From: Noam Chomsky [redacted]
Sent: Wednesday, May 23, 2018 6:01 AM
To: jeffrey E.; Valeria Chomsky
Subject: Fwd: Marital Trust

The latest.

Question of fact= is there any legal barrier to distributing the assets and dissolving the =rust?

--=------- Forwarded message ----------
From: Harry Chomsky [redacted]
Date: Tue, May 22, 2018 at 2:32 PM<=r>Subject: Re: Marital Trust
To: Noam Chomsky [redacted]

<=iv>I'd like to put together a proposal that I think would address some=of your needs and ease our communications. The proposal would give y=u some additional access to the trust assets. It would also include =ppointing a new independent trustee to replace Max. However, it woul= not terminate the trust, and I would remain as one trustee.

Are you interested in seeing such a proposal?

If you feel that it would be a good use of everyone's time, I w=ll work with my lawyer Jillian to write up an outline of what I have in mi=d. We will send the outline to you and 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 s=lit the assets as you suggested. If your lawyer disagrees with Jilli=n and feels that such a split would be viable, Jillian would be happy to d=scuss it with your lawyer.

On Mon, May 2=, 2018 at 12:30 PM, Noam Chomsky [redacted]
wr=te:

Sorry, I made the s=me error as before. I'm finding it hard to shake the illusion th=t we are discussing things within a family, and are not characters in B=eak House. I'll try to remember. Below.

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On Sun, May =0, 2018 at 9:19 PM, Harry Chomsky [redacted] wrote=

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

1. It's not permitted under Massachusetts trust law.<=li>

Can you -- or perhaps your lawyer -- re=er me to the part of Mass Trust Law that makes it illegal for beneficiarie= to agree on distributing funds from a marital trust and then liquidate it= I can't find it.

1. I agreed to certain obligations =hen I became trustee, and I have to make sure to discharge them faithfully= Even if you tell me you don't care about my fiduciary responsib=lity, the law says I'm responsible anyway.

Your solemn obligations are no doubt impressive, but there is =n easy way to put them to rest. Simply resign (permitted under Mass =aw) and then you will have no further obligations. We can then retur= to the situation before I appointed you to be a trustee, when I was a tru=tee and there were no problems about fiduciary responsibility -- that was =efore the transition from family to Bleak House.

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1. It's not =pecific. For instance, you mention dividing the trust into two parts= but you don't say what each part would consist of.

Correct. I left that for discussion, s=ill laboring under my illusions. So I therefore suggest that you pro=ose what you think would be an appropriate split and we can proceed from t=ere.

It's not complete. For instance, you haven't proposed any w=y to shield us and Max from liability for past actions.

I hadn't realized that you are concerned that you= past actions might make you legally liable. But this too can be han=led easily. I'm sure that your lawyer can construct some documen= to protect you from whatever those past infractions were, and since I sti=l labor under my old illusions, that will suffice.

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However, given your assumptions, we should definitely=have ironclad agreements, with batteries of lawyers an notaries and witnes=es, including an agreement that you will not contest my will, something th=t had never crossed my mind before I learned about your assumptions -- whi=h, I admit, I'm still having trouble comprehending.
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It might be po=sible to work out all of these problems and develop a legal, specific and =omplete agreement based on the framework you've proposed. Would =ou like to engage with me in some kind of process to attempt that? O=her than having your lawyer talk to mine, do you have any suggestion about=how to do so?

Very simple.=A0 Proceed as above

=div class="gmail_extra">

On Sat, May 19, 2=18 at 2:26 PM, Noam Chomsky [redacted] wrote:<=r>

I'm glad that you fi=d the idea interesting and think that you might consider it, though you ha=e to consult lawyers first.

My own view is different. =To me the proposal I suggested seems to be a very simple way of settling t=is matter, which to me is extremely troubling. I realize that this i= just another case of a longstanding difference in the way we approach the=e problems, a difference that has been clear ever since we were discussing=the interest on the loan from the Trust and found that we could not commun=cate because I mistakenly assumed that it was a discussion among family me=bers while your letters made it very clear and explicit that you saw it as=a legal issue to be settled among lawyers and Bainco, perhaps with a media=or in the adversary proceeding. All matters I find it very hard to c=mprehend, and to live with, but so be it.

So by all means c=nsult with your lawyer, or perhaps a battery of lawyers, to make sure that=your interests are properly protected. I don't need any lawyer&#=9;s advice. The matter is perfectly clear and straightforward. =So there is no reason for me to hire a lawyer to deal with the question an= to have a lawyer contact yours and initiate a discussion in which we all =articipate.

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 bri=g myself to respond, but I did, in detail, but decided not to send it.=A0 Perhaps I should. Will think about it.

As for you= proposals, my response was the obvious one. I'm sorry for the s=ress you had to endure, but your efforts were a waste of time for reasons = had already fully explained before you undertook them. As I'm s=re you recall, a few years ago, I requested tax payments from the marital =rust when my IRA was being rapidly depleted by my advisers who were distri=uting half to family and using the other half to pay management fees and t=xes for the entire estate, so that to pay Alex's medical expenses and =he expenses for Wellfleet I had to withdraw excess funds with exorbitant t=xes, all that before withdrawing even a cent to live on again with exorbit=nt taxes. Your response was to refuse the request unless I agreed to=intrusive and insulting financial investigations -- of a kind I never cons=dered when providing funds to you for something you needed. I made i= clear and explicit at the time that I would not submit to this procedure.=C2 Since your efforts and proposals simply repeat the same procedure, t=ey were a waste of time.

There were some things in your let=er that were correct. You're right that despite what has happene=, I'm still a "wealthy man," with income well above the medi=n, though lacking a pension and accumulated property, not at the level of =y peers. Furthermore, I can supplement my income by teaching large u=dergraduate courses, something I'd never done and that is not that com=on for people approaching 90, but something that I enjoy. And you to= are a wealthy man, for the same reasons: the reasons are that I've wo=ked hard all my life, lived fairly simply (and live even more simply today=, and was therefore able to put aside enough money to ensure that my child=en and grandchildren are very well cared for, indefinitely.

But I again suggest that we put all of this aside, and deal qu=ckly and simply with what appears to be the one outstanding issue: dividin= the Marital trust and then dissolving it, all very simple, needing no law=ers, at least on my part.

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On Fri, May 18, 2018 at 1:44 PM, =arry Chomsky [redacted] wrote:

This is an interesting idea. We =ould consider it further, but I would need the advice of my lawyer =94 and I assume you would want your own lawyer's advice as well =94 to ensure that any agreement we reach is consistent with Massachusetts =aw and satisfies the interests, needs, and obligations of everybody involv=d. Perhaps, as a next step, you could ask your lawyer to contact min= and begin a discussion in which we all participate.

<=iv>I'm also curious to hear your thoughts about the proposals I sugges=ed in my message on March 29th.

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

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

But now I'm wr=ting just about one point, which seems to be the core of the problem -- a =roblem, which, again, I don't understand. But let's put that=aside, though 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.=/div>

The core issue seems to be the marital trust.=A0 I've explained how M and I actually set it up with Eric, which seem=d to us just plain common sense. I've also explained Max's d=fferent interpretation. I've asked you for yours, but haven'= heard it. But let's put that aside too, and just resolve the ma=ter, as can be done very simply -- with no need for lawyers to explain the=fiduciary responsibility of the trustee I appointed years ago to replace m=, something I never paid any attention to before.

So I suggest that we proc=ed this way, and end the whole matter -- at least, whatever it is that I u=derstand about what is of concern to you.

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