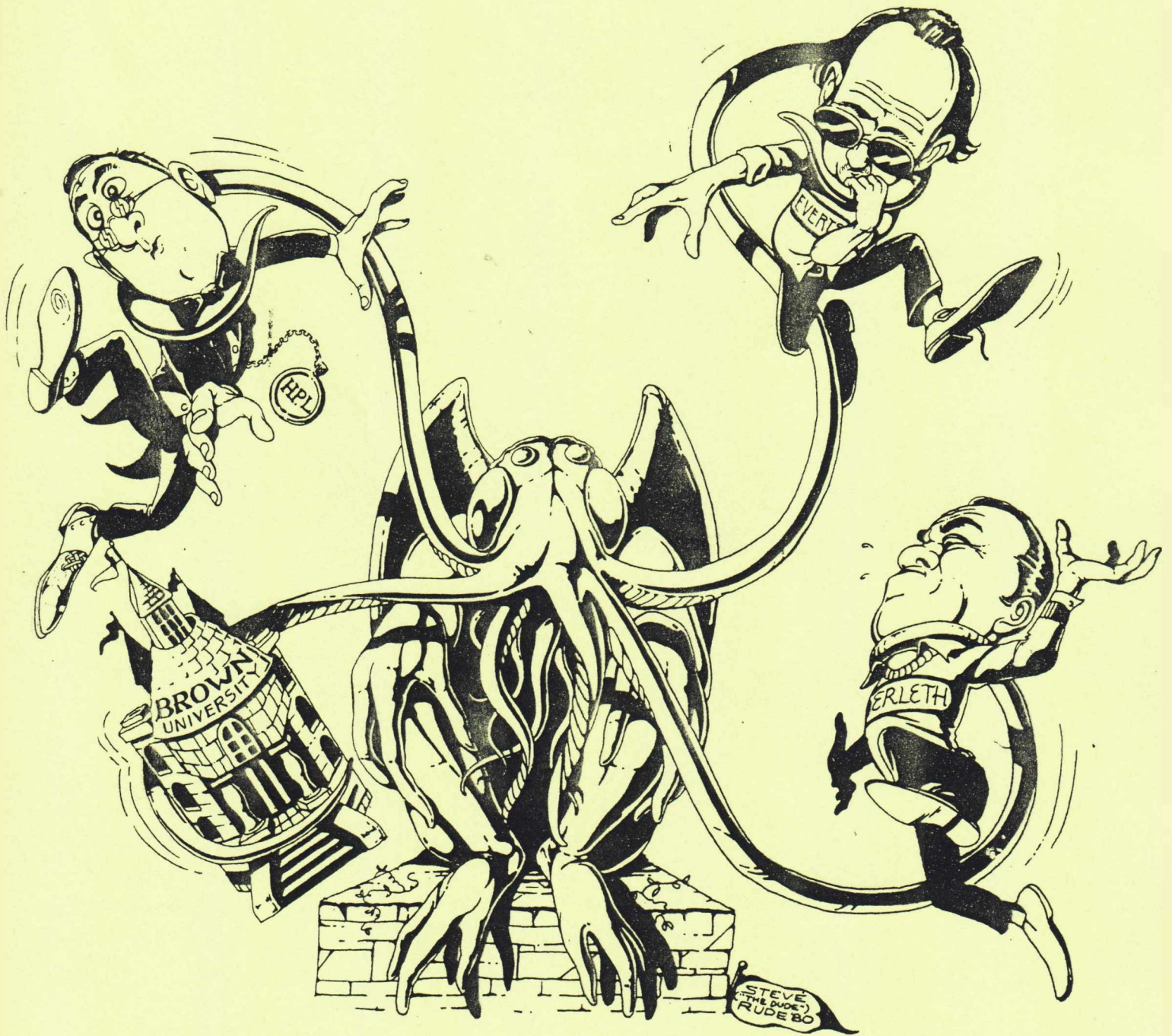


# The CURSE of CHULHU



# The CURSE of CTHULHU

**THE CURSE OF CTHULHU** is a one-shot publication designed to give everyone some idea as to the activities of R. Alain Everts, also known as Randal Kirsch. The main part of this one-shot will be a reprint of an article written by Michael Baron (later to be known as "Mike Baron" of *Nexus* comic book fame) which was originally published in a Madison, Wisconsin, newspaper magazine and which gives a fairly complete history up to that point in regards to the various legal goings-on. This one-shot is prepared in November 2002 and will be distributed through (as of this writing) FAPA, SFPA, REHUPA and SLANAPA. It may also be distributed through SAPS, Apanage, and the Esoteric Order of Dagon, pending authorization.

The fact that the titular article seems to be in favor of Everts at first threw me into doubt — was this man really a victim of circumstances? That would *not* seem to be the case, due to the wealth of material supplied to me by one Eric Leif Davin, a professor of history at the University of Pittsburgh who acts as the executor of the literary estate of Stanley G. Weinbaum. He has supplied me with *many* letters and statements from disgruntled ex-associates of Everts, most of which I have herewith reproduced, to make certain there is no doubt. As for Mike Baron himself, a short email correspondence with him revealed that, "I do believe I was used by Everts' attorney...to bolster his client's case. Had I to do that article over again, I would spend more time investigating the claims against Everts by those who made them." It is my belief that Baron was furnished with insufficient information prior to writing his article. With this one-shot, the reader will have the opportunity to judge for her or himself.

My interest in the subject first started when the REHUPA website manager, Leo Grin, sent me a copy of many pages of the previous 15 years or so of REHUPA. One of the pages reprinted a letter from Novalyne Price-Ellis, who had been an occasional date of Robert E. Howard's when he was alive. The letter was written to Jonathan Bacon and was originally published in his high-quality fanzine, *Fantasy Crossroads*. When this letter was reprinted in REHUPA, I am informed, Everts dropped the apa without a word to anyone. I must admit that the letter inspired in me quite a bit of outrage — Ms. Price-Ellis was appealing to Jonathan Bacon for help because, she said, she understood that he was a member of a literary organization of Robert E. Howard afficianados, as was Everts, who had long ago "borrowed" photographs of Robert E. Howard which he had never returned, nor had he answered her pleading letters regarding same. Price-Ellis was asking Bacon could he perhaps please put the word through that organization as a form of leverage? Apparently the only leverage effected, however, was to cause Everts to slip out of the apa. I am informed that to her dying day Ms. Price-Ellis received back neither her photographs of her erstwhile suitor nor any word from Everts regarding same. Although this occurred years after I had dropped out of REHUPA, I'm afraid I couldn't help but feel some degree of responsibility. Everts is no longer in REHUPA, as mentioned above, however he *is* presently (as of this writing) a member of FAPA, necessitating what I feel is a Need To Know for all FAPA members.

And despite the genuine outrage of mine which I mentioned before, I must also admit to some degree of reluctance to do this one-shot. Why, indeed, bother? Well, maybe it's because as Eric Leif Davin said in his revised letter of July 4, 2002 (printed in *Terminal Eyes* 7), to me, "The truth...as widely disseminated as possible, is the best defense." And as I said in an email to Mike Baron, "...because the truth must be told, and people must be warned in advance. If there's nothing we can do against this guy now for what he has done in the past, maybe, hopefully, perhaps we can prevent more such [occurrences] in the future."

