
From: Noam Chomsky <[REDACTED]>
Sent: Wednesday, May 23, 2018 5:49 PM
To: jeffrey E.
Cc: Valeria Chomsky
Subject: Re: Marital Trust

Thanks. I'm going to write Harry a strong letter= now that it's all becoming clear.

On Wed, May 23, 2018 at 2:49 AM, jeffrey E. <jeevacation@gmail.com <mailto:jeevacation@gmail.com>> wrote:

it needs to be done with an arcane tax risk in mind = that can be dealt with. if the intention is to do it. =C2♦ you can always go to court to approve it. this is silly - , o= course they can distribute to you 2million dollars without much tro=ble. Im afraid harry has said you would have addi=ional access? does not seem like he is willing to =ell you what amount he thinks Noam that is the only ques=ion. ! .

On Wed, May 23, 2018 at 2:01 AM Noam=Chomsky <[REDACTED]> <mailto:[REDACTED]>
> wrote:

The latest.

Question of fact: is =here any legal barrier to distributing the assets and dissolving the trust=

----- Forwarded message -----

From: Har=y Chomsky <[REDACTED]> >
Date: Tue, May 22, 2018 at 2:32 PM
Subject: Re: Marital Trust
To: Noam Chomsky <[REDACTED]>;

I'd like to put together a proposal=that I think would address some of your needs and ease our communications.=C2♦ The proposal would give you some additional access to the trust asse=s. It would also include appointing a new independent trustee to rep=ace Max. However, it would not terminate the trust, and I would rema=n as one trustee.

Are you interested in seeing su=h a proposal?

If you feel that it would be a good=use of everyone's time, I will work with my lawyer Jillian to write up=an outline of what I have in mind. We will send the outline to you a=d Rich, unless you would prefer we send it only to you.

You may want to consult a lawyer to learn more about why we can't just terminate the trust and split the assets as you suggested. If our lawyer disagrees with Jillian and feels that such a split would be viable, Jillian would be happy to discuss it with your lawyer.

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On Mon, May 21, 2018 at 12:30 PM, Noam Chomsky <[REDACTED]>
<mailto:[REDACTED]> wrote:

Sorry, I made the same error as before. I'm finding it hard to shake the illusion that we are discussing things with=n a family, and are not characters in Bleak House. I'll t=y to remember. Below.

=br>

On Sun, May 20, 2018 at 9:19 PM, Harry Chomsky <[REDACTED]>
> wrote:

It sounds like you would like me to say yes or no to y=ur proposal exactly as you have stated it, without further discussion.♦=A0 I can't do that. Here are some reasons:

1. It's n=t permitted under Massachusetts trust law.

Can you -- or perhaps your lawyer -- refer me to the part of Mass Trus= Law that makes it illegal for beneficiaries to agree on distributing fund= from a marital trust and then liquidate it? I can't find it.

1. I agreed to certain obligations when I became trustee, and I ha=e to make sure to discharge them faithfully. Even if you tell me you=don't care about my fiduciary responsibility, the law says I'm res=onsible anyway.

Your solemn obliga=ions are no doubt impressive, but there is an easy way to put them to rest= Simply resign (permitted under Mass law) and then you will have no =urther obligations. We can then return to the situation before I app=ointed you to be a trustee, when I was a trustee and there were no problems=about fiduciary responsibility -- that was before the transition from fami=y to Bleak House.

1. It's not specific. For instance, y=u mention dividing the trust into two parts, but you don't say what ea=h part would consist of.

Correct. I left that for discussion, still laboring under my illusion=. So I therefore suggest that you propose what you think would be an=appropriate split and we can proceed from there.

1. It's not complete. =or instance, you haven't proposed any way to shield us and Max from li=bility for past actions.

I hadn l=;t realized that you are concerned that your past actions might make you l=gally liable. But this too can be handled easily. I'm sure=that your lawyer can construct some document to protect you from whatever =hose past infractions were, and since I still labor under my old illusions= that will suffice.

However, given your assumptions, we should definitely have ironclad agreements, with=batteries of lawyers an notaries and witnesses, including an agreement that you will not contest my will, something that had never crossed my mind before I learned about your assumptions -- which, I admit, I'm still having trouble comprehending.

