

3/27/72

Mr. Harvey Clapp III
Venable, Beetjer and Howard
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Dear Mr. Clapp,

I have neither forgotten nor neglected the answering of those of the interrogatories I listed when you were here. It just hasn't been possible to get to seeking what I need for full answers on a systematic basis, in part because of the degree to which our lives are broken up this time of the year and in part because of the condition of my nerves. However, I cleared everything and went down into the cellar this morning to try and get all except the financial records, which my wife alone knows and at least insofar as tax records is concerned, has located. I could not find them and this also will have to involve her. She is working so hard, including weekends, that she regularly falls asleep sitting up after supper and, on rousing, returns to the work she must do.

Her last scheduled date of employment is April 17. Hopefully, the burden on her will diminish considerably before then and we can approach this in as systematic a manner as possible, reorganize all the files so not only for this purpose but later you can have full and immediate access to them, and I have already taken several steps in this direction. I have gotten a file cabinet in which ~~we~~^{we} will put everything on this entire matter that we have, beginning with what is in hand and adding what we find as we go over the boxes in the cellar. Except for those things of such size that they will not fit in this cabinet, we will then have everything at one point. The rest I am sure we can keep together in some way of another. And I have located a file of material not needed for these responses but previously mislaid.

I believe I asked you if it makes any difference if we keep Peter Taft's files in the organization in which they were returned to us. If I have not heard from you in 10 days or so to the contrary, I will assume it is okay to integrate everything and establish a unified file, keeping all the legal papers separate and immediately available, of course.

When I sent you the income figures from the tax records I was under the misapprehension that for immediate purposes all you needed was the totals. In going over the notes I made when you were here and the interrogatories I find this may be inadequate. Some of the questions asked are impossible for us to answer, the government attorneys knew this because I had explained it to them, and I presume this is the reason they asked it. I think I explained it to you verbally, but I also think it best for you to have a written record of it. My notes indicate I was to supply answers to 3 (a) and (b) and I have on (a).

With regard to (b), except for the insignificant (iii), we kept no such records, had no reason to, and it was, in fact, an impossibility to. I explained this to Davis in some detail. The only exception is toward the latter period, when we bought and sold some eggs at wholesale. On this we can supply records when my wife can locate them. When I left to market, I had precounted cash. When I returned, I gave my wallet to my wife and she counted and recorded what was in it. Each week I carried a slip on which I noted those customers who had not paid, special orders for the following week or the future, those who had paid.

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what they owed, etc. Some customers paid by mailed check. Examples that come to mind of the latter are former Attorney General Cummings, then in private practise, and Secretary of State Dulles. Each week I carried a change carrier like bus drivers used to use. It held a fixed amount of nickels, dimes and quarters. Each week my wife filled it up and because that evened out we made no separate record of silver I brought home, for she kept that separately to use to refill this change carrier weekly and it evened out.

So, there is, as I explained to Davis, no possible means of our separating sales of eggs and meat, as he thereafter asked in (i) and (ii), *W.C. by ext. unrec.*

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For some of the earlier years, there may be an income figure for (iii) that is not insignificant. There came a time when in apparent reaction to this the doctor told my wife she had to stop working. Until we check the records in detail I can't be sure, but it was almost certainly after 1956, if not long after it. It would not be income within the phrasing of this question, "realized annually by plaintiffs in the operations of" the farm.

My notes indicate I am to supply "all" with regard to question 4. This will have to await the end of my wife's employment. Complete response to question 6 will also. However, for your information and should Davis express any desire for the information, I'll give you what I can recall. I haven't seen any of these people we employed in years. Two I know are dead, and they are two of the regular employees. This question seems to be ambiguous in that respect. It would be an enormous burden, if not an impossibility, to list anyone whom we may have hired for a few days. We used part-time help, usually no more than at most once a week, except for special occasions, in dressing poultry. And we had what would ordinarily be called farm help. Those most regularly employed in the latter category are George Carvington Price and Horace Thompson, both dead; Lawrence Plummer and John Ingraham, the whereabouts of whom I do not know; and Ella Mae Martin, who last lived near Barleystville, Va., when last I heard from her, a year or more ago. We employed Oscar Summers as a carpenter on the farm. His address was then Ijansville, Md., and because he owned his home and was in semi-retirement then, I presume he still lives there. We employed Harry Plummer and a third of the Plummer brothers whose name I'll be able to supply when we have all the financial records out part-time. Their mail address was then Clarksburg, Md. I can come closer than this generality for that period, but I doubt if it is true today. They then lived on the farm of Frank Blood, on the road from Hyattstown to Lewistown. I have no way of knowing the present addresses where I haven't indicated my last knowledge. *Harry Hartley add. unrec.*