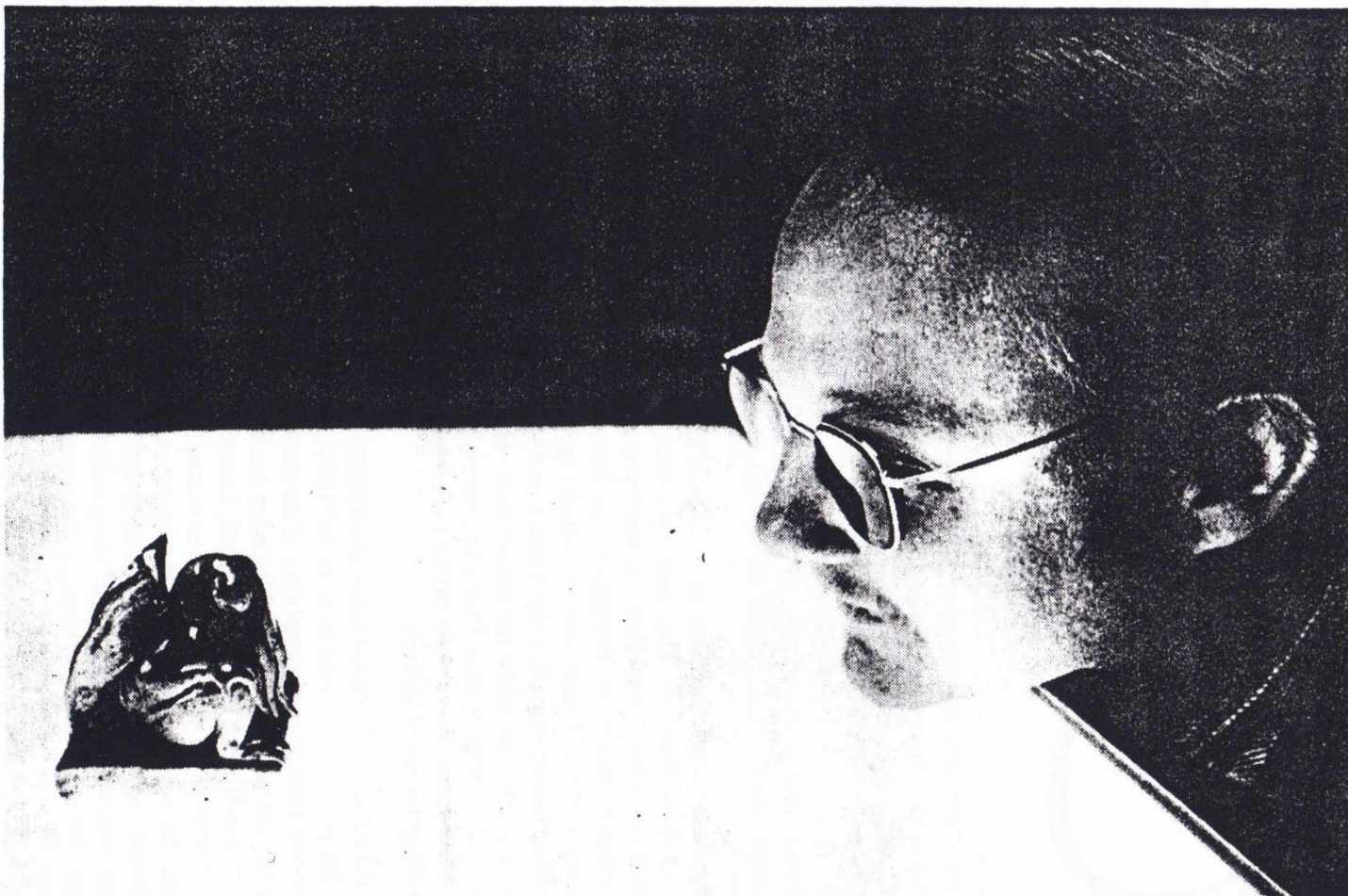
There, I've had my say. *You* be the judge now.

# The Curse Of Cthulhu!

A case is unfolding in the U.S. District Court for the Western District of Wisconsin which involves a \$3 million libel suit against a major university, calls into question the reputation of some of the country's foremost authors of fantastic literature, including noted Wisconsin author August Derleth, and involves the alleged theft and disappearance of priceless documents connected with such famous authors as H.P. Lovecraft and Robert E. Howard, creator of Conan the Barbarian. The case pits scholar against scholar, and the prestige and financial clout of Rhode Island's Brown University against a young researcher into fantastic literature, whose byzantine relationship with the great school extends back over a decade, and may never be completely unraveled.

by Michael Baron

**O**n Oct. 2, 1973, a young researcher named Randy Everts was struggling with a number of cardboard boxes containing all his possessions, including the papers connected with ten years' research into the lives of H.P. Lovecraft and William Hope Hodgson, among others. Years before arriving in Madison, Everts had criss-crossed the country seeking out acquaintances of Lovecraft and other writers of fantastic literature, taping their reminiscences and making notes. He had recently rented new quarters at 907 Williamson St., and was in the process of transferring some of his possessions from his previous address at 215 Castille Ave.



**R. Alain Everts examines statue of Cthulhu, king of H.P. Lovecraft's pantheon. Everts is caught in a bizarre legal tangle involving Lovecraft's work and a famed Wisconsin author, the late August Derleth. Photo by Brent Nicastro**

At about 8:30 p.m., Everts and his friend Randy Kaebitzsch were surprised when two Town of Madison police walked into Kaebitzsch's apartment asking for Everts, who immediately identified himself.

"We have a warrant on a felony charge," one of the police said, and before Everts understood what was happening, they had handcuffed him behind his back and taken

him downtown, where he was informed that he was to be charged with felonious grand theft for ten overdue library books, borrowed for his research through the University of Wisconsin's Inter-Library Loan program.

Everts, who had checked the books out under his own name as part of his research into the lives of the authors of fantastic literature, thought the charge was pretty fan-

tastic. He didn't dispute that the books were overdue, but he wondered about the Draconian response of the police. He was permitted a phone call, which he placed to Kaebitzsch, requesting that Kaebitzsch bring the ten books down to the jail immediately.

Kaebitzsch responded promptly, and soon the ten books were at the City-County Building. Still, the police hung on to Everts. After

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the books had been returned, Karen O'Donahue, an officer with the University's Department of Protection and Security, arrived. She informed Everts that the FBI was on to him, and that he might be extradited to Rhode Island to stand trial for the alleged theft of rare and valuable materials from Brown University's John Hay Library.

The ten books having been returned, O'Donahue and John Burr, an Assistant District Attorney for Dane County, proceeded to obtain a search warrant for those same "volumes valued each in excess of \$100." A subsequent check with library records showed that not one of the books was worth more than \$30.

But the escalation of ten overdue library books into a charge of grand larceny was but a minor piece of legerdemain in a case which was to snowball in import and intricacy until it involved several universities and some of the most popular fantasy authors in the United States, and once again called into question the literary legacy of H.P. Lovecraft, a man who died poor, yet whose works continue to attract worldwide attention decades after his death. In fact, Lovecraft himself would be hard-pressed to concoct the scenario which developed, including enough bizarre twists and coincidences to fill several volumes.

