

Production before regular helicopter overflights and resultant flock hysteria

Example of official dishonesty and the extent to which the fly boys go to pretend they never cause any damage and then to cheat the claimant.

I have skimmed the separate file on the one sonic boom claim.

They persistently deny there was any sonic boom, even when it was reported in the newspapers and confirmed by the air force base. So they reject my claim.

Meanwhile, there was a confirmed sonic boom and this file contains several reports of the confirmation, but not to me.

The amount of the entire claim was nominal, \$645.00. The most casual examination of this file shows much much more than they spent to deny a legitimate claim.
an Air Force

Ex parte they got and then misrepresented an opinion from a vet who knew nothing about the fact and then converted his conjectures, easily established as irrelevant by actual laboratory reports, into certainties. Example: the flock was sick. The lab reports are quite contrary, they are in perfect physical health.

Ultimately, after much effort and cost on my part, they agreed to pay everything except the loss of eggs. Anyone who knows poultry knows that they could not agree to the claims for which they agreed to pay without validating the inevitable consequences I alleged on egg production.

But all of this was done ex parte. I knew nothing about the hokus pokus going on and couldn't answer or face it. There is nowhere any refutation of the evidence I supplied.

So, first they make blanket denial, a lie and a proven lie before they made it.

Then they make promises and don't keep them.

Then they misrepresent and steam themselves up. Like saying there was sickness.

Then they make an untenable offer, the offer they make establishing the validity of the rejected part of the claim.

To the uninformed reading this file, unless he is sharp enough to note that they lied in denying that there ever was such a sonic boom and can see the twisting of the vet's opinion, there has to be something wrong with me. This is the kind of position for which there is no antidote in the minds of the decent people considering such claims.

However, there is in this file an uncontested letter from me, from records I then had and would have had to produce, showing that I had house all but six of a flock of 300 pullet, that they had come into 50% production at less than 4 1/2 months of age, or much earlier than I claim in my calculations, that they had peaked at 96% production during their fifth month, and had thereafter maintained their high level of production. This shows that the basis of my current claims is established in the record of the past.

The letter is that of May 6, 1960, to the JAG at Dover AFB.

It also provides an excellent contrast between a badly frightened flock and one that was not frightened, from record I repeat I had and would have produced had they been asked for. None of that part, by the way, was in any sense challenged by the vet of the Air Force. The difference is really very large in every measurement.

Question of the running of the statute and on continuing negotiations

In his letter of 7/3/64 to Leahy, the one on which ~~W~~aft concurs with my statement that the stronggraphic transcript contained omissions, this is the second paragraph:

"At the conclusion of our conference of March 10, I believe it was concluded that if we intended to proceed with court action on any part of Mrs. Weisberg's claim, then you would have to hold off on administrative action with respect to the claims already filed.

"Since that meeting, we have decided that a court action incorporating all of Mr. Weisberg's claims would be the best method of procedure. We plan to file such an action."

Note the note on Leahy's copy, initialled L, "Heartening News!"

Below this, the bottom of the page, another note, almost illegible and partly unclear, "Suspend file to 1 Jan 66" I can't make out the initial.

No response is included. Instead there is the note File

I'm skimming this unidentified file because someone place paperclip in the margin. If it was not you, then you have a reading on your astersarym perhaps.

Colonel Thompson, chief, general claims division, 12/18/63, to Chief, US Army Claims Service:

"There are indications that Weisberg was led to believe ~~that~~ claims would be considered administratively."

(If Morse's file has disappeared, this says it "was referred to the Deputy General Counsel of the Army who referred it to TIX TJAG by memo of 11 December 1963" and the purpose of developing a resolution, which is what Morse told me, he thought it had been settled to my satisfaction. This immediately preceeded the above on what I had been led to believe.)

8 Immediately after what I had been led to believe, " I think we should reconcile ourselves to the fact that sooner or later we will be forced to adjudicate the claims and admit that there have been overflights in the past. We will have difficulty availing ourselves of the statute of limitations (probably inasmuch as 5 claims ~~had~~ filed ~~before~~ by 14 May 1962 (covering incidents of 19 May 1960 and following and remaining claims were filed ^{on or} before 26 July 1963....concede that certain overflights did occur, that we arrange an interview with Weisberg...."

Harvey, this is almost a half year after the Van Voris memo.

9 There is a Mat 23, 1961 letter from the Navy Director of Litigation and Claims to Assistant Attorney General Orrick saying the whole thing was "cognizable under the Military Claims Act ", which is what was agreed to at the Pentagon and later the Army pretends is not the case.

6 An August 23, 1962 to the chief of Army claims leaves no doubt that personal injury was included, quoting my forms, "Damage to us and to our poultry". The subject is jurisdiction of the Army.

11 I was right in alleging the transcript of the 3/10 session with Leahy was altered. There is a memo from Colonel Thompson who says he did it!

The allegation that I would shoot the next copter down is in an admission of an overflight ("new pilot who had not received proper instructions") is in a second-hand representation of what I am said to have told General Williams. Vol Thompson's 1/27/64, after we had completely liquidated!

January 64 Burtis asked Jaor McGrady for the memo on the first Pentagon conferene. I am not alone in thinking there should be one!