7(e) my notes made when you were here read, "See if I can draft answer including general description. Pictures of Samples." With regard to the pictures, I have only one set of prints. I took them to Brocato, who declined to keep them and make copies, and I showed them to Davis, who also declined. In addition to these still pictures, I have varied 8mm motion pictures, all of which I also offered to lend them but, of course, there are no prints.

With regard to the names of the persons, we have already supplied this repetitively to the government in two forms: in the log and in the form of sworn statements. They have the names and Davis knew this also in drafting the questions.

Reactions varied in magnitude and by the means of raising the chickens. Those kept in cages known as batteries were restrained by them and thus could not run around as much or pile up to the degree those housed loosely, on the floors of buildings, did. The general description of behavior, however, would fit them. They did pile up in the corners to the degree permitted by the cages. They pressed against the grills of the cages as chickens housed loosely could not, having no grills to restrain them. Frequently there would be and would continue an aimless, violent milling around. When chickens could not get into the bottoms of the piles in the corners and would slip off the top of those piled there, they would wildly make the same attempt or dash to another corner and attempt it there. The inevitable result, in addition to trampling, was considerable tearing, generally leading to cannibalism. (I have many pictures of the damage, of those killed instantly and of those lacerated, the latter while still alive and after dressing) There are and were these forms

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of cannibalism: by the flock, with the chickens eating each other, often with a number chasing one and eating it until it was dead; self-cannibalism, not uncommon among chickens, where an injured chicken would continue to eat itself, especially where the injury was, as it commonly was, in the tail area, involving the normal behavior of the chicken, which pecks at the preen gland atop the end of the tail, removing from it an oil with which it preens its feathers, again frequently ending in death, even when these injured chickens were confined in individual cages; and egg cannibalism, often beginning as the consequence of the breaking of eggs in reaction to fright.

Hysteria would and did set in and lingered. The chickens would never settle down and return to a normal behavior pattern. Sometimes their reaction was so powerful they would and did break ^{with their momentum} the metal cages, all of which were deformed. Sometimes when they all went up at the same time in reaction to fright, they exerted what even now seems like incredible force, disengaging the laying nests from secure mounting, large nails driven into the walls, with the nests hanging from them by means of a metal arrangement at each end of each set of nests. For the most part, these nests accommodated 10 and 15 chickens. From this it can be seen that first of all they all had to react simultaneously and in the same upward direction and secondly that the actual power they exerted is almost beyond conception, chickens being as small as they are. These sheet-metal nests are heavy. They had litter in the bottoms of each cubicle, which added somewhat to the weight, and then chickens in each cubicle or as many as were in use at any one time. One of the results when the nests were not themselves made to come loose from their firm mountings was the knocking out of the bottoms of the individual nests of cubicles, dumping any chickens and eggs that were in them, not always inflicting visible mechanical injury upon the chickens but always frightening them still further but always breaking the eggs. Then the chickens ate the broken eggs, one of the residual effects of which was continuing egg cannibalism. I can perhaps best explain this to you by telling you that once chickens start eating eggs they regard an egg as an alcoholic regards a bottle of whisky and they go after it. In turn, aside from the cost of the eggs, there were resultant labor and materials costs that can't be estimated, from extra egg collections required to frustrate the eating, from the time and cost of replacing the litter with which the nests were cushioned, for the most part with us baled hardwood shavings costing more than \$2.00 per bale, and from the ultimate rotting of the bottoms of the nests from moisture.

