

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: dck
		CHARACTER OF CASE FEDERAL TORT CLAIMS ACT	

SECRET

- P -

LEADS:

THE WASHINGTON FIELD OFFICE

AT WASHINGTON, D. C.

Will interview [REDACTED]

[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.

THE BALTIMORE OFFICE

AT BALTIMORE, MARYLAND

Will report final court action.

Approved	Special Agent In Charge	Do not write in spaces below	
Copies made: ② - Bureau 1 - USA, Baltimore 2 - WFO 2 - Baltimore (120-198) 1-CC RAB 77-57 FCP/ly	[Handwritten initials]	[Handwritten]	ACT - 6
		[Handwritten]	JUN 29 1959
		[Handwritten]	[Handwritten]

SECRET

Office Memorandum • UNITED STATES GOVERNMENT

TO : SAC, BALTIMORE
(Urfile 120-198)
FROM : Director, FBI (Bufile 120-5548)

DATE: 9/1/59

SUBJECT: HAROLD WEISBURG and LILLIAN WEISBURG, plaintiffs, vs. UNITED STATES OF AMERICA, CIVIL NO. 11036 FTCA

REFERENCE: Report of S.A. [redacted] dated 8/26/59 at BALTIMORE
Letter dated _____ From _____ To _____
Teletype dated _____ From _____ To _____

Referenced communication contains an error in connection with the subject matter checked below.

- Nonsubstantive error - notify appropriate personnel; make notation in error folder; and consider in next performance ratings. Consider employees' work records as to any needed action.
- Substantive error - return original of form to Bureau promptly with explanations and recommendations.

You are directed to take appropriate action.

- 1. O.O. incorrect (OO is _____)
- 2. Report made at _____
- 3. Date when made _____
- 4. Period for which made _____
- 5. Title
 - a. Incomplete
 - b. Incorrectly changed
 - c. Misspelled
 - d. Incorrectly carried as fugitive
 - e. Fugitive omitted
 - f. I. O. number omitted
- 6. Character _____
- 7. Synopsis
 - a. Incomplete or inadequate
 - b. Facts not in details or vice versa
 - c. Fails to reflect owner notified
 - d. Recovery value not set out
- 8. Status _____
- 9. Not approved by SAC (original returned for approval & forwarding)
- 10. Copies
 - a. Not furnished auxiliary offices listed below. Bufile corrected
 - b. Not furnished U. S. Attorney
 - c. Incorrect number of copies to Bureau
 - d. Not furnished to G-2 or ONI
 - e. Bufile number should be _____
 - (1) Incorrectly reported
 - (2) Files consolidated at Bureau

- 11. Details
 - a. No description
 - b. Stops not removed
 - c. Subject in custody, complaint & warrant issued but immediate hearing before USC not reported
 - d. Delay in receiving information from P.D. indicates lack of police liaison
 - e. Motor number listed appears to be incorrect
 - f. Deserter apprehension by local officers at your request not reflected in apprehension teletype

- 12. Enclosures
 - a. Not attached
 - b. Disposition sheet not submitted
 - c. Probation flash not submitted

- 13. Administrative pages
 - a. Undeveloped leads
 - (1) Not set out
 - (2) Too vague
 - b. Informants not identified
 - c. Reference

- 14. Abstract
- 15. Miscellaneous
- 16. Form FD-122
- 17. Quoted Error

REMARKS: TITLE PREVIOUSLY REPORTED AS: HAROLD WEISBERG and LILLIAN WEISBERG, plaintiffs, vs. UNITED STATES OF AMERICA CIVIL NO. 11036 FTCA

(YOU ARE INSTRUCTED TO FURNISH THE BUREAU, ATTENTION RECORDS BRANCH, THE COMPLETE PROPER TITLE IN ORDER THAT THE BUREAU'S INDICES MAY BE ADJUSTED.)

120-198

SEARCHED _____ INDEXED _____
SERIALIZED _____ FILED _____
SEP 2 1959 dgh
FBI - BALTIMORE

Date 9/2/59

To

Director (Enc. 1)

BUFILE # 120-5548

Att. Records Branch

- SAC
- ASAC
- Supv.
- Agent
- SE
- CC
- Steno
- Clerk

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

ACTION DESIRED

- | | |
|--|---|
| <input type="checkbox"/> Acknowledge | <input type="checkbox"/> Prepare lead cards |
| <input type="checkbox"/> Assign Reassign | <input type="checkbox"/> Prepare tickler |
| <input type="checkbox"/> Bring file | <input type="checkbox"/> Recharge serials |
| <input type="checkbox"/> Call me | <input type="checkbox"/> Return assignment card |
| <input type="checkbox"/> Correct | <input type="checkbox"/> Return file |
| <input type="checkbox"/> Deadline | <input type="checkbox"/> Return serials |
| <input type="checkbox"/> Deadline passed | <input type="checkbox"/> Search and return |
| <input type="checkbox"/> Delinquent | <input type="checkbox"/> See me |
| <input type="checkbox"/> Discontinue | <input type="checkbox"/> Send Serials |
| <input type="checkbox"/> Expedite | to |
| <input type="checkbox"/> File | <input type="checkbox"/> Submit new charge-out |
| <input type="checkbox"/> Initial & return | <input type="checkbox"/> Submit report by |
| <input type="checkbox"/> Leads need attention | <input type="checkbox"/> Type |
| <input type="checkbox"/> Open Case | |
| <input type="checkbox"/> Return with explanation or notation as to action taken. | |

CC: WASHINGTON FIELD (120-489)

Re Attached 0-17 and report SA [redacted] WFO, 8/26/59. It is noted rerep was submitted by WFO rather than Baltimore. Complete and proper title is as above. BA copies and USA copy corrected.

SAC JAMES J. KELLY
Office Baltimore

ENCLOSURE
See reverse side

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORT

Date 8/26/59

[REDACTED]

[REDACTED] advised he did no work in connection with the raising or caring for poultry and other fowls raised on the farm of the WEISBURGS and knew nothing concerning the operation of the farm.

[REDACTED]

He further advised that [REDACTED] has worked for HAROLD WEISBURG for many years and would be in the best position to know the activities and operations of the poultry farm.

[REDACTED] advised that he could furnish no specific information concerning operations of the Coq d'or Farm or whether any helicopters did or did not fly over the farm. He also said he knew nothing concerning any poultry losses by disease or otherwise or to what extent any alleged losses might have been if such alleged losses did occur.

Interview with [REDACTED] File # 120-489
on 8/19/59 at [REDACTED] Date dictated 8/20/59
by Special Agent [REDACTED]

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1. - USA, Baltimore

Report of: SA [REDACTED]
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]

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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.

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]:

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.

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.

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.