### Scandalous Material

Lovecraft is perhaps best known for his

"Cthulhu Mythos," a body of related poems, short stories and novelettes pointing to the existence of a dark race of elder gods, waiting in the wings to snatch the world back from the pesky humans. Among his other popular stories are "Pickman's Model," "The Dunwich Horror," "The Outsider" and "At The Mountains of Madness."

Lovecraft began writing in the twenties and thirties for such publications as *Weird Tales*, and was an active member of the amateur press—writers who offered their work freely for reproduction without royalties. He died of cancer in 1937. Since his death, his reputation has grown, attracting the attention of popular readers and serious scholars alike. R. Alain "Randy" Everts is among the latter, having devoted years to the study of the man and his work.

Karen O'Donahue first began to track Everts in the summer of 1973, at the urging of Priscilla Grand, head of the UW's Inter-Library Loan Service. Normally, the library eschews such strong measures, but in the course of trying to reach Everts about his overdue library books, O'Donahue was contacted by Wendall Harker of the State Attorney General's office and alerted to the possible presence of a "Randal A. Everts," a/k/a "Randall Kirsch" and several other aliases which Everts never used. (Kirsch was Everts' adopted name, the name of his adoptive father, Robert R. Kirsch, a former book editor for the *Los Angeles Times*. In 1974, Everts had his last name legally changed back to that of his natural father.)

Harker, a criminal investigator, had begun to look into the Everts case at the direction of Frank Meyers, a criminal investigator for the Attorney General's office, and LeRoy Dalton, an Assistant Attorney General.

Earlier, an attorney for Brown had contacted Dalton. Brown had learned that Everts might be in Madison, and several prominent authors had been writing Brown over the years asking about a young researcher named Everts who, they claimed, was bilking H.P. Lovecraft friends, scholars and acquaintances out of their valuable memoirs, falsely claiming to represent Brown.

In fact, Everts had received some backing from Brown's prestigious John Hay Library, in the form of a tape recorder and tapes which he used to record the memories of those who knew Lovecraft. He'd obtained the tape recorder from Christine Hathaway, a librarian at Brown, and agreed to turn the tapes that he made over to the library.



**August Derleth.** Photo courtesy of State Historical Society of Wisconsin

But in the course of making those tapes, Everts became aware of certain sensitive, even scandalous material, and he wrote the library asking if there were some way to safeguard the tapes from possible misuse. He never received a reply to that query. But whatever the facts of Everts' relationship with Brown's John Hay Library, they were obscured in the blizzard of paper protests which began to arrive at the Library, from 1969 through 1973, claiming that Everts was a cheat and a liar. The letters came from some prominent writers whose regard for the facts may have been obscured by their personal

interests in Lovecraft's literary estate. Chief among them was one of Wisconsin's greatest writers, August Derleth who, for many years, has been recognized as an authority on H.P. Lovecraft, and chief executor of the Lovecraft literary estate.

### Harassment, Or Friendly Advice?

According to George Wetzel's meticulously researched article, "Lovecraft's Literary Executor," in Vol. III of the fan publication, *Continuity*, Derleth based his claim on events which took place shortly after Lovecraft's death. Lovecraft had left a hand-written testament appointing his friend Robert Barlow, age 18, as his executor—the agent in charge of seeing that his unpublished works saw print. Barlow formalized the agreement in a contract with Lovecraft's only known surviving heir, his aunt Annie Gamwell. The article is worth quoting at length:

"The ink was hardly dry on the contract before Derleth began impressing Barlow that the contract was nullified on first one ground and then another.

"Derleth started with a claim that he had releases for almost everything HPL had printed. This was probably based on the 1936 authorization that HPL had given Derleth to market a book collection of his stories.

"Next he warned Barlow that since the latter was a minor the contract might be invalid under Rhode Island law....

"Derleth then came up with another argument. HPL separated from his wife, but did not divorce her, the conclusion being that

Mrs. Gamwell lacked legal title to contract out the HPL mss. Only Sonia Davis, HPL's widow according to Derleth's implied hint, could...." [Derleth's actions in this instance proved particularly revealing in light of his correspondence with Mrs. Davis several decades later, in which he reversed his position, claiming all the Lovecraft works were in the public domain. Yet he offered to pay the expenses if Mrs. Davis would formally complete her divorce, and renounce any claim to the Lovecraft estate or literary properties.]

"One may choose between a characterization of Derleth's admonitions to Barlow as brow-beating or harassment or friendly advice. Whatever the psychology behind them, the end effect was to dissuade Barlow from actively being the agent for the Lovecraft mss. Sometime between April 5, 1937 and June 23, 1938, Barlow 'Voluntarily' relinquished his role as agent in favor of Derleth."

It is not unusual for scholars to claim special authority in their chosen fields, and Derleth was in as good a position as any to know Lovecraft. His own correspondence with Lovecraft was voluminous.

But Derleth also claimed to control the copyrights to all of Lovecraft's material, including that in the public domain. He based this claim on Annie Gamwell's will, which leaves the profits of the book *The Outsider* to Derleth and Donald Wandrei, Derleth's partner in Arkham House, a Sauk City, Wis., publishing company (the name is taken from

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one of Lovecraft's eerie creations). Everts' own research into the Lovecraft literary estate was somewhat at odds with Derleth's interpretation.

Then there was noted fantasy author L. Sprague de Camp, whose well-researched 1975 biography put forth the view of Lovecraft as a withdrawn eccentric—a view disputed by other Lovecraft scholars, including Everts. Science fiction and fantasy fans have always scrapped among themselves; the smaller the issue, the more vituperative the accusations. These scraps have traditionally gone on through the mails, where fans and scholars alike have reviled each other for years. Although the potential for libel and slander suits has been great, the correspondents have usually restrained themselves from taking each other to court.

But the letter-writing campaign, which Derleth, de Camp and others conducted against Everts was not the innocent sort of railing which fans hurl at each other over differing philosophies. It was prompted by their own keen interest in the treasure of Lovecraft materials which Everts allegedly bilked, cheated and stole from unsuspecting victims over the years. In 1971, de Camp wrote publisher Gerry de la Ree, saying of Everts: "...What I don't understand is why none of his victims has set the law on him." But de Camp was not at all slow in trying to help himself to the fruits of Everts' alleged "crimes."

Shortly after Everts' arrest, de Camp wrote Dane County Asst. District Attorney John Burr requesting copies of the letters

H.P. Lovecraft wrote to John T. Dunn. Everts had acquired those letters legitimately, but they were seized, along with his other research, when the police searched his house on Oct. 4, 1973. de Camp must have known about the seizure of Everts' research by the police; why else turn to John Burr as a source of Lovecraft materials?

But de Camp's attempt to gain access to the legitimate compilations of another researcher, without his knowledge or consent, seems small next to Derleth's attempts to fortify his literary fiefdom.

## An Undiscovered Heir

Derleth had a small publishing empire and a reputation to protect. He bullied others who desired to publish Lovecraft's works. Arkham House has published virtually all of them posthumously, including numerous collaborations with Derleth's byline. He did this with Lovecraft's approval. (Derleth is a major regional writer on his own, perhaps best known for his book *Walden West* and his Sherlock Holmesian character Solar Pons.)