The general reaction was for the chicken to take off, commonly first upward and then to the corners as fast as they could or in just wild, aimless panic in any and every direction. One of the best illustrations of what the average person would have difficulty comprehending is a photograph taken by a professional photographer at my farm for Ciba Pharmaceuticals, which I have and can supply and did, among others, twice offer the government. The instantaneousness ^{and} the totality of the reaction is incredible. Among the lingering harmful effects asked for in this question is a condition of hysteria which thereafter required nothing visible or detectable to set it off, resulting in further injury, damage and considerably reduced efficiency. It could also be set off by anything otherwise normal, like normal motions or activities. It has come to be recognized as what for lack of a better description I would call a psychological problem of chickens. I am among the first to have written about it in the poultry press and to have experimented with means of coping with it, varying from medical, on which I have lectured to the veterinary medical staff of the national Food and Drug Administration on their invitation, to special lighting and darkening programs and special housing. I do not now believe that any flock ever recovered from hysteria. This hysteria would qualify for the "other disturbance" part of the question and is a consequence of the "overflight" and "sonic boom" part. If this is not a sufficiently detailed answer I can supply more, but the government already has fairly full information from me on this in the log and the notebook, both of which it copied, plus notes in the tabulation I supplied.

7 (f) The government already has all of this and for the period after the first suit it consisted of what the government told me to do, to whom the government told me to do it, and all the letters were to it. In addition, it was all subsequently reported in this form in the log which was supplied to the government. The one exception to the government is to

an agent of the government, Westinghouse, but this also was included in the log. I find it impossible to believe that Davis' purpose here is other than harrassment and further delay because all of this was not just given to anyone but to the lawyer designated by the Secretary of Defense.

But going back to the beginning, my first action was to phone Civil Defense and the Army. I also wrote letters all of which Davis has. Beginning with the first meeting at the Pentagon, which was after the trial, I reported to those designated by defendants at that meeting, chiefly Major Chamberlain of the military District of Washington, who was at that meeting. He was aviation officer. In his absence I reported to his assistant or the duty officer, whichever was there to take the call. In addition, I reported these with some regularity verbally to Mr. Morse, the designated lawyer, and I supplied written reports of each such report, to whomever made, as Davis has to know, in the log. When Mr. Morse involved the Assistant Secretary of the Army for Fiscal Management, I reported to Colonel Low, his aviation officer. When Colonel Leahy of the JAG got involved, I reported to him infrequently by phone and in the letters Davis has. I filed the complaints Davis has. I reported to the closest military installation as required by regulations, I think at Mr. Morse's suggestion, when his efforts were ineffectual. This is Fort Detrick. There I reported to the claims officer and I think to the JAG, the log showing in each case the name and position of the person and the time. On one occasion when my wife did the reporting she was called back by a Colonel Czeka (approx) who then called himself "colonel" although he was, I believe, in civilian status, and he threatened to prosecute her. When I phoned him back he repeated this and I have a tape recording of it. (It may be that my wife was transferred to him when she placed the first call.) If this happened, it was because he had given such instructions to the person to whom we were placing calls. Ft. Detrick reported to Second Army, which sent a Captain Van Voris and an enlisted man (a lawyer) to see us, I think twice, once to execute additional claims that Davis also has. Van Voris was with Second Army JAG, Claims, at Ft. Meade. On sonic booms I was told to report to a Major Freeman at the Pentagon, and I did, immediately, by phone. The purpose of this was so that their radar might pick up and trace the plane creating the boom, but he told me this all happened so fast that even when I reached him promptly it was impossible. Major Freeman was with the Air Force. I reported to Colonel Leahy in person at a meeting at the Pentagon set up by Mr. Morse. There were others with Colonel Leahy. Again, Davis has this because Leahy made what is supposed to be a stenographic transcript. I met with Army JAG, a Colonel Coggins with Mrs. Morse, with others at the first Pentagon meeting, of whom I remember a Colonel Taylor. I also reported by phone to Army JAG at the Pentagon after meeting with Colonel Coggins, including one or two generals, all recorded in the log. I think one was named Clark. I reported one particular sonic boom traced to the Dover (Delaware) Air Force base to the claims officer at that base in person and thereafter to an Air Force colonel named, as I recall, Bowers. There is a full record on this in Davis' files. Including a copy of the claim filed. I write one letter he has to Secretary of Defense McNamara, which led to the first Pentagon meeting, and thereafter letters he has to whomever wrote me, including as I remember the late Mr. McNaughton I reported to the White House, to a special unlisted number I was asked to call, beginning with a Major Doster. I think the number was Decatur 3-0555. When he was not there I reported White House overlights to others in that office. I think these are the most common ones. There were others, used infrequently, but they are known to Davis. They are the Navy and Marines personnel whose names and phones were given to me to call by his client at the first Pentagon meeting. To answer this more fully would require, as he knows, if he did not intend it, writing a book in which I could not give him any information he does not have. Insofar as letters are concerned, the same is true. he has them all. I also offered him everything I have for him to take and copy. He declined. It is beyond my capacity to make copies of these things for him but he is still welcome to anything he may think I have that he doesn't if he will make his own copies. To summarize on the part of this question dealing with action, I did everything I could think of except shoot them. The including phoning and writing the proper officials named, filing a suit and then a second suit, filing complaints keeping a log and giving them a copy of it. I just don't think it is possible for me to add even slight detail on this to what I have already provided and what his client must have. (We might want to ask for their records, however, to show that the operating people were not only doing dirty tricks with us but

