

7/15/72

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

Dear Mr. Clapp,

Persuant to your letter of the 10th, I will see if there is anything that can be added to what is in mine dated 3.27.72 in answer to the government's interrogatories. The questions to which I was to provide what I could for answers are: 3 a and b; 4; 6; 7e,f; 8 I a and b and c; 8 III h ii; 9; 11.

I can appreciate your request for brevity, for if it takes less time than writing, reading does take time. Going back so many months, I can't be certain, but I believe it was my intention to do two things: tell you all I could for you to use in response to the interrogatories; and tell you whatever I felt you might want to know about the case in general and what is involved in it. If you understand that in the first case we went to trial without a single witness being interviewed by my lawyer prior to the few minutes before trial began and that I hadn't even been told what "proof of loss" is, I hope you can understand my desire for you to know whatever it seems that it could help for you to know. If this is delayed until we are in the courtroom again, it will be too late again.

You apparently received the ribbon copy of my 3/27. I made a second carbon, but it is pretty pale. Whenever it is convenient, I would appreciate it if you would return the clearer carbon I sent you with my letter of June 9.

As a first step, I have reread all these questions, and I have begun to read my 3/27. I know my nerves were then in bad shape, but from a rereading of these questions I am certain now that I am relatively tranquil of the accuracy of what I told you in writing and when you were here, that except for where we have provided the specific answers possible, cash figures, it is not possible to give the answers you want and Davis seeks and Davis asked these precisely for the reason I told you on the very first page, David and I had already gone over these things and he knew "the questions asked are impossible to answer."

For your understanding, my nerves actually were in such bad shape that on 4/14 I sought a consultation with my doctor, he found an opening very fast for GHA, 4/24, and did what is exceptional, made the appointment with the appointment desk himself, before the appointment desk picked up my call. He arranged a double period for the consultation, as long as he takes for a complete physical, then made a psychiatric-consultation appointment for 5/18. As a result of that we are both in therapy that I hope will not be a futility because GHA doesn't cover all of it, We haven't the cash for the balance, and I have applied for public assistance to cover the balance.

3 and 4: I supplied you with ledger sheets my wife made up as soon as she could after the end of the tax season. If you didn't get them, I have photocopies.

Comment: I gave you this explanation because I thought you need it and because Davis knew it from two sources: personal conversation with me and from the record of the first trial. It is in that testimony, and I suggest that his asking ^{part of} the question under these circumstances bears on the opinion I have given of his purposes. The rest he already had from our tax returns.

6: Answered. The third of the Plummer brothers was known as Elmer, whether or not that was his real name. Lawrence was the only regular employee of these three.

7e. There is nothing I can add to this that I can think of. Moreover, except for relatively minor details I was not asked, all of this is in the trial record in my testimony, that of Jesse Chessin and perhaps of George Quigley. Davis thus knew this. He and Brocato both refused the picture, both saw them, and you agreed not to give them unless the govern-

would make their own copies from them.

Added comment if it is of value in the future: When I disposed of the last flock of pullets ~~xxx~~ or what is most likely, moved them into the hen house, I borrowed a Sekonic 8mm movie camera capable of exposing individual frames and took a picture of each in the presence of George Quigley, then on the U of Md. ~~poultry~~ poultry staff.

7f. There is nothing I can add to this that is responsive to the question. Unless you consider the filing of claims, which I did do, responsive.

Comments: near the bottom of four I refer to making correspondence available to Davis for copying. We did discuss this when you were here and you then said that you would make him this offer for the record, I supply the correspondence and he has it done on his xerox. They, of course, have their copies of all the correspondence, but as I recall it you said it would look good to make the offer, something like that. This reminds me again that Davis has not supplied you and you have not supplied me with what he agreed to before Judge Thomsen, the present whereabouts of Van Voris and the name and present whereabouts of the lawyer who accompanied Van Voris. At that meeting with the Judge, Davis promised not to go to any without my being present. He has since confessed to having sought Van Voris out. This is, for all practical purposes, with Van Voris a career military man, to corrupt him. But the accompanying lawyer was an enlisted man from Baltimore. I think it unlikely the same kind of pressure could be applied on him. I want to interview all and I would appreciate it if as you said you would when you were here you got this information from Davis for me so that I can. Or at least try.

8a. In addition to what I wrote you, there never were and never could be such precise records for meat chickens. Nor is it possible to isolate the damage from one trespass from another. I believe this is in the trial record, too, besides all the federal attorneys with whom I spoke knowing it, so I am again addressing their intent in asking a superficially reasonable question to which they know beyond question any answer is completely impossible with the language carefully selected for the question, "For each of the alleged....died as a direct result....died at some later date as a result of injuries sustained as a direct result of the occurrence...." In addition, this prejudicial formulation eliminates the lingering flock condition that always resulted from the first trespass to which there was reaction and the carryover in behavior from one flock to another, all of which all the federal attorneys' knew.

8bi After rereading this question, I am even more persuaded that the intent is as I wrote you, to entice me into giving an answer that on the stand he could make look like a false or deceptive one.

8 b ii Do I have to spell out for you the utter and complete impossibility of any kind of answer aside from what I have provided Davis to such a question that begins with "each" chicken? And when for the majority, the meat chickens, it was impossible to keep meaningful records? There were thousands and thousands of these chickens.

8 c Adding to what I here told you, it is not merely a fear that this record would be used against me, it has been regularly, and to my damage. One rabid member of the House Un-American committee put an incredibly distorted account in the Congressional Record, it was reprinted and distributed at a cost very slight, as I presume you know, and it was widely used, by being ~~xxxx~~ sent to some of my sources of information, even by being distributed by contrived picket lines when I was in New Orleans. It was sent to the press, reporters with whom I deal. This is reality, not my concept of possibility. It even cites the outcome of the trial not yet held! If I can't stop this kind of thing, can I contribute to it?