In the course of his research, Everts turned up evidence which cast new light on the fact that Lovecraft never divorced his wife Sonia Lovecraft Davis. He found the incomplete bill of divorcement in a Rhode Island court, meaning that Lovecraft's presumed heir, his aunt Annie Gamwell (and, by extension, Arkham House), wasn't his sole heir.

Rather, Mrs. Davis, whom Everts discovered living in a nursing home in Los Angeles, was the true heir in the eyes of the Rhode Island courts, and entitled to at least a portion of the many thousands of dollars Lovecraft's writings have generated over the years.

Lovecraft's failure to fulfill his divorce was not news; de Camp had known about it, and mentioned it in his biography. But before this no one had ever really bothered to do anything about it. It was Everts' persistence which may have made him so inimical to Derleth and Arkham House, rather than the facts he obtained.

Everts located Mrs. Davis' grandchildren living nearby and brought them along when he visited. One can imagine the lonely old widow, confined to a wheelchair, suddenly finding herself an object of fascination to the young researcher. She made available to

him her considerable collection, including many previously unpublished photographs of the author. When Everts wrote Derleth requesting some copyright guidelines, Derleth promptly wrote back, stating that only the photographer can copyright photos.

A subsequent check with the Copyright Office revealed something else: that copyrights to photographs belong first to the subject, then to the photographer, if the subject agrees to pass along those rights. Accordingly, Everts had the pictures copyrighted in Mrs. Davis' name, with him as her agent.

In July and August, 1968, Derleth wrote Mrs. Davis several times, saying that Everts was not what he claimed; that he had been thrown out of the Brown library; that librarian Christine Hathaway was allegedly no longer speaking with him; and that "the young man expects to get rich off Lovecraft's estate. The sad fact is that if everything operated in his favor, the highest amount he could recover from Arkham House would not cover 10% of the cost of the legal action he would have to institute to get it—if indeed it would bring anything at all...the resultant publicity would certainly be unpleasant for the Davis family. I have thought for some time that he needed to put himself into the care of a capable psychiatrist...."

Was Derleth telling the truth about Love-

craft's estate, or was he simply trying to discourage legitimate research which would cast doubt on his own claim to the HPL rights? How poor can the Lovecraft estate be? There have been numerous filmed adaptations of Lovecraft's works over the years including several feature-length films, and myriad television productions on such programs as "Rod Serling's Night Gallery," not to mention the thousands of foreign editions.

Derleth had another reason to oppose Everts. Arkham House also claimed to hold the copyrights to all the works of fantasy author William Hope Hodgson. In the course of his research, Everts located Hodgson's only living heir, Douglas Hope Waitt, Hodgson's nephew, appointed Everts (legally Kirsch at the time) as his official agent

in making inquiries into Hodgson's literary estate. When Everts informed Arkham House of his new status as agent for the Hodgson estate, the company's lawyers, Hill, Quale, and Hartmann, denied his request for information about Hodgson's relationship with the Sauk City publisher. This seems curious in light of Arkham House's payment to Hodgson's sister Lissie of the nominal sum of \$490 in recognition of her legitimate claim to royalties against the Arkham House edition of Hodgson's *The House On The Borderland*, published in 1946.

## The Legendary Letters

Before delving into the reasons why such prominent authors as Derleth and de Camp may have begun their letter campaign attacking Everts' character, it is necessary to review the events which led to his being charged with grand larceny.

Detective O'Donahue stated in her complaint for a search warrant report: "On July 31, 1973, your complainant [O'Donahue] was contacted by Attorney Kersch [actually Kersh], an attorney for Brown University. Mr. Kersch informed your complainant... that the defendant... had been travelling throughout the country and misrepresenting himself as a member of Brown University... that the defendant had illegally obtained approximately 150 letters and two original manuscripts by Lovecraft worth approximately \$50,000."

Under oath, attorney Dewitte Kersh later refused to talk about any part of the conversation he had with Karen O'Donahue concerning what Everts was alleged to have stolen.

But the search warrant for Everts' house specifically names "150 or more letters written by H.P. Lovecraft," and his arrest

warrant also alleged that he had stolen \$50,000 worth of manuscripts and books from the Brown University Library. Obviously, these were not the ten overdue library books, "valued each in excess of \$100." What were they?

In June, 1968, during the course of his research, Everts stopped in to see Wilfred Talman, a retired magazine writer and editor and a friend of H.P. Lovecraft. Everts explained that he was compiling oral histories of Lovecraft under the auspices of Brown University; Talman, a former Brown student, was happy to cooperate.

Like many of Lovecraft's friends, Talman had enjoyed a long correspondence with the Rhode Island author, and had saved the letters over the years. Lovecraft was a prodigious letter-writer. He frequently postponed writing fiction in favor of corresponding with his many friends; some scholars believe that had he not wasted so much time writing letters, he would have written a good deal more of substance. These letters, however, are among the chief research materials for any re-creation of his life. de Camp relied heavily on the Lovecraft correspondence in constructing his biography.

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Talman told Everts that he had approximately 150 letters from Lovecraft. As long as Everts was connected with the University, Talman suggested, perhaps Everts would be good enough to deliver the letters to Brown the next time he went. Everts demurred, claiming that he was headed west, not east, and it might be some time before he got around to visiting Brown again.

Talman insisted. He pressed the 150 letters, held in a plain manila envelope, on Everts. (Talman, a generous man, had also made Everts a gift of the only known signed photograph of noted fantasy author Robert E. Howard, creator of Conan the Barbarian.) As an afterthought, he dictated a receipt which Everts signed, acknowledging that he had accepted the letters on behalf of Brown. Then Everts departed to pursue his studies, and Talman promptly forgot about the incident.

Later, when Talman was deposed under oath to testify as to the circumstances under which Everts acquired the letters, Talman stated: "He [Everts] was like a milkman, making a delivery for me." Everts had never asked for the letters and, in fact, preferred not to deal in original Lovecraft memorabilia. As a researcher, he was interested in the information itself, and usually dealt in photocopies.

Everts knows well the value of the original Lovecraft letters, and was hesitant to accept the responsibility that went along with them. Nevertheless, he took them with him as he headed west, stopping off to visit other people who had known Lovecraft. He was less than prompt about delivering them to Brown. In fact, it was several years before anyone saw the letters again.

But in the meantime, their legend grew

until they had assumed awesome proportions—"the lost Lovecraft letters," sought by fans and scholars alike. Although Brown had consistently maintained that they never pursued Everts' arrest on the basis of the missing Lovecraft letters, his arrest and the seizure of everything he owned was not merely a response to ten overdue library books. nothing to do with Brown?

## On The Trail Of A Treasure

One of the first of the respected authors to learn about the missing letters was a New Jersey-based lover of fantastic literature and

publisher of limited-edition art books, Gerry de la Ree. de la Ree may have learned about them from his neighbor, Talman. Beginning in 1969, de la Ree wrote the John Hay Library asking whether they had yet received the letters. The library, of course, knew nothing about them.

Christine Hathaway, the librarian who had authorized Everts' oral research project, wrote de la Ree back, saying, "I was inter-

ested in the information that Wilfred Talman had turned over to Randal Kirsch a quantity of Lovecraft letters to be given to Brown. We have not heard from Mr. Kirsch since last spring...."

