

29 December 1955

(15-A)

Dear Frank and Morrie:

For about a year now I've been wanting to discuss with you certain actual monetary losses I sustained in selling "The Boy and the Bull" to you. But I couldn't quite figure out a way to do it without embarrassing both of us.

Then when you told me you were going to get Doc to write a letter to Kirk Douglas for you, I said to myself: "Why that's a great idea! I'll just go over to Doc's myself, and see if he won't write my letter to Frank and Morrie."

So I went over. Well, you know old Doc, always broke as a bankrupt's bastard, but always willing to write a letter for a friend. He said, "What's the situation?" And I said, "Well, it's like this. I sold this script to the guys for \$10,000, but it cost me \$1,420 to collect the money, and besides that, I could have sold the script for \$20,000 if I hadn't turned it over to them, and what I'd like to do is to have you write them a letter that would explain why I think they ought to make up the \$1,420 I lost on the deal. Especially," I told him, "since the picture is bound to coin a fortune, and the \$1,420 wouldn't mean anything on the budget, because a script cost of \$10,000 on a film like that is just about the lowest anybody ever heard of."

So old Doc thought for a while, and then he said: "I still don't see what's your problem. Just send 'em a bill." And I said, "No, no, Doc, you don't understand. These are nice guys, and we've done a lot of business together, and I don't want to hurt their feelings, and neither do I want them to think I'm a son-of-a-bitch. So you see, Doc, it's got to be a special kind of letter."

"Well," said Doc, "do you really think you've got this money coming?" And I said, "Yes, Doc, I honestly do." And Doc said: "And do you really think they ought to pay it?" And I said: "I really do, Doc, and I think they will if I can only explain to them in a nice way how the deal went for me."

So Doc said, "Very well, I'll get a letter ready right away, not from you to them, but from me to them. I'll call you, the writer, the guy that wants the dough, I'll call you X in the letter. And I'll just make it a plain simple statement of facts. And then you mail it to them."

So he wrote it, and I have copied it here exactly as he told me to. Mind you, this is not a letter from me, from X who wrote the script, but from good old Doc trying to straighten out the situation in a way that neither you nor I will be embarrassed.

Here is Doc's letter:

Dear Frank and Morrie:

This guy X has come to me, and says the following:

That he promised to write a screenplay called "The Boy and the Bull" at his own expense and give exclusive first refusal to you, upon the following conditions: (1) that you would let no one else read it; (2) that you would return it if you did not want it so that X could sell it in the open market; (3) that you would pay X \$10,000 for it if you wanted it.

Now X tells me that he did write the screenplay, and did submit it to you, but that certain things happened thereafter which were not according to the agreement but which X doesn't particularly blame anybody for. X says what happened was this: that (1) you did let other people read it and even sent it to foreign countries, thus destroying his chance to offer it to somebody else under a proper front; (2) that you didn't return the script when he asked for it; (3) that instead of paying \$10,000 for the script, you held it for two months, and then sent X \$1500 on account.

Now X tells me that Hollywood is a screwy place, and that he can understand that special circumstances can make it necessary for people to alter agreements they have previously made. But X went on and explained: "You see the hell of it was, I had no money at all, and I was in a foreign country with my family to take care of, and since I had done everything my part of the agreement called for, I badly needed that \$10,000. When weeks went on and I didn't get any word, I went out and arranged a deal myself with English money which offered me \$20,000 for the script. But when I asked for the script back, I couldn't get it. So I lost \$10,000." X sighed when he told me this, and I could see big tears quivering in the corner of his eyes. But then he got control of himself, and said, "So that's the way the cards fall. What's ten thousand dollars anyhow? You lose it today, you don't win it tomorrow, but you've had a lot of excitement for it. The point is," X went on to me, "it isn't that lost ten thousand that bothers me, it's the money I didn't get on the sum it was actually sold for." I asked him to explain this in detail, and the facts as he thinks them to be, follow:

Because he was broke, and couldn't get the money coming to him, X had to make a forced trip from Mexico City to San Antonio and return, and that this trip cost him \$180.00.

That in San Antonio he had to sell his car to make up for the money he didn't get on the script; that the car had cost him \$3,000 eleven months before, and had a bluebook value of \$1790 when he sold it in San Antonio, but that because he was so pressed for time and money, he had to wholesale it for \$1060, which gave him a net loss of \$730---just because he couldn't collect the script money due him.

That three months later the government was foreclosing a trust deed belonging to X for back income taxes of \$3,000. That he

had to fly to Los Angeles to try to raise the money; that he asked you for \$3,000 of the money still owing him; that you said you didn't have it; but that finally he found a business man who took your note for that sum, and gave him the money. And this trip, which took almost two weeks and which he wouldn't have had to make if he had had the money owing him, cost him another \$420.

That when he received final payment from the script, \$90 had been deducted from it for interest on the \$3,000 he had arranged for you to borrow. Now X says that any way you figure it, this means that he was paying interest on his own money, and has cost him another \$90.

Now X explains to me that the cost of the San Antonio trip, the loss on his car, the cost of the Los Angeles trip, and the interest charge on his money cost him a total of \$1420. So that instead of getting \$10,000 for his script, he only got \$8,580. And this is the situation he has asked me to explain to you.

After I got this all down, I turned to X and said, "X, what are you going to do if these guys tell you to go to hell?" X looked at me and said, "Nothing."

I said to him, I said, "X, if they refuse to pay this money, are you going to turn around and start complaining about having to do all this new work on The Boy and the Bull?" And X said, "No, I'm going to do that work just as if they had paid me that extra money I claim."

So I said to him, I said, "X, what the hell kind of a business man are you, agreeing to do considerable more work for nothing, and planning to go right ahead and do it even if you don't get paid for something in the past that you think is due you?"

And X said: "I'm not any kind of a business man; I'm a writer."

So I shrugged my shoulders, and told him it was as screwy a thing as I'd ever heard of, but if that's the way he wanted it there was nothing I could do, except finish this letter for him and sign it,


Old Doc Abbott

AUTHOR'S LOSSES ON "THE BOY AND THE BULL":

OUR AGREEMENT

I promised to write the screenplay at my own expense and submit it to you for exclusive first refusal.

You promised to let no one but yourselves read it or even see it.

You promised that if you did not want the script, you would return it to me immediately so I could put it on the market.

You promised me that if you wanted the script you would pay me \$10,000.

HOW IT WAS KEPT

I did write it and did in good faith submit it.

You did permit others to read it, and thus destroyed my chance to offer it under someone else's name in the Hollywood market.

You did not return it, and when I requested it, you refused to return it.

You did not pay me the \$10,000. Instead you held the script off the market for over two months, and then sent me \$1500 on account.

* * *

When I saw that you were unable to pay for the property, I arranged a sale for \$20,000 to an English company, notified you of this, requested the script, and offered to indemnify you for what you had paid. You did not even answer my letter.

First loss to me on script-----\$10,000

Having a family to support, and having counted on your payment, I was forced to drive to San Antonio and sell my car in order to live.

Cost of San Antonio trip----- 180

I had paid \$3400 new a year before for my car. Its retail value then was \$1790. But because I had to sell it at once and in a strange city, I wholesaled it for \$1060.

Loss on car between retail and wholesale price----- 730