In skimming the last few lines of the preceding page to try and pick up my thoughts where I left them, I am reminded, as perhaps many times again I will be, that it simply isn't possible to remember everything. I don't think that in recounting my efforts - said I also sought to enlist the aid of my then Congressman, now Senator "Mac" Mathias. I am pretty sure he spoke to the Pentagon and I know he spoke to the President's Naval Aide, whose name is recorded in the log. I think his first name was Maxwell. I spoke to him at least one time thereafter. Aside from him and Major Foster, - and certainly I spoke to others at the White House. I can't begin to remember all the people at the Pentagon and elsewhere there, but that will be in the log. I complained to Fort Holabird, once when a helicopter was in obvious distress. There is nobody of whom I could think I didn't try, and if it is necessary for showing the judge the extent to which I want to try to prevent this, especially after his decision, tell me and I'll take the time to go through the log and make a list of person, time, date, frequency, etc. Do you think it could be worthwhile to use the response to the deposition to get this to the judge's attention, as well as to show him the utter and complete contempt for his decision by the military?

To further explain the top of page 4: Westinghouse was creating the sonic booms in work it was doing for the Air Force, with Air Force planes (civilian not capable of breaking sound barrier). Even Major Freeman, the designated Air Force officer to whom I reported these booms, could not - or at least persuaded me he could not - identify the source of a single one. I learned it. Westinghouse, when I rained hell with them, sent someone to me from an office at Friendship. I dealt with the Westinghouse Washington office, too. I still have the plastic portfolio this Westinghouse rep. gave me when he saw me admiring his.

There was one case I think on a Sunday when Marine helicopters flew over very low. On that occasion I think I reached the duty office at Quantico, I think a woman.

I digress here for something you may want to know for the future, for it relates to my efforts to let the government know and to do something and to a potential witness in the suit. I had become friendly with the Mathiases. I learned from Ann that these same helicopters and sonic booms terrified her two boys, then small, awakened them from their naps, etc., so I started checking with her to be able to plot the flight paths of the over-fliers. This is in the log. Sometimes she called me, I think with the sonic booms especially. Well, by a remarkable coincidence, her late father-in-law was of counsel in a damage suit in Frederick having to do with allegations that blasting at a quarry was causing all kinds of damage, including structural damage to a church. This may have been a hearing rather than a trial. Anyway, when Ann learned of this case, she phoned me and asked me to speak to her father-in-law. He had a list of the times of the complaints made in that proceeding. In every case it was a sonic boom I had recorded. I got my notes out, we checked them, and the variations were so slight they could safely be attributed to the differences in time-pieces. One of which I had no record I found prior to my testimony in that matter had occurred on a day I was not home but was reported in the newspaper as a sonic boom. But if this kind of thing frightened bright children, who had a mother to comfort them, and who lived not in a resonating hollow but in the flat, can you imagine what it did to chickens?

