
you request but a gift which I hope will
at least help you and let you make visits
and trips (how many I can't say) you have to
make to push ahead with your various obliga-
tions and publications. I'm enclosing a
check for \$200 for that purpose.

But I am not in the money-
lending business, even ~~bad~~ bad money-
lending business. And I certainly don't
want to add to your load of debt. So instead
I make a small gift to help you over this
immediate crisis.

The rest of your tale of woe - and it
is a story of awe-inspiring dummies and shocking
stupidness by those you relied on - horrifies me.
I do hope things pick up for you and you begin
soon to collect some of the debts owed you. And
I hope Jefferson is brought at least to the
point you get off the rough spot quickly and have
a cushion of reserve you can live on and

plan future books.

Inidentally, I notice that the firm which you are trying to sell and which a real estate agent has valued at ^{at} 12,000 (R. Bagert's value is always inflated) is unencumbered. Why not try to borrow a mortgage on that for the same amount you can get on it. That would be an easy way to get money for your present needs. If you can get a 7,000 mortgage you could let it go to foreclosure and at least have the 7,000 if you can't sell it ultimately for more.

On the matter of being charged on royalties, that's par for the course unless you have an involved contract allowing inspection of the books and you have the money to see for a court directed accounting if that becomes necessary.

On the matter of the effect of twisting the law's tail and the expedient discussions, it doesn't surprise me. But that, too, is par for the course but there are mitigating factors that those trying to sting you are generally too busy with other things to be at most only casually effective against you.

In my new job, I don't have occasion to travel on other than vacations and so I rarely get to Washington. For the last two years and a little more I've been the secretary to a Supreme Court (N.Y.) judge and so I have no occasion to travel even on such trips as to Washington. And I can get away for vacations only at the end of December for two weeks and in the summer. So I don't know why I can avoid myself of your kind invitation to a visit. Please let me know what goes on about any further news.

Warmest personal regards
Sol + Frieda