Implicitly, you object to the length of the explanation that follows. But how can I possibly expect something but disaster to emerge from this case if my lawyer doesn't understand and isn't prepared to confront what this can reasonably be interpreted as forecasting if you know the normal poultry business and ignore the uniqueness of mine?

In going into what Mc Mathias told me at the bottom of page 7 again I was trying to

prepare you for what is possible and to at least indicate a context of extra interest in this case. His need no longer rest on Mathias' opinion. I presume everything I tell you is in confidence, but because I have never asked and am not concerned about your political beliefs and associations, I must remind you in this case. In 1965 I personally made a deal with a major publication involving use of parts of my first book for about \$10,000. That publication sent me to a literary agency. A partner in that agency was also interested in another book that in his opinion could also make a movie. I still have some of the correspondence. It now turns out that a federal agent, while still in intelligence employment that lasted at least another five years, was then in this agency. The net result was that the deal I had made was killed for reasons not only spurious but soon proven spurious and they abandoned the book, me and the book that would in their opinion make a movie, which is where the real money is. Simultaneously, they placed a really crappy, sycophantic book on the other side of the controversy. This federal agent became a White House aide in the current administration.

There is something I can't understand in all of this, and in retrospect I wonder if it is not what triggered the attack of nerves after you were here. I know I was upset while you were here. Perhaps you noticed it. It troubles me as it then troubled me that you were insisting on answers to questions that could not be honestly answered. I went into detail on this in person and then in writing. Now you ask me to repeat again that "If there is any information that is unavailable, so state." It is unavailable not because I destroyed anything. It is "unavailable" because it never existed and couldn't.

While I'm off on this tangent, let me address your 7/10 comment, "The fact that you have offered information to the Government which may or may not be responsive to the interrogatories does not help me in framing answers to these interrogatories." Specifically, this is not the case. This information given the government in documentary form is asked for again, and that is not the same as what I told them. Offhand I can recall of the tabulation I made for Peter Taft, he gave them, I personally took to Baltimore and gave them, Davis returned, and you have or saw it. It represents an enormous amount of labor. Davis copied this before returning it and asked for it all over again. There are the monthly cards of egg production, mortality, population, etc. I personally gave this to Davis, he copied it and returned it. (Perhaps it was Brocato who first accepted it, but they have it and again ask for.) This and the notebook in which I consolidated this and to the degree possible correlated all with trespasses are both only copies. Yet I trusted them with both. Now they are asking for it again? You agreed when you were here that your answer would include this plus the offer to let them have again for further copying if they desire. There is also the daily log. I gave it to them. It includes all these things and more, yet again they ask for it. You agreed to tell them they could make another copy. I am lost when you say "may not be responsive to the interrogatories" when this is all the information I have on such things.

I am not, of course, a lawyer, but particularly with this long delay, and it was months before you asked me for what you did, I feel it is important in our interest to include in the interrogatories what bears on their misuse, on frivolity, on delaying tactics by the government designed to be prejudicial. It is open harassment, and I hope this is not a recognized and accepted propriety with interrogatories. I don't know how much is in the judge's mind, but twice in my presence, once rather forcefully, he told Davis almost these words, "This man has offered you everything he has. I can't understand why you don't go out there and get it." This was when I'd complained that on a number of occasions I had brought things with me and they hadn't accepted them when we were supposed to be negotiating. I had complained of dates made and not kept. I think the second time the judge directed him to make a date to come here. I fear more than that Davis may get away with his dirty work. I fear that unless the judge is aware of this it will be quite harmful to us.

9. Perhaps when I saw the word "writings" I got the wrong impression. My answer was based on the interpretation from it. Now if this means records, then I have and have given them the log, the daily production records on monthly cards, the consolidation of these in tabular form and kept in a loose-leaf notebook; photographs; the tabulation they have; the affidavits from all available witnesses, which they have, and the tape records of the interviews typed into the affidavits; correspondence with the government, which they have;

and my writings in the poultry press.

In all cases the originals of my records were by me. In the case of the tabulations, my wife made those in the notebook and I made those in the typed chart which my wife then typed in the form in which it now exists. They are in my possession and in the possession of the government.

In addition to this, all of which I know is privileged, relating to my lawyers.

Davis' wording here is sloppy. He does not include what happened to us as we see it and as he knows we see it. But in addition to the GHA records, which I hold are not covered by the wording of this question, I have copies/notes on our reactions and the manifestations thereof, so you will know for the future. Where they are included in the log, he does have them.

11. They have this redundantly and in every form in which I have it. The chart alone is a complete answer to a. They have this in the log and the notebook and they have it in less "concise" form in the monthly production cards.

By what action I took, I can't imagine anything not in § 7f. "Actions" they took none. Words, yes. The closest thing to "action" was the promulgation of regulations that were ignored. Unless you want to consider relevant my being told to whom to report, which ~~is~~ I did without results.

b. They have this. From each I got an affidavit and they have copies of all.

I do hope this provides the information you need. My wife will read it to see if there is anything I omitted. As she does she will make a table of the answers by number for your convenience and speed.

If there is no air inversion as there was yesterday, I will take this into the post office so you can have it Monday morning. We find breathing in them difficult now and must stay where it is air conditioned.

Sincerely,

Harold Weisberg

Interrogatory questions Nos.:

- 3 - 4: Answers earlier provided - ledger sheets.
- 6. Answers earlier provided; current addresses unknown.
- 8 a-c: Impossible to answer as asked.
- 8 III h ii: We discussed this when you were here and you were going to draft an answer based upon the uncertainties such as the value of the business.
- 9: This answer provided.
- 11: All already provided to government. Long answer indicates in what.