Question 3. Superficially, this is a reasonable, rational question. However, it is really designed to harass and to be prejudicial before the judge. Brocato and Davis and I, as well as Aaron and I earlier, when he took me to the cafeteria in the court building, discussed this in full, so they know there can't possibly be an unequivocal answer. It is not comparable with a case of canned beans damaged in a truck or flooded in a storm. To the degree honest answers can be given, they have them. And what this means is that if there were 2,000 overflights and sonic booms, as may not be much of an exaggeration, I would have to do this 2,000 times. I really think you should try and use this on the judge, for he should have some recollection of the agreement by the government to come out and go over all my records to get anything of this kind they want and then ask me for explanations or anything missing. My undenied correspondence, which you have, repeatedly protests their failure to do it ever, or to ask me to come there, as I'd agreed to, with what records they might want. I finally had to force myself on Brocato, and then he would take but little. Note that this question begins, emphasis added, "For each of the alleged overflights, sonic booms..."

The notes I made when you were here for parts (a) and (b) read "Give as specific as possible for both kinds and estimate when necessary - separate those that died later."

To the degree that all of this question can be answered it has been in writing, so many times I may not remember them all:

In the log, of which they have at least one copy;

In the monthly production and mortality/population charts, which I loaned them and they copied and returned;

In the summary notebook of records, which I loaned them and they copied and returned;

In the tabulation I prepared, that I think Taft gave the government, that I know I gave Davis and he returned after copying (and then asked for again elsewhere in this harassment styled "interrogatories");

In pictures, both dated and undated, that I took to them for them to copy, which they declined; which I offered to lend them for study; which they declined; which I offered Davis when he finally got here, and he declined (and I think they now ask for elsewhere)

(b)(i) provides an immediate opportunity for illustrating Davis' purposes and deliberateness in asking a question he knows can't possibly be answered honestly. And I suggest some are designed to entrap me into giving answers by means of which, when I am on the stand, he can allege I lie. This question is for each separate overflight. How how can I tell, if a chicken dies of injury after an overflight, if that death was caused by that overflight or as the consequence of the many I ingering injuries sustained from earlier overflights? If he asks me this question on the stand, how can I get out of saying I don't know, yet I will have given him an answer in these interrogatories. I went into this with all the federal attorneys in Baltimore, and we discussed it at the Pentagon meeting, where I agreed to accept independent poultry experts to make all assessments, recommended the Univ. of Md., they said they'd get back to me on this and never did. (The inference at the Pentagon was that the government agreed, and this is but one of the rotten things Davis did in going to Morse separately despite his promise before the judge not to when he agreed to locate Morse and others for me - and to this day has not.) *Morse works for government.*

Or suppose he asks me if any one chicken seemingly dead of visible mechanical injury died as a direct result of that injury or from cannibalism? Cannibalism is an inevitable consequence of such injury. With thousands and chickens only a tiny fraction of which could have been visible to me at any one time even if I were with them at the time of the occurrence, how can I answer this without walking into a trap, even were the sheer volume of what is required not enough to make it what Davis knows is an impossibility?

But for (b)(ii) we can say "mechanical and emotional or nervous". Again, the scoundrel has this, too.

He also knows an honest answer to (c) is on the one hand impossible and the time required for computation, were that possible, is beyond calculation and enormous. He has drafted this and other questions on the basis of the explanations I gave him, having missed few, if any of the impossibilities. Let me give you a couple of examples. Suppose a chicken dies on a certain date, an egg-layer. How can I know, other than I have calculated it and given it to them, whether she had been laying for her full cycle up to that point or had been out of production as a consequence of these disturbances; or if she were out of production, how long and at what cost; or if as a consequence of earlier disturbances having thrown her into a moult she survived, and if she were back in production, whether she had been in production for any significant time before death, if at all? It is possible to make some determinations, as with the spread and pliability of the public bones, pigmentation of the vent and tissue around the eyes or its absence, etc., but they can give the condition as of the time of observation and little more. Could I perform an autopsy on each dead chicken? Obviously not. And if I had, it could not have resulted in any meaningful answer to this question. He asked it not because it is reasonable and he is entitled to the answer but because the judge does not know that in advance I carefully explained to him the impossibility of an answer and again recommended that the University of Maryland's experts (and I have no way of knowing who is or is not there now) be used for impartial experts.