In December, 1969, Brown attempted to contact Everts by mail about the fate of the Talman letters. But Everts could not be reached. de la Ree again wrote Brown, stating, "I'm only sorry I was too late to get a few of the items myself!"

Everts finally learned that Brown was trying to contact him. But the people at Brown who tried to reach him did not include Hathaway, with whom he felt he had a special understanding.

In February, 1970, he wrote to Brown, regarding the letters: "...I am still awaiting a reply to my letter addressed to Mrs. Hath-

away...in which I asked for answers to several questions. To date I have received no response to that letter, in which I mentioned material that was to be turned over to you; I believe. Until I do receive a reply, I will not feel obligated to reply to you further. I shall of course send the carbon of this letter and a copy of your letter to Wilfred B. Talman...."

de la Ree again wrote Brown, this time to Hathaway, urging action on the Talman letters. Somehow, August Derleth learned about the letters—probably from de la Ree, one of his regular correspondents.

Derleth wrote de la Ree: "I'm sorry to learn he [Talman] let his letters go to Kirsch, who used Brown University's name to dupe many people, I fear. Those letters never sent to Brown University, of course; Kirsch kept them and may doubtless in the end sell them for what he can get."

In February, 1971, de Camp wrote de la Ree: "And speaking of Kirsch, what I don't understand is why none of his victims has set the law on him....Anyway, August warned me on Kirsch long ago...."

In January, 1972, Everts further alienated Arkham House by writing a long letter calling

into question their copyright claims to certain works of Lovecraft and William Hope Hodgson. Everts had uncovered several discrepancies between what Arkham House claimed was theirs by right to publish, and conflicting copyrights. Arkham House had published one of the photographs which Everts had had copyrighted in his and Sonia Lovecraft Davis' name, acting as her agent; apparently, Derleth had obtained a copy from a mutual friend, to whom Everts had given a copy.

Everts' inquiry as to the propriety of cer-

tain William Hope Hodgson properties was particularly biting, as Hodgson's relatives were unaware that the material was being reprinted, and that Arkham House claimed the right to do so without paying further royalties. He closed the letter by saying, "I may be completely incorrect in my deductions from what documents I have seen, and may be misinformed concerning some of the legal rights of Mrs. Derleth and Wandrei...."

The Arkham House attorneys wrote back: "In your letter you also inquire about the H.P. Lovecraft literary estate, and I want to advise you in this respect that I am well informed about your interest therein....Let me assure you that any action you take regarding contractual or copyright matters of August Derleth, Donald Wandrei (Derleth's partner), and Arkham House, you undertake at your peril."

## The 'Victims' Join The Chase

In April, 1973, de la Ree was still writing Brown University, urging them to act on the missing Talman letters. By this time, Hathaway had died and been replaced by John Stanley, who looked on the matter with fresh eyes.

"I would be very interested to learn the exact nature of the Lovecraft material given

to Randy Kirsch by Mr. Talman," Stanley wrote de la Ree. "Would it be possible for you to query him for me? I would also like to have a copy of the receipt given to Mr. Talman."

de la Ree wrote back, "As an HPL collector, I am doubly annoyed with this affair because (1) Kirsch has walked off, in most cases scot-free, with much Lovecraft material that a collector such as myself would have paid cash for; (2) he has misrepresented himself as being connected with Brown and told various...friends of HPL that he would deliver their letters, etc., to the university.... But something should be done about this fellow's activities and the material he has amassed should be either returned to its rightful owners or donated to your library."

In May, 1973, de Camp wrote de la Ree asking to be put in touch with Talman, whom he labeled one of Kirsch's "victims." "The heir to the Lovecraft literary properties HPL's cousin Mrs. Roy A. Morris...was another victim. Since her grandson works for the Providence court system, he is trying to have the law on Kirsch, and I am trying to help him. Stanley would like to, also, since he considers Talman's HPL papers the library's property. So, since we have a common interest, Talman might like to join in the chase...."

Then de Camp wrote David A. Jonah of the Brown University Library, suggesting several ways to serve papers on Kirsch, including luring him to a meeting with science fiction authority with whom he might like to speak.

By now, Brown University had heard plenty. They had heard from several noted authors, who claimed Everts/Kirsch was a liar and a cheat, using Brown's good name to dupe the unsuspecting of their HPL property.

Finally, Brown acted. In the summer of 1973, one of Brown's attorneys, a member of Kersch's firm, contacted the Wisconsin Attorney General's office, requesting assistance in tracking down the alleged manuscript thief.

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## The Nazi Connection

Meanwhile, Everts had done himself no favor by neglecting to return the ten books he'd borrowed through the UW library. Independently of Brown and its interests, Priscilla Grand, head of the UW's Inter-Library program, called campus Protection and Security about Everts.

In one of those coincidences that would strain credulity were it to appear in the pages of a gothic romance, Karen O'Donahue of Protection and Security arrived at Everts' summer address, 1317 Spring St., on July 26, 1973—the same day that Wendall Harker of the State Attorney General's office came to call. Imagine their surprise when they discovered that they were both looking for the same person—for different reasons. Imagine their assumption, upon comparing notes, that they were on the trail of a book thief of Moriarty-like dimensions.

On that same day, Detective O'Donahue and Harker began to go through what they believed were Everts' possessions, stored in boxes in the hall outside his apartment. They had no search warrant. Randy Kaebitzsch, Everts' neighbor, was there at the time and objected vehemently to the police presence, but this did not prevent the police from removing two boxes of what they believed were Everts' research, possibly containing "priceless manuscripts."

The two boxes removed from 1317 Spring St. may or may not have had the name "Randy" on them. But they did not belong to either Everts or Kaebitzsch, and Everts had no knowledge of their contents. They belonged to Arthur Jones, who ran for Mayor of Milwaukee in 1976 on the Nazi Party Ticket.

Neither Kaebitzsch nor Everts knew Jones well; they only knew that they shared with him an interest in science fiction. As O'Donahue went through the boxes, Kaebitzsch informed her several times that he thought the contents did not belong to Everts, but to Art Jones. Jones was not yet a full-fledged Nazi, but his future political proclivities may have been evident in the material O'Donahue uncovered.

No satisfactory account of the contents of these boxes has ever been made, nor has Art Jones goose-stepped forward to claim them. But the boxes are believed to have contained a wealth of Nazi propaganda, pages of library books which Jones had systematically rifled over the years, and the vilest of pornography—traditionally, of no little interest to Nazi officials. With the stolen library pages, Nazi propaganda and pornography in hand, it is understandable if the police, at the time, suspected they were on the trail of a demented Nazi library abuser as well as an international book thief.

## Lovecraft A Racist?

How did Art Jones' material arrive in the hall outside Everts' apartment with the name

"Randy" on it? Jones, Kaebitzsch and Everts were drawn together by a common interest in H.P. Lovecraft. Interestingly, de Camp states in his biography that Lovecraft was a racist for most of his life, reviling "the mongrel and misshapen races" in speech and in print. Lovecraft's hatred, real or not, is fairly common knowledge among his fans, and may have been the basis for Art Jones' interest in the writer.

(Lovecraft's racism is a major point of dispute among scholars: he did, after all, marry Sonia Haft, a Jew. But Lovecraft embraced numerous contradictions.)