It might be possible to work out all of these= problems and develop a legal, specific and complete agreement based on the= framework you've proposed. Would you like to engage with me in =ome kind of process to attempt that? Other than having your lawyer talk to mine, do you have any suggestion about how to do so?

Very simple. Proceed as above =/div>

On Sat, May 19, 2018 at 2:26 PM, Noa= Chomsky <[REDACTED]>
<mailto:[REDACTED]> > wrote:

I'm glad that you find the idea interes=ing and think that you might consider it, though you have to consult lawye=s first.

My own view is different. To me the proposal=I suggested seems to be a very simple way of settling this matter, which to me is extremely troubling. I realize that this is just another case=of a longstanding difference in the way we approach these problems, a diff=rence 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 mis=akenly assumed that it was a discussion among family members while your le=ters made it very clear and explicit that you saw it as a legal issue to be settled among lawyers and Bainco, perhaps with a mediator in the adversar= proceeding. All matters I find it very hard to comprehend, and to live with, but so be it.

So by all means consult with your la=yer, or perhaps a battery of lawyers, to make sure that your interests are=properly protected. I don't need any lawyer's advice. =he matter is perfectly clear and straightforward. So there is no rea=on for me to hire a lawyer to deal with the question and to have a lawyer =contact yours and initiate a discussion in which we all participate. <=div>

The matter is very simple. We can proceed without delay if you agree to settle the issue in the simple manner that I suggested.

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 respon=, but I did, in detail, but decided not to send it. Perhaps I should= Will think about it.

As for your proposals, my respo=se was the obvious one. I'm sorry for the stress you had to endu=e, but your efforts were a waste of time for reasons I had already fully 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 IRA 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 entire e=tate, so that to pay Alex's medical expenses and the expenses for Well=leet I had to withdraw excess funds with exorbitant taxes, all that before=withdrawing even a cent to live on again with exorbitant taxes. Your=response was to refuse the request unless I agreed to intrusive and insult=ng financial investigations -- of a kind I never considered when providing=funds to you for something you needed. I made it clear and explicit =at the time that I

would not submit to this procedure. Since your eff=rts and proposals simply repeat the same procedure, they were a waste of t=me.

There were some things in your letter that were correct= You're right that despite what has happened, I'm still a &q=ot;wealthy man," with income well above the median, though lacking a =ension and accumulated property, not at the level of my peers. Furth=rmore, I can supplement my income by teaching large undergraduate courses,=something I'd never done and that is not that common for people approa=hing 90, but something that I enjoy. And you too are a wealthy man, =or the same reasons: the reasons are that I've worked hard all my life= lived fairly simply (and live even more simply today), and was therefore =ble to put aside enough money to ensure that my children and grandchildren=are very well cared for, indefinitely.

But I ag=in suggest that we put all of this aside, and deal quickly and simply with=what appears to be the one outstanding issue: dividing the Marital trust a=d then dissolving it, all very simple, needing no lawyers, at least on my =art.

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On Fri, May 18, 2018 at 1:44 PM, Harry Chomsky <[REDACTED]>
<mailto:[REDACTED]> > wrote:

This is an interesting idea. We could consider it fur=her, but I would need the advice of my lawyer — and I assume you w=uld want your own lawyer's advice as well — to ensure that any=agreement we reach is consistent with Massachusetts law and satisfies the =interests, needs, and obligations of everybody involved. Perhaps, as = next step, you could ask your lawyer to contact mine and begin a discussi=n in which we all participate.

I'm also curio=s to hear your thoughts about the proposals I suggested in my message on M=rch 29th.

On Thu, May 17, 2018 at 10:05 AM, Noam Chomsky =lt;[REDACTED]>
<mailto:[REDACTED]> > wrote:

As I wrote a little while ago, I did write a long response t= your last -- deeply depressing -- letter, but decided not to send it.♦=A0 I may return to that letter later but will keep to some factual matters=that ought to be cleared up.

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

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

The simp=e solution is to divide the trust into two parts. One part will go t= you, to use as you wish. One part will go to me, for me to use with=ut any investigations of my financial situation and other such intrusions =hat I won't accept. Then the trust can simply be dissolved, and =t is all over.

So I suggest that we proceed this way, and end the whole matter -- at least, whatever it is that I understand about what is of concern to you.

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=C2◆ please note

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JEE

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