

wanted to make a note of this and thought it might interest you.

SEP 24 1972

Dear Js,

9/24/72

#11

In reporting all the bad news that made the timing of the gift of the Craig so much more meaningful to us that it would in and of itself have been, much as that is, I think I forgot to mention one outside possibility of good news. And I think I was sufficiently concerned about Lil's whiplash, which has eased, is not bad, just a little stiff, and the apparently-crucial two weeks are about up, to have mentioned it at that time.

Some time ago, when David Outerbridge just refused to respond to my allegations of violation of the contract amounting to fraud, I went in to see the postal inspector in DC. From what I told him he said it did sound like a fraud case and they would proceed with it if and when I made it official. I didn't want to hurt David, wanting only what he had grafted from me. So, I decided to wait until the next accounting, then due 7/1.

At the booksellers' convention, the first time he saw me I was standing talking with a good friend from Bantam. David doubletaked and went on. Next he saw me when he was in a phone booth and signalled for me to wait. I did. We talked, to no point. He was all piety. So, I told him where I'd been and that I hadn't gone further only because I felt there was a difference between hurting him and getting what he defrauded me of. He said he'd check into the alleged authors' alterations, for which they'd charged, and would see if they hadn't sent me authentication of the figures that were the basis of the advance. I never heard again until I got the alleged accounting two months late. Then I said the hell with it and took a selection of the correspondence and the contract to the postal inspector. It was as I was seeking a parking place at the post office that we were hit.

The chief inspector was not in but I saw a young man who seemed interested said he could see a fraud case if David can't come up with valid figures substantiating the advance, made copies of a few of the letters he wanted bearing on this, and said he'd like dubs of the tapes in which we'd discussed this. So, I did make them. It was not much fun listening to them, particularly because they leave no doubt that David from the first intended crookedness and fraud. He even said they had and would use an agency to promote the book and they had none and did none, not a single promotion.

The PI said that if they see a case they will develop the fact and turn it over to the US Attorney in NYC. Well, I know what to expect there! He also said that when the US Atty does not want to take a case and there is one, he decided that it is a commercial-law case that the victim has to take to civil court. And that they generally have a cutoff figure below which they will not take a case in order not to act as collection agencies for the mail-order houses, thus while there seemed to be an open and shut case on the "author's alterations", the sum was probably too small for NYC. Something like \$200 now. I'd gotten him to refund part some time ago because the contract provided for a certain number free.

Well, I'd written David again when I got the so-called "accounting", which doesn't even yet tell me the print size, and reminded him again of the other provision about AA's that he had violated, that he has to call in 60 days and then provide proof, and that he'd done neither. So, I got one of his self-deifying letters about how accommodating they are and have been and the acknowledgement that they'd have to pay. To be as helpful as possible he sent that ~~unofficial~~ registered.

Thus, given the willingness of the authorities to enforce the law, he has certified the legitimacy of my allegations of fraud with respect to the AAs, which I would think bears on intent to defraud.

While I'm not hopeful of prosecution, I do think it may have a good effect when a NYC postal inspector walks in and says may I please have this estimate based on which you consummated a contract by mail. If they don't exist, that is fraud. If they do exist, they have to be fraudulent. They are less than half the actual figures.

What one doesn't have to do to collect from a publisher today!

What lies behind this, I'm sure, is a non-crooked kind of crookedness, the kind of ethics equivalent to the gut telling the gal how much he loves her until he beds her. David did like the book. Their escatcies are all voluntary and on tape, even after our first scrap. He convinced himself that the subject alone would carry it. I'd been down that road with Oswald in New Orleans and knew it just doesn't work that way. He also felt that the reputation of my earlier works, especially WW, would carry it. I'd been quite explicit on this when he picked the book up and told him it wouldn't, not to deceive himself or me, that if we would not promote lustily, not to take it to begin with. I then said I knew a small publisher has only small ad facilities and that the answer was in promos. He said he'd send me around the

country on speeches, etc, for talk shows, and he really convinced himself, in spite of my warnings about my earlier experiences, that Today and Carson and Cavett would be fighting for me! He had himself believing he could play LIFE against Playboy for serialization, etc., all nightmares. Then, when he found all this to be fiction, he wouldn't do what he could and had promised. The most obvious is an on-publication press conference. With the stuff I had in documents, that could have succeeded. I've never had one not well covered, which is not the same, as you know, as well covered. Not until two months later did we have one, and then it was too late. But it did well in the black press, the occasion being an award from a black group. P1, col 1 above fold Amsterdam News, Sepiaplong interview, etc. But with the stuff on Kleindienst alone he had a legit story he killed. Of vourse, when he didn't hit the horn when he was in the studio and Foreman fled, he killed the ultimate in man-bites-gog stories. There was plenty of time for the am's and wires for eastern a.m.s. He actually then said he'd leave this to the station when he knew they were terrified at the thought of defending a psurious suit. They'd told me in his presence. I couldn't, because as soon as they told me they took me into makeup. Hardly the best of circumstances for the beginning of an appearance. I did do a good enough job on Hanes, who was there, but had to fight the mc without appearing to, to carry him because he was incompetent, and the next week, with no publisher assistance and his refusal to hold a press conference after the planned gangup on me by Hule and Dwyer, the station's formulae for appeasing Foreman, gave me no choice. I told the station that if I were not on that show I'd use the four scheduled radio shows in NYC to get thaa black picket lines. It did work. I got on and did a job, with his not inconsiderable help, on Hule and ruined Dwyer. H