In the summer of 1973, Jones was without a permanent address and asked Kaebitzsch if he could store some of his material in the building where Kaebitzsch and Everts lived. Kaebitzsch gave his approval, advising Jones to put the name "Randy" on the boxes, so they wouldn't be mistaken for trash and hauled away. Thus, the name "Randy" could have been affixed to those boxes.

Jones later made a written statement as to the circumstances under which he deposited his material in Kaebitzsch/Everts' hall, and said that he had written the name "Randy" on the boxes at Kaebitzsch's urging, to avoid having the material removed.

Shortly thereafter, Brown University caused to be placed in the pages of numerous national book publications the following statement:

## NOTICE TO BOOKMEN

The Brown University Library wishes to alert antiquarian booksellers, dealers in manuscript material, collectors and librarians that Mr. R. Alain Kersch, also known as R. Alain Everts, Randal Alan Kirsch and other variations, is known to have solicited in the name of Brown University, letters, manuscripts and possibly printed materials and photographs by and about Howard Phillips Lovecraft (1890-1937), the Providence author of weird and fantastic tales. Such material has been for his own personal use and has not been turned over to Brown University.

We wish to disclaim having at any time authorized Mr. Kirsch to solicit or accept Lovecraft or any other materials in the name of Brown University. We request that persons having information about materials solicited by Mr. Kirsch, alias Everts, in the name of Brown University Library communicate with the Director of Libraries...

Later, Brown caused the statement to be reprinted, substituting the softer phrasing "is believed to have solicited" for "is known." Whatever the wording, the notice implied that Everts was a crook. The damage was done.

Everts didn't learn about the statement until after his arrest. He was distraught when he returned to Madison in late September. He was in the process of transferring his possessions to his new apartment when he was arrested.

On October 4, at least a half dozen police, including O'Donahue, went to Everts' new address at 907 Williamson armed with a search warrant and proceeded to clear out most of the material they found there. They took virtually everything that wasn't nailed down, including the beer from the icebox. Boxes and boxes, representing ten years' research into the lives of various fantasy authors, were transported in plastic trash bags to the office of Protection and Security, where they were inspected by the representative of Brown University.

John Stanley, the John Hay Librarian at the time, had come to Madison in an attempt to "recover" the missing Talman letters. But despite Stanley's assurances that he was interested only in the 150 Talman letters, the Brown representative helped himself to an intense review of the bulk of Everts' research. Maybe he thought he would uncover more stolen materials. Or maybe he just couldn't resist looking into the detailed compilations of ten years' work. Everts believed that Brown representative may have made photocopies of his research and lists of his correspondents.

To this day, there has been no satisfactory accounting of what was taken, nor has all the material been returned. Among the missing: the signed photograph of Robert E. Howard, an object literally beyond price.

In May, 1975, Everts countersued the University of Wisconsin, Dane County and the State of Wisconsin, charging "malicious and reckless" seizure of property and violation of his civil rights. No decision was rendered. In February, 1979, the defendants settled out of court, paying Everts \$36,000. Everts' \$3 million suit against Brown University through attorney David Lasker, charging libel and slander, is still pending before Judge Doyle in the U.S. District Court for the Western District of Wisconsin.

220 So. Railroad St.  
Myerstown, Pa. 17067

Oct. 3, 1983

R. Alain Everts  
P. O. Box 864  
Madison, Wis. 53701

Dear Mr. Everts:

Needless to say, I was both surprised and pleased to hear from you. I had long since given up hope of ever seeing the material I sent you. I appreciate the explanation and can sympathize with your difficulty. My delay in answering your letter is not an indication of a lack of interest. It arrived just prior to my departure to the World Science Fiction Convention in Baltimore. After the convention I was house guest of a life-long friend of mine who lives in Baltimore. On my return home I found an acceptance from Ballantine Books for a novel I had written with minor changes suggested. I went to work on the revisions to the exclusion of most other things, your letter included.

I sent you two items. The cloth-bound volume of The Galleon which I am particularly anxious to recover. And a brown accordian folder about 4" x 10" containing sixty or seventy negatives of photos taken at the World SF Convention in Phila. in 1947. I especially regretted my not having this in the preparation of the photo supplement for the book described in the enclosed brochure. I should also like to recover these negatives (since I have no prints) for a First Fandom memory book which is in preparation.

I look forward to hearing from you again.

Sincerely yours,

Lloyd Arthur Eshbach



ASSISTANT DISTRICT ATTORNEYS  
Legal Services Division  
Telephone 266-4031

James A. Crandall  
Legal Coordinator  
Donald Antolne  
Jimmy Christenson  
Peter C. Williams

Office of The District Attorney  
DANE COUNTY  
CITY-COUNTY BUILDING  
MADISON, WISCONSIN 53709

Humphrey J. Lynch  
DISTRICT ATTORNEY

March 4, 1974

DEPUTY DISTRICT ATTORNEY  
James H. Connors  
ASSISTANT DISTRICT ATTORNEYS  
Criminal Division  
Telephone 266-4211

Robert A. DeChambeau,  
Legal Coordinator  
John M. Duley  
John R. Burr  
Paul J. Kelley  
Daniel G. Mathews  
Christopher S. Spencer  
Robert Rogers  
Jack Priestler  
Gary Meloy  
Gerald W. Mowris  
George A. W. Northrup  
William Drenkhahn,  
Investigator

Mr. Samuel Moskowitz  
361 Roseville Avenue  
Newark, New Jersey

Dear Mr. Moskowitz:

Recently an individual known as Randal A. Kirsch, a/k/a Randal A. Everts, was arrested by the University of Wisconsin Police Department. In his possession were discovered large amounts of photographs, manuscripts, documents and books. A quantity of this material was discovered to have been taken from the Wisconsin State Historical Society and the University of Wisconsin Library, and also, from various individuals, without proper authorization or consent.

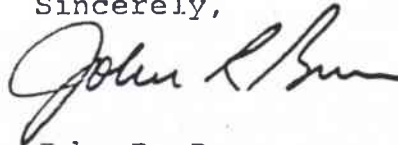
In his possession also was found a large quantity of materials authored by William Hope Hodgson, including four paper bound articles apparently from the "Corn Hill" magazine, January through June 1906; July through December 1907; January through June 1911 and January through June 1917. Portions of a book entitled "The Real Thing: SOS" by Hodgson, 1917; a portion of the "London" magazine dealing with an article, "Sea Horses" by Hodgson; a portion of the "Blue Book" magazine dealing with Hodgson; pages from a book "The Tideless Sea" by Hodgson; pages from a book "The Valley of Lost Children" by Hodgson; a portion of "Cassell's" magazine, dealing with Hodgson; pages from a book entitled "The Haunted Jarvee" by Hodgson; and 14 manuscripts believed to be original copies of essays or short stories written by Hodgson; various editions of the "London" magazine dealing with articles by Hodgson; and seven original letters written by Mr. Hodgson to St. John Adcock, six of the letters written between October 9, 1909 and March 14, 1917, and the seventh letter was a letter to the editor of the "Bookman"; and various other books or portions thereof dealing with Hodgson.

Page -2-  
Mr. Samuel Moskowitz  
March 4, 1974

It is our information that you may be able to provide us with some clue as to whether or not Mr. Kirsch came into possession of these manuscripts and the above-described materials in a legal manner.

