

Discovery records - notes on my notes on. I will add subjects as I mark in reading. My recollection is that I did not keep at these continuously. The first pages do not identify the source. I take it that it relates to a single sonic book file, Dover AFB. Numbering in lower right is my present arbitrary numbering.

Statute Marks 1,2,8,14,15,16; personal injury 10 and others; Dames 15 and others
Military claims 9,18.

1. Marking the last three grafts is for the future. It provides a basis for showing I had more than good enough records on flock performance and this fantastic standard of why my flocks could and did do and what I could do with them without these stresses. And then what the stresses did.
2. My heading is "Question of the running of the statute and on continuing negotiations."
Mark 1: Taft states on the record that Leahy had agreed "to hold off on administrative action with respect to the claims already filed." (Date conference 3/10/64.)
Mark 2. Taft told Leahy 7/3/64 we were going to court. (Compare this with the date of his filing the complaint.)
- 3 Mark: Consistent with the rest of the discovery material this indicated the military's desire that the case go to trial.
4. The Army Claims people noted then "Suspend file to 1 Jan 1966." This absolutely and certainly and I think unequivocally told me that with claims filed 5/62 there could not be any statute of limitations, possibility here. They now claim that the statute ran 5/64. This and the administrative note of "suspend" to 1/1/66 are mutually exclusive.
Mark 5: with the sole added note directing that this all be filed it is further apparent that they had no statute of limitations problem in mind. Given the time required for the reparing of the transcript, something like three weeks, and without regard to the time of the subsequent correspondence on it there then remained under the later representation only about a month before the statute ran on all the first set of claims. Also more than a year and a half before their own "suspend" ended.
- Mark 6: confirms what I said about being told this would all be worked out amicably under the agreement reached at the first Pentagon meeting. This is noted as of 12/18/63.
- Mark 7 confirms this further and entirely confirms what Morse later told me, that he thought his mission had succeeded and it had all been settled. His file was referred to the Dep. Gen. Counsel who in turn referred it 7 days ^{before} ~~after~~ the Claims note in Mark 6 to TJAG for the purpose of developing a resolution.
- Mark 8 says "sooner or later we will be forced to adjudicate the claims and admit that there have been overflights...We will have difficulty availing ourselves of the statute of limitations...arrange an interview with Weisberg.
- Mark 9: Civil DJ ^{told} ~~said~~ it was all "recognizable" under Military Claims Act. Confirms me 100%. This by Navy Dir. Litigation & Claims.
- Mark 10 leaves no doubt personal injury included.
- Mark 11 confirms me on the deliberate alteration of the 3/10 transcript. Col. Thompson ~~says~~ says he did it.
- Mar 12 is a request for their copy of the memo on the meeting of first Pentagon conference.
New heading: "JAG File ? (The one with the Flight Information Digest on Top)" In my discussion I note making separate list of documents in this file.

Not marked but noted for future in here as on other occasions I noted proof of incompleteness of what was provided and asked Clapp to obtain missing records. The file held internal evidence, proof of withholdings.

13. This mark shows not only that they meant the threat to prosecute "il as a common nuisance but that it was ordered by JAG and that they backed off when I dared them to. Not noted for the immediate need but what does one have a lawyer for?

Mark 14 shows they wanted the case to go to trial to overturn the earlier decision and the people anxious for this were deceiving us, as the records I saw prove. My point here is that their intent was clear when I saw these records, to go to trial and to overturn the "not well reasoned" decision.

Mark 15: While this relates to more I've marked it first of all because the Col 2d Army JAG says on 7/20/64 that an agreement is supposed to be working out, followed by a long series of admissions of the overflights." Now this date was prior to the filing of the Taft complaint and after a later claim that the statute had begun to run. On those filed more than two years earlier, if they had not waived the statute, it had run two months earlier. There is the admission of damage to us.

(The foregoing and at least one other pages are marked with blotches because I had the carbon on them reversed.)

Mark 16 bears on my understanding of the statute. It cites Marks 1 and 2 above as meaning the Army had agreed to hold off on this. There is no letter from Clapp say otherwise.

Mark 17 shows the government had my copy of the Pentagon meetings. I do not suggest an impropriety. I may have given it. But I do not have it.

Mark 18 while most of the preceding pages report specific overflights and differing kinds of communications about them not immediately in point, here I note that AF and Navy are using Mil Claims Act, 10 USC 2733

(Long and dishonest record relating to Dover AF sonic boom follows.)

pages 18 and 19 have notes on Army's law interpretations, liable. 20 refers to Western v McGehee. Says only test in negligence cases, not mil. claims Act/

Mark 19 is Col Thompson's letter saying he altered transcript of 3/10/64/ Sent to us after more delay than I'd recalled.

Mar 20 on transmittal of Morse files.