The same is true of meat chickens. I have given salvage as best it can be done. Let me illustrate with meat chickens, as I did to him. Suppose I have three mechanically-injured meat chickens, one with a torn breast, another with a torn back, and another with a torn thigh of leg. In such cases I took the usable parts and put them together. In other cases I separated packages of parts, as legs, thighs and breasts. Nobody could possibly be responsible for this kind of thing, and there is no estimate that can be made that can't

be attacked. The use of the word "estimate" doesn't eliminate this and is to give seeming reasonableness to the question. Davis' purposes here, I think, include exploitation of the judge's expressed doubts about my honesty and forthrightness in the decision. I will not be entrapped by it. I asked that this same judge sit on this case, recognizing as I do that his ^{own} decision may give him problems, because one of the damages done me by all of this is to make an imperishable record of my alleged lack of integrity. I want to face this in the most direct, if most difficult, way possible, with the same judge. It provides the only real means I have of eliminating this defamation that no matter how seemingly justified from the judge's position (and from his position it was justified) simply isn't true. I am 59 years old and I challenge Davis or anyone else to produce a man to whom I deliberately lied to serve my own interest.

Returning to the meat chickens, where I used to start a flock each week until all of this happened (and I have found some old records that can be important on this not for response to these questions). I think I had six sets of batteries or cages in the "o. 1" Bldg. alone. I could have had perhaps 10 or more different ages of chickens in that building at any one time. The cost and loss in each case varied, often quite significantly. There is no way I could have kept any kind of record that would enable even an estimate. And there is no way I can make any kind of answer by means of which Davis can't make me out to be a liar when I am on the stand, especially if he has anyone who knows poultry or agricultural economics at his side when he questions me. So you can understand this, if a chick is a week old in the "o. 1" Bldg. and gets trampled because of a disturbance, my loss, aside from the expectable profit, is the cost of the chick, the minor cost to that point of the housing, feed and heat, and a negligible portion of the labor and other overhead. But if that chick is, say, eight weeks only, my loss could have been up to perhaps \$2.25 less the cost of dressing and marketing, both regular items of overhead whether I dressed and sold that particular chicken or not. And there were times when I had chickens in that building where the gross return was \$5.00 and more each.

These questions are not susceptible of honest or dependable or defensible answer. Davis knew it when he asked them. It was his reason for asking them. On the other hand, with a normal poultry operation, he can get anyone from the typical all-in, all-out operation (again the uniqueness of mine is the key factor, as he also knew from detailed explanations and illustrations) and can get, to a mill, the cost and loss per fatality. The reason is simple. In the typical meat-chicken operation, before the egg is laid and the chick then hatched, everything is scheduled and computed, including the day the truck will come to pick the chicken up to take them to the ^{Day} Slaughterhouse, usually, as of the time of my last knowledge, even the time of the day the truck or trucks would arrive, and the time the ~~slaughter~~ slaughter would commence was pretty well fixed, subject to emergencies. A given house has a given capacity for each operator. The feed consumption can be calculated to fractions of a pound per bird, the labor and overhead assessed in exactly the same way. All he has to do is put such an articulate operator, almost selected at random, or an expert on the stand, and see what he makes me look like?

Especially because he knows this and because of the detail of my explanations, if it is necessary and you desire it, I would welcome a confrontation with the judge on this, for it would show him what Davis is up to.