Please advise us if you have any information dealing with this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "John R. Burr". The signature is fluid and cursive, with the first name "John" being more prominent and the last name "Burr" following in a similar style.

John R. Burr  
Assistant District Attorney

JRB:lmw

March 12, 1974

Mr. John R. Burr  
Assistant District Attorney  
Office of the District Attorney  
Dane County  
City-County Building  
Madison, Wisconsin 53709

Dear Mr. Burr:

I appreciate your letter of March 4, 1974 regarding the William Hope Hodgson material in the possession of Randal Alan Kirsch. Mr Kirsch has virtually made a profession of securing H. P. Lovecraft and William Hope Hodgson material by any means he could contrive of. I think I can help to some degree. At least a good part of the Hodgson material he has on hand belongs to two parties.

1. Chris Hodgson, 1-112 Pine Place, Santa Cruz, Calif., 95060, the only living brother of William Hope Hodgson.

2. Althea Rosemary Dudley, Rosellen, Tredennick, Widegates, Near Looe, PL13, IQL, Cornwall, England, the heir to the literary estate of the late William Hope Hodgson.

I enclose photocopies of my correspondence with Randal Alan Kirsch involving these people. In his letter to me of Feb., 1969, labeled (1), he admits to receiving all of the photos of William Hope Hodgson and on the second page of the letter, specifically states he took five unpublished manuscripts from the man. I can tell you from the titles of the manuscripts which are unpublished.

In Letter 2, from me to Kirsch on May 10, 1970, I particularly make mention of the fact that he has taken the photos and manuscripts and state that when I saw them: "did not try to part him from them."

In Letter 3, May 30, 1972, I wrote at the behest of Rosemary Dudley, who was frightened of Kirsch. I had bought her papers.

In Letter 4, Dated Sept 13, 1971, Kirsch had written to the late A. J. A. Dudley, who inherited the estate of Hodgson and left it to his wife Rosemary, and in the first paragraph, Kirsch admits that he has received "Your latest large packet.". The note on top "No money ever sent" was from the late A. J. A. Dudley. It is quite obvious that Kirsch, on the pretext of scholarship got Dudley to send him various Hodgson materials and never returned them.

Letter 5, from Kirsch to me dated Jan., 1973, finds Kirsch claiming that he has the power of attorney for the Hodgson estate and offering implied threats if I use anything I bought from Mrs. Dudley.

Letter 6, from Kirsch to me dated April 23, 1973, Kirsch strongly suggests that these stories can be bought from him.

Letter 7, from me to Kirsch, expresses my doubts as to the legitimacy of his claim and attempts to get his true address and telephone number.

Since this time Kirsch has had published two previously unpublished stories by Hodgson and copyrighted them in his own name.

He has also gone to Forrest D. Hartmann, Hill, Quale & Hartmann, P. O. Box 16, 131 Fourth St., Baraboo, Wis. 53913, the attorney for Arkham House, one of the publishers of Hodgson, and presented him with a "Power of Attorney" claiming that he is the agent for the Hodgson estate as represented by a nephew Hope Waitt, in Vancouver, Canada. Mr. Hartmann has written this Waitt and never received a reply.

I have procured copies of all the wills of the William Hope Hodgson estate right down to the present and have sent photocopies of them to Forrest D. Hartmann. They seem almost incontrovertibly to establish Rosemary Dudley as the rightful heir (and Arkham House and myself have dealt with this estate for over 10 years).

I am forced to the unfortunate conclusion; that since Arkham House has substantial royalties in escrow for the Hodgson books they published, this was a device by Kirsch to obtain those monies. I also suggest that copyrighting stories in his name which he didn't own is far from legal. And trying to sell reprint rights to stories he does not own to me is also far from legal.

How far Hope Waitt cooperated with him to these ends I have no way of knowing.

I hope this may be helpful to you and please feel free to write me again if there is any way I can be of assistance to you.

I will try to get off a note to Chris Hodgson and Rosemary Dudley, informing them you have materials. The big problem is that Chris Hodgson is suffering from hardening of the arteries and has problems remembering and Rosemary Dudley never had an itemized list of what was sent to Kirsch, but I will check in some of the papers I got from her and see if there are any specific reference. The old man Dudley used to write by hand and sometimes he made a typed copy and sometimes he didn't.

Sincerely yours

Sam Moskowitz

SAM MOSKOWITZ  
361 ROSEVILLE AVE.  
NEWARK, N. J. 07102

November 1, 1990

Eric Davin  
Box 19188  
Pittsburgh, Pa. 15213

Dear Eric:

I thought I'd give you an update on the Stanley G. Weinbaum situation.

As you probably know I had Marge Weinbaum on the phone and got clearance for Norm Metcalf to visit her son Eugene Kay, Jr., at his place of business and examine the trunk with his material in it.

Norm Metcalf visited him October 31, 1990. He found all the science fiction manuscripts gone, both the original hand-written versions and the carbon copies. Metcalf said the giant steam trunk had been lowered by two feet.

He found all the photos were gone except for the two or three that have been used.

All the poetry was gone.

Some of the non-science fiction novels were still there and he has photocopied one of them. He found substantial correspondence from people like Julius Schwartz and others whom Weinbaum had reason to be in touch, but carbon copies of Weinbaum's replies were gone, though there were some carbons signed by Marge Weinbaum among the correspondence.

Copies of the magazines Weinbaum had stories in were left behind as were anthology reprintings. There was a run of Fantasy Magazine and some of the reference books Weinbaum had used. He did find a card file of every Weinbaum story with its submission history and the amount of money he received for it.

He has arranged to go back Tuesday, November 6, to complete his bibliography of the trunk's contents and to photocopy all logical material and send it to me. At that time I can determine what might be of interest to accompany or follow your interview.

The quantity of material that Everts carried away indicates that he had to hire transportation to get it to the airport. I think the chances of ever getting it back are slim unless Marge sues Everts for its return. She would be fortunate indeed to ever see it back. What is particularly sad is that if we had found the carbon copy of The Black Flame, that could have been sold for a good sum to one of the paperback houses or maybe even to a specialty house like Don Grant. Everts does not have the right to sell it, but he could even deny it was one of the manuscripts he took away with him.

It looks like the scraps were left. I will keep you informed.

*all Best Sam*

11/12/90

Dear Randy,

To answer your letter, let's go back a bit: You remember Julius Schwartz came to Santa Monica a little ~~pre~~<sup>prior</sup> prior to your visit and talked about he'd like to see S.G.W. manuscripts housed in a permanent place. Both Timmy and I would love that and said "Go for it".

Julius talked with some of the old Timers in S.F. who are active and they ~~all~~ ~~took~~ the idea and will help - but they all agree we must have all the original material before any start can be made. I was assigned that duty. It seemed simple enough, when you were in Santa Monica we talked about it, at first you said you'd make copies and send them to me but I immediately said NO I want the originals and you understood and said you'd send them.

When I wrote you scolding about the delay you called my letter a "Blast" and sent the Schoolman ms.. Upon its arrival I wrote you and said you ~~were~~ were probably through with copying the rest of the material you took back to Madison .... so send the originals on to me.

I repeated that request again and again and again with no answer!

In the meantime those interested have kept asking "WHEN" as no work could be started until the manuscripts are available. You can imagine how I've felt to have to keep replying: Randy still has not returned them.

seeing

Now after Schwartz at the convention you write me saying: you'd ~~you'd~~ "like to know what's going on and be informed of what's happened".

