

**From:** Noam Chomsky <[REDACTED]>

**To:** "jeffrey E." <jeevacation@gmail.com>, Valeria Chomsky <[REDACTED]>

**Subject:** draft of letter about Trust

**Date:** Sun, 14 Oct 2018 01:29:51 +0000

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I included some of your wording, and added some other things. See if you think this is OK, or if there should be some changes.

I left out the timing of the estate planning, which was before Max took over.

Noam

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To Whom It May Concern:

I am writing to express my deep concerns, and serious distress, with regard to my experience of the past decade with my former lawyer Max Kohlenberg.

When my first wife died in 2008, I was 80 years old. I knew that my children and grandchildren were well cared for, with trusts and other investments in their names. After my wife's death, I had no interest in financial planning for myself. I assumed that it would not be problematic, having been a full professor at MIT for many years, with a pension restructured as investments. I entrusted my affairs completely to Mr. Kohlenberg and to an investment firm (Bainco) with which he had close connections. I also asked my son Harry to replace me as co-Trustee, with Mr. Kohlenberg, of a Marital Trust that my wife and I had established with the intention that it be available to the survivor, then to our children after the survivor's death.

In 2014 I remarried and accordingly began to think about the future. I was greatly surprised to find out that I faced serious financial problems. I learned that my virtual sole source of income was an IRA, along with the Marital Trust of which Mr. Kohlenberg was co-Trustee. I discovered that the IRA was being depleted by distributions to family along with taxes and management fees for the whole estate, exhausting the entire mandatory withdrawal. Hence even for ordinary personal expenses I had to make additional withdrawals. The Marital Trust was supposed to be paying an annual income to me, but I had no record of having received anything. And I had no information about other distributions from this Trust. Recently, independent financial advisors informed me that the investments of the Trust were designed in ways that would reduce income to me – even if I received it – leaving the Trust larger at my death. The home in the suburbs and a summer cottage that I owned had been transferred to my children.

My second wife and I realized that at age 86, it was advisable to move to an apartment in town with no steps, no snow removal and other such concerns, and no long commute to my office at MIT. That of course increased expenses since I had been living rent free and received nothing from the sale of the house.

To pay taxes on the entire estate, I had no alternative but to access at double taxation money from my IRA account. I therefore requested a withdrawal from the Marital Trust for tax relief. The request was denied, unless I agreed to submit to a detailed inquiry into my expenses, life style, etc., demands that were simply humiliating and which I rejected.

I also requested information from Mr. Kohlenberg about what had been happening with the Marital Trust during the years when I was paying no attention. After repeated inquiries, I still have not received any information except for very recent years: no information about the legally-required income paid to me (if any) or about any other distributions.

I had assumed that I could trust Mr. Kohlenberg with my personal affairs, to which, again, I was paying no attention after my first wife died. What has happened is, frankly, shocking. I never expected that at age 90, having worked all my life and ensured that my children and grandchildren were well cared for, I would have to be concerned about support for the rest of my life and about ensuring the financial security of my second wife, who gave up her successful professional career and left her family in Brazil to be with me for my last years. Nor could I have imagined that I would not even be able to obtain information about what had happened to my financial situation during the years when I entrusted these matters to Mr. Kohlenberg, whom I had understood to be a reputable trust and estate lawyer.

All of this is, needless to say, deeply distressing.

Noam Chomsky