From: Noam Chomsky <[redacted]>
Sent: Monday, May 21, 2018 4:47 AM
To: jeffrey E.; Valeria Chomsky
Subject: Fwd: Marital Trust

the latest.

Mass law prevents beneficia=ies to divide up a trust and liquidate it?

---------- Forwarded messa=e ----------
From: Harry Chomsky <[redacted] <[redacted]>
Date: Sun, May 20, 2018 at 9:19 PM
Subject: Re: Marital =rust
To: Noam Chomsky <[redacted] <mailto:[redacted]> >
Cc: Avi Chomsky <[redacted] <[redacted]> >, Diana Chomsky
<[redacted]>

It sounds like you would like me to say yes or no to your prop=sal exactly as you have stated it, without further discussion. I can=#39;t do that. Here are some reasons:

1. It's not permit=ed under Massachusetts trust law. I agreed to certain obligations wh=n I became trustee, and I have to make sure to discharge them faithfully.=C2  Even if you tell me you don't care about my fiduciary responsibi=ity, the law says I'm responsible anyway.

2. It's not spe=ific. For instance, you mention dividing the trust into two parts, b=t you don't say what each part would consist of.

3. It's =ot complete. For instance, you haven't proposed any way to shiel= us and Max from liability for past actions.

It might be poss=ble to work out all of these problems and develop a legal, specific and co=plete agreement based on the framework you've proposed. Would yo= like to engage with me in some kind of process to attempt that? Oth=r than having your lawyer talk to mine, do you have any suggestion about h=w to do so?

[redacted]> wrote:

I'm glad that you find the idea i=teresting and think that you might consider it, though you have to consult=lawyers first.

My own view is different. To me the pr=posal I suggested seems to be a very simple way of settling this matter, w=ich to me is extremely troubling. I realize that this is just anothe= case of a longstanding difference in the way we approach these problems, = difference that has been clear ever since we were discussing the interest=on the loan from the Trust

and found that we could not communicate because=I mistakenly assumed that it was a discussion among family members while y=ur letters made it very clear and explicit that you saw it as a legal issu= to be settled among lawyers and Bainco, perhaps with a mediator in the ad=ersary proceeding. All matters I find it very hard to comprehend, an= to live with, but so be it.

So by all means consult with y=ur lawyer, or perhaps a battery of lawyers, to make sure that your interes=s are properly protected. I don't need any lawyer's advice.=C2 The matter is perfectly clear and straightforward. So there is=no reason for me to hire a lawyer to deal with the question and to have a =awyer contact yours and initiate a discussion in which we all participate.=C2

The matter is very simple. We can proceed without del=y if you agree to settle the issue in the simple manner that I suggested.<=div>

As for your proposals in your letter of March 29, as I wrote=you, the letter was so shocking that it was hard for me to bring myself to=respond, but I did, in detail, but decided not to send it. Perhaps I=should. Will think about it.

As for your proposals, m= response was the obvious one. I'm sorry for the stress you had =o endure, but your efforts were a waste of time for reasons I had already =ully explained before you undertook them. As I'm sure you recall= a few years ago, I requested tax payments from the marital trust when my =RA was being rapidly depleted by my advisers who were distributing half to=family and using the other half to pay management fees and taxes for the e=tire estate, so that to pay Alex's medical expenses and the expenses f=r Wellfleet I had to withdraw excess funds with exorbitant taxes, all that=before withdrawing even a cent to live on again with exorbitant taxes.=A0 Your response was to refuse the request unless I agreed to intrusive an= insulting financial investigations -- of a kind I never considered when p=oviding funds to you for something you needed. I made it clear and e=plicit at the time that I would not submit to this procedure. Since =our efforts and proposals simply repeat the same procedure, they were a wa=te of time.

There were some things in your letter that were=correct. You're right that despite what has happened, I'm st=ll a "wealthy man," with income well above the median, though la=king a pension and accumulated property, not at the level of my peers.=A0 Furthermore, I can supplement my income by teaching large undergraduate=courses, something I'd never done and that is not that common for peop=e approaching 90, but something that I enjoy. And you too are a weal=hy man, for the same reasons: the reasons are that I've worked hard al= my life, lived fairly simply (and live even more simply today), and was t=erefore able to put aside enough money to ensure that my children and gran=children are very well cared for, indefinitely.

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On Fri, May 18, 2018 at 1:44 PM, Harry Chomsk= <[redacted] <[redacted]> > wrote:

This is an interesting idea. We could consid=r it further, but I would need the advice of my lawyer — and I ass=me you would want your own lawyer's advice as well — to ensure=that any agreement we reach is consistent with Massachusetts law and satis=ies the interests, needs, and obligations of everybody involved. Per=aps, as a next step, you could ask your lawyer to contact mine and begin a=discussion in which we all participate.

I'm a=so curious to hear your thoughts about the proposals I suggested in my mes=age on March 29th.

On Thu, Ma= 17, 2018 at 10:05 AM, Noam Chomsky <[redacted]>=wrote:

As I =rote a little while ago, I did write a long response to your last -- deepl= depressing -- letter, but decided not to send it. I may return to t=at letter later but will keep to some factual matters that ought to be cle=red up.

But now I'm writing just about one point, w=ich seems to be the core of the problem -- a problem, which, again, I don&=39;t understand. But let's put that aside, though I hope we can =lear it up soon. All of this is a painful cloud that I never w=uld have imagined would darken my late years.

The=core issue seems to be the marital trust. I've explained how M a=d I actually set it up with Eric, which seemed to us just plain common sen=e. I've also explained Max's different interpretation. =I've asked you for yours, but haven't heard it. But let'= put that aside too, and just resolve the matter, as can be done very simp=y -- with no need for lawyers to explain the fiduciary responsibility of t=e trustee I appointed years ago to replace me, something I never paid any =ttention to before.

The simple solution is to div=de the trust into two parts. One part will go to you, to use as you =ish. One part will go to me, for me to use without any investigation= of my financial situation and other such intrusions that I won't acce=t. Then the trust can simply be dissolved, and it is all over.
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So I suggest that we proceed this way, and end the whol= matter -- at least, whatever it is that I understand about what is of con=ern to you.

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