The above should be explanation enough. To make it even plainer: I told Schwartz I've run into something very interesting about Stan but I've decided to just hold the information at present and he replied he'd not give an interview on S.G.W. to you until we have our material back.

Randy I've tried staying calm but it is getting to be too much, so I'll take you up on what you wrote me: "shall immediately comply with your (my) request and UPS all of the materials to you." (me)

HERE IS MY REQUEST .... PLEASE SEND ALL OF THE S.G.W. MATERIALS TO ME NOW.

Then we all can go forward with our missions.

After years away from the machine you'll have to struggle with my numerous typographical errors, but that's easier on the eyes than my scribbling!

ic

Greetings to Delores from both of us

Sincerely

M

Copies to Tim, Eric, Sam and Julius  
I want to keep all of you informed of what's happening from this corner. I sincerely appreciate your interest and help and am grateful for suggestions. Fellows like "you all" give me more things to be thankful for.  
Have a happy Thanksgiving.

## DECLARATION OF BARBARA K. POLLAND

I, Barbara K. Polland, do hereby declare and state the following:

1. I am over the age of 18 years old and a resident of California. Except for matters stated to be upon information and belief, I know the following of my own personal knowledge, and if called to do so, I would and could testify competently thereto.
2. I am the daughter of Margaret Kay, now deceased.
3. Margaret Kay, my mother, was the same Margaret Kay who was previously married to Stanley G. Weinbaum in Milwaukee, Wisconsin. Margaret Kay was married to Stanley G. Weinbaum up to and including the date of his untimely death.
4. At the time when Stanley G. Weinbaum died, Margaret Kay, then known as Margaret Weinbaum, inherited Stanley G. Weinbaum's estate and effects.
5. When Margaret Kay was still alive, she showed me a trunk containing the effects of her former husband, Stanley G. Weinbaum, and further pointed out to me various items contained therein, items that she thought had special significance. My mother understood that these items were not only important to her personally, but also to the history of science fiction because Stanley was one of the forefathers of this unique aspect of American Literature. In particular, I remember seeing my mother point out to me the following items, among others which were contained within the same trunk:
  - a. The Ray Palmer first edition of *The Dawn of Flame and Other Stories*;
  - b. The collected original short-story manuscripts authored by Stanley G. Weinbaum;
  - c. The collected original poetry manuscripts authored by Stanley G. Weinbaum;
  - d. The collected original correspondence authored by Stanley G. Weinbaum;
  - e. The collected original correspondence to Stanley G. Weinbaum, including correspondence from friends and other notable people; and
  - f. The collected original photographs owned and possessed by Stanley G. Weinbaum.
6. I saw all of the items listed above in paragraph 5 in the trunk where my mother stored the effects of Stanley G. Weinbaum, her first husband. Sometime prior to 1990, my mother entrusted the aforementioned trunk, containing the effects of Stanley G. Weinbaum, to Gene Kay, her son and my brother, who lives in Denver Colorado. Although the trunk was entrusted to Gene Kay for safe keeping, the trunk, and all the contents therein, still belonged to Margaret Kay.

**DECLARATION OF BARBARA K. POLLAND**

October 19, 2002

Page 2

7. Margaret Kay, was an accomplished journalist and historian. She recognized that Stanley G. Weinbaum's effects and original manuscripts were an important aspect of American History. In an attempt to preserve these items as the national treasures they are, before she died she donated the trunk containing Stanley G. Weinbaum's effects and original manuscripts to the library at Temple University in Philadelphia, Pennsylvania, in order to protect them and ensure access for future generations.

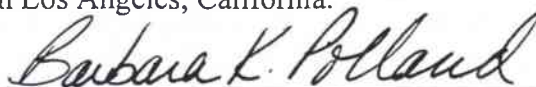
8. I am informed and believe that a person who goes by the names Randy Everts, aka R. Alain Everts, aka Randal Alan Kirsch (hereinafter "Everts"), contacted my mother, Margaret Kay, on or about the Summer of 1990, with the express purpose of ingratiating himself with my mother in order to obtain access to the trunk of Stanley G. Weinbaum's effects.

9. I am informed and believe that, the trunk of Stanley G. Weinbaum's effects that was entrusted to my brother, Gene Kay, was for a short time stored at the residence of Ginny Kay, Gene Kay's ex-wife, and further that during the time the trunk was stored at that location, Ginny Kay received a visit from Everts, who sought and gained access to the trunk. In what is now obviously a ruse and deception, Everts requested permission from the unsuspecting Ginny Kay to take some of the contents of the trunk, allegedly for copying purposes only. Everts did then and there remove some of the contents from the trunk, including but not limited to the items listed in paragraph 5 above. None of the aforementioned items Everts removed from the trunk of Stanley G. Weinbaum's effects were ever returned.

10. Eric Leif Davin was a close friend and trusted confidant of my mother, Margaret Kay. Based on Mr. Davin's upstanding character and devotion to preserving the legacy of Stanley G. Weinbaum, Margaret Kay appointed him as the Literary Executor for the Stanley G. Weinbaum estate. Mr. Davin has the authority to seek the return of any and all items wrongfully withheld from the Stanley G. Weinbaum estate, up to and including the items removed from the trunk of Stanley G. Weinbaum's effects.

I hereby attest, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Signed this 20th day of October 2002, in Los Angeles, California.



Barbara K. Polland  
1619 Comstock Avenue  
Los Angeles, CA 90024

710 Alonda Drive  
Lafayette, LA, 70503

Nov. 29, 1977

Mr. Jonathan Bacon  
P.O.Box 12428, Brookside Br.  
Shawnee Mission, KS, 66202

Dear Mr. Bacon:

About five years ago, a young man named Randal A. Kirsch (who, I am told, now goes under the name of R. Alain Everts) approached me by letter, asking permission to borrow photographs of and about my late friend, Robert E. Howard of Cross Plains, Texas. Mr. Kirsch promised in the most earnest and convincing terms to return them promptly.

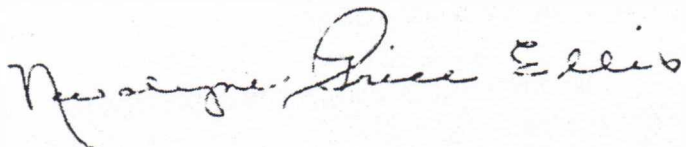
In response to his urging, I sent him three valued portrait photographs, two of Robert Howard and one of myself. Those of Robert Howard were of especial value to me, since they were given me and signed by Bob himself.

Mr. Everts then disappeared from the scene. Since then, I have written to the various addresses where, I am told, he could be reached, but have received no reply.

I understand that you are a fellow-member with Mr. Everts of organizations of admirers of Robert Howard. I am therefore writing to ask if you could do anything to persuade Mr. Everts to return my pictures to me. I can hardly tell you how grateful I would be for any help you could give in this matter. I would appreciate hearing from you.

Thanking you in advance, I remain,

Yours sincerely,

A handwritten signature in cursive script that reads "Novalyne Price Ellis". The signature is written in dark ink and is positioned above the typed name.

Novalyne Price Ellis  
(Mrs. William W. Ellis)