

5/26/73

Mr. Harvey Clapp III
Venable, Eastjer & Howard
1800 Mercantile Bank & Trust Bldg.
2 Hopkins Plaza
Baltimore, Md. 21201

Dear Harvey,

Mr. Morse, who is now general counsel of Selective Service, found time to see me when we were in Washington Thursday. I wanted to confirm with him my feeling that what you were given on discovery is not the file he had kept and to see if his recollection of the agreement to settle amicably is consistent with mine. It is. I am surprised at the clarity of his recollection after all these years.

Mr. Morse maintained three files. That which related to the helicopters was about an inch and a half thick and was bound in gray backing. There were two files or more relating to sonic booms which included files on our problems with them. These were at least three to four inches thick. These files included correspondence and the pictures I had supplied. Also included were maps I had marked and he still remembers the embarrassment when the markings were incorrectly transposed or interpreted. Because he arranged the conference at the direction of the Secretary of Defense and because purposes the Secretary also wanted accomplished were involved, he is confident that he prepared a full memorandum on it. He feels the same way about others present representing the JAGS at least. He recalls the conference he arranged for me with Colonel Coggins and his taking files with him to that conference and believes memos would have been prepared covering it and a later one in which I was not involved but Colonel Leahy was. None of these things are in the material you were given under discovery.

There is another set of files to which there was no reference, and here Mr. Morse's recollection is particularly clear because of his own relations with the man involved, Colonel Low, who was the aviation assistant to the Assistant Secretary of the Army for Fiscal Management. Mr. Morse said they had no question about the continuing overflights, that they knew about them, and that Colonel Low was angry about this and expressed his determination that there be no cover-up. It is Colonel Low who was responsible for the promulgation of the printed directive.

The Secretary wanted an amicable settlement for Department of Defense purposes just as I wanted one for ours. Mrs. Morse's recollection of this exactly coincides with mine that I gave you. We agreed on a three-step procedure, taking each aspect separately, beginning with the damage to specific flocks of chickens, then the damage to the business (the nature of which Mr. Morse still recalls clearly - he even remembers the damaged chickens I took to the first conference), and then the damage to our health. He recalls that we even agreed on who we would use as experts to decide questions that might be in dispute, the Poultry Department of the University of Maryland on the chickens, the Agricultural Economic Department of the University of Maryland on the business and the National Institute of Health on our health. He was under the impression that after he left his position there had been the amicable settlement we had anticipated. He remembers that when liquidation became necessary I consulted with him about how I would do it so that the government would be satisfied, but I forgot to ask him if he made any notes or records on this.

I hope this will help you get the discovery material that was not provided.

Sincerely,

Harold Weisberg