Parenthetically, I think there is something else involved in the asking of this kind of question. Whether or not he now recalls it, Mac Mathias, when he read my first book in manuscript and flipped over it, and then learned that it was actually unpublishable, although it became a best-seller in the underground form and in later reprint, which was commercial (Dell), told me that he was certain the FBI was following me and telling each publisher Mr. Hoover would not like the publication of that book. My files will show I did not then believe this and still do not. However, there came a time when this changed. Some you can readily confirm. There also came a time when I got reports that FBI agents were following around behind me in effect defaming me to people I'd interviewed where they would seem to have had reason to believe they could get away with it. On receipt of this report, I immediately wrote the Attorney General. I can show you the file. To this date I have not been able to get even a pro forma denial. And the lawyer who handled the appeal before Judge Kaufman will tell you that when we planned our move in his office or over his or my phone, the government reacted promptly in what I recall as every single instance in the case not then before the appeals court but the one about which Judge Kaufman asked questions, siding in favoring some of the damage to my business, have told

no quite frankly that the nature of the damage was such that it could not have been caused by air, line damage. Two cases in point are to a tape recorder and a typewriter, both then new. The case of the typewriter was perfect, but the machine itself was such a shambles that it was beyond repair and had to be junked. I am sure the local dealer will still remember this. On his recommendation, to eliminate that kind of harassment (and few people can have access to baggage and do such things), I bought this expensive Hermes, which I could not afford, because it had no plastic parts. That machine had every major part of its frame broken, among the damage I remember, and the ribbon transport bent by hand so that even then typing was impossible. The tape recorder, also without a scratch, and an expensive one, was so fixed that it would play back but not record. The skill of that little job was such that the people who service the machines for the New Orleans Police Department couldn't repair it without ordering a batch of new parts, which would have taken 15 days. The sergeant who tried to get this fixed for me, when I discovered it only by accident, loaned me one for the duration of that investigation. But without my typewriter and tape recorder, my investigation would have been nothing. To this day the factory has not been able to put that tape recorder back in decent operating condition. Now on that particular trip, I was taken to the airport by a staff psychologist at Mayo, in Minneapolis. He and I saw my luggage go down the correct chute. But the luggage wound up several days later in the hands of a different airline and in a city to which the one on which I flew did not go. When my luggage was missing at the first stop of that plane, Kansas City, where I was met by a pathologist under whose auspices I was to speak to a small, select group of professional men, including a judge, he remained with me when I insisted that the plane be searched. No luggage. He was with me when I insisted that the Minneapolis airport be phoned. No luggage. All in an hour or less. Another occasion similar to this happened when I left Dallas. The then explanation, which Eastern Airlines told me quite frankly was false, is that my luggage has been stuck in the chute, even though in the presence of the professional photographer (Black Star) who met me the Eastern New Orleans representative immediately phoned Dallas. In two hours a stuck chute would not have been discovered? And somehow, Eastern knew when I landed in New Orleans that my luggage was missing. It again was a shambles, but I had learned never to let my typewriter, tape recorder, camera or attache case out of my possession. All of this may sound paranoid, but there is a prima facie case of FBI interest in me and of their knowing the state of my nerves and emotions. I have hurt them and Hoover more, not in attention, but in the record I have made, than any other writer. What I have written but can't get published, to their knowledge, hurts even more. It is beyond belief but actual. Now if

they want to be real G.I. and stay within the law, they have all the justification they may feel they require simply from the audiences I have addressed, which range from left to right, anyone who asked me. So, they can secretly consider me an "internal security" case and do what they will, without answering to anyone. And were this not enough, I have discussed these things, our state of nerves, quite openly with Davis, including in the judge's chambers, in going over with him the terms of the agreement on which Brocato and I had earlier agreed, also in the judge's chambers or office, the three steps arrangement. I really do believe that he is deliberately working on our nerves, and if at this moment it is not having that effect on me, it is on my wife, who is working on the books for you.

Frankly, and again I realize it may sound paranoid, there is nothing I would put past Davis from my experience with him. And please realize that while my Freedom of Information suits are filed against the Department of Justice (in itself enough), they are actually aimed at the FBI. It is their suppressed spectrographic analysis the appeal for which Judge Kaufman heard. It is their work in the King assassination for which I sued (and got a summary judgement). And while I'm on this digression, with Meindienst Acting Attorney General, understand he has every reason to hate me, for he handled all FOI matters as