

FEDERAL BUREAU OF INVESTIGATION

Reporting Office BALTIMORE	Office of Origin BALTIMORE	Date 6/26/59	Investigative Period 6/18 - 23/59
TITLE OF CASE HAROLD WEISBERG and LILLIAN WEISBERG, Plaintiffs, v. UNITED STATES OF AMERICA, Defendant, U. S. District Court, District of Maryland, Civil #11036		Report made by [REDACTED]	Typed By: outside the scope (os) dck
		CHARACTER OF CASE FEDERAL TORT CLAIMS ACT	

SECRET

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LEADS:

THE WASHINGTON FIELD OFFICE

AT WASHINGTON, D. C.

Will interview [REDACTED] obtain from him information requested by the United States Attorney set forth in details of report. United States Attorney requests interview be conducted promptly. K2

THE BALTIMORE OFFICE

AT BALTIMORE, MARYLAND

Will report final court action.

Approved [Signature]	Special Agent In Charge	Do not write in spaces below	
Copies made: ② - Bureau 1 - USA, Baltimore 2 - WFO 2 - Baltimore (120-198) ICC RMB 77-57 ECM/jg		JUN 26 1959	ACT - 6

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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, Baltimore

Report of: SA [REDACTED] OS
Date: 6/26/59

Office: BALTIMORE, MARYLAND

File Number: BALTIMORE (120-198)

Title: HAROLD WEISBERG and LILLIAN WEISBERG,
Plaintiffs, v. UNITED STATES OF AMERICA,
Defendant, U. S. District Court,
District of Maryland, Civil #11036

Character: FEDERAL TORT CLAIMS ACT

Synopsis: Plaintiffs have filed claim against the government totaling \$9,950 for damages allegedly sustained by them in their poultry business as a result of low-flying helicopters. USA requests interview of [REDACTED] K2

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DETAILS:

The Honorable LEON H. A. PIERSON, United States Attorney, Baltimore, Maryland, advised by letter dated June 8, 1958, that HAROLD and LILLIAN WEISBERG have made a claim against the government for \$9,950.00 for damages allegedly sustained by them in their poultry business as a result of a disturbance caused by low-flying helicopters. Mr. PIERSON requested that [REDACTED]

[REDACTED] be interviewed. K2

The following information was obtained by a review of the files of the United States Attorney's Office on June 18, 1959:

On November 19, 1958, HAROLD WEISBERG and LILLIAN WEISBERG filed a complaint in U. S. District Court, District

BA 120-198

of Maryland, Baltimore, Maryland, under the Federal Tort Claims Act through their attorneys, JESSE H. CHESSIN, JOSEPH L. RAUH, JR., and JOHN SILARD, 705-09 Knickerbocker Building, Baltimore, Maryland.

Plaintiffs are joint owners of a 14 acre tract of land in Hyattstown, Maryland, on Route 109 between U.S. 240 and Maryland Route 355, upon which is their place of residence and upon which they operate the Coq d'or Farm, a business jointly owned by the plaintiffs. The principal business and source of revenue of the Coq d'or Farm is the raising of pheasant-chickens, Rock Cornish game hens, waterfowl and other poultry and the sale of poultry and their eggs.

This business, according to the complaint, requires the maintenance of a careful and controlled environment free from loud and disturbing noises which may produce shock-inducing unanticipated and undesirable "moulting" and may reduce the egg-laying productivity of the poultry. The complaint alleges that on July 12, 1957, and on a considerable and continuing number of occasions in 1957 and 1958 a number of helicopters have flown directly over the plaintiffs' property and farm. These helicopters were allegedly owned by the United States of America and operating under the supervision, direction and control of Headquarters, Military District of Washington, U. S. Army. These flights were allegedly at various heights of less than 300, 200 and 100 feet.

According to the plaintiffs, these flights have caused them to suffer serious impairment in their poultry business in that the sudden and excessively severe noise accompanying the helicopter flights at low altitudes has induced unanticipated and undesirable "moulting" and various other injuries in the poultry and egg production of the Coq d'or Farm.

Plaintiffs ask that they be awarded a judgment against the United States of America in the sum of \$9,950.00 representing damages.

Mr. LEON H. A. PIERSON, United States Attorney, Baltimore, Maryland, advised on June 23, 1959, he desired the following information from [REDACTED]:

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1. Details of the operation of the Coq d'or Farm.
2. Did he ever see helicopters over this farm?
3. What were the real losses from the helicopters?
4. Are losses exaggerated?
5. Were there any losses from poultry diseases or other natural causes?
6. Names and addresses of any other employees of the Coq d'or Farm.
7. Dates of [REDACTED]'s employment at Coq d'or Farm and his wages. K2

Mr. PIERSON said he obtained the name of [REDACTED] and his address from the Department of the Army, Washington, 25, D. C., in a letter from Colonel E. W. SARGENT, JAGC, Chief of Litigation Division. This letter bears the initials of the person dictating it as JAGL and file number as [REDACTED]. The letter is captioned "Re: HAROLD AND LILLIAN WEISBERG v. UNITED STATES, Civil Action #11036." Mr. PIERSON said that in the event [REDACTED] cannot be located at the address furnished, the Department of the Army may be able to advise the source of this address. K2

Mr. PIERSON requested that the interview with [REDACTED] be conducted promptly inasmuch as the results of this interview are needed before he can proceed with the preparation of this case for trial. K2