

10/29/73

Dear Harvey,

In my notes on the discovery material, you will find a reference to proof that Better can supply, if you have returned the material to him, substantiating what I told you about the filing of claims, when and how, and support for my letter to Taylor in May of 1962.

There is a memorandum slip, Form Feb 50 95, from Lt. Col. Tyrell to Taylor, dated 10 May 62. He says that there are attached claims received from Morse, that Chamberlain is to verify or disprove (Chamberlain MDW aviation) etc and there is a note at the bottom by Taylor reporting that he had phoned me for a figure for AMOUNT, his caps. So, contrary to any dating on the claims forms, by May 10 not only had Morse received them but he had routed them to a claims officer and he had received them.

In addition, in case you find that at this stage it is of value for the judge or for palaver, there is a memo to the Chief of Army Claims ~~OTJAG~~ OTJAG, Subject, Weisberg file, referring to the inclusion of "informal notes of the conference of 3 May 1963" with reference to those presumed to have been present from Air Force, and "There are indications that Weisberg was lead [sic] to believe claims would be considered administratively."

This then follows: "I think we should reconcile ourselves to the fact that sooner or later we will be forced to adjudicate the claims and admit there have been overflights in the past. It says they'll have difficulty invoking the statute of limitations because I have stopped it, too, and says how.

From this, although it may now be irrelevant, one of two things follow: there was a decision other than the one that was the agreement to which I was party, not to live up to the agreement, made on a higher level, and there was just normal bureaucratic/lawyer stalling; or there was a conscious decision to work out a scheme by which they could still invoke the statute of limitations.

But this does say explicitly that they should get the approval of a General Williams and then proceed to reach an agreement with me.

I presume that as happens with us all, you did not anticipate this specific point would come up in chambers. I didn't, either. I didn't remember it even when earlier today we talked. But I was absolutely certain that I had not put a figure in the first claims forms and I can't and won't ever forget the hassle with Leahy at the Pentagon when they were pulling all kinds of outrageous stuff on me, including trying to get out of the agreement to use the Military Claims Act, over which there had already been a hassle with Pentagon Army JAG, a Colonel Coggins, in which Morse had been great. In order to do this Leahy had to lie to my face, I got angrier than I had been, and that was too angry, I grabbed the forms and showed him it was not my writing or ink, something, and then they censored it all out of the transcript, as Taft's letter shows. I'm also sorry that this means the judge doesn't know. And it would not have hurt for Better, if he doesn't know, and the judge to know the kind of dirtiness the brass never stopped pulling on me. (My wife that that despite all I've gone through I remain naive and trusting, but I didn't dream they would dare doctor a transcript.)

Hope this reaches you in the morning. I appreciate the time you have taken to explain things. Thanks. By the way, I have a quartz rock with a natural cave in it for your boy if your wife won't object to one about 10 inches long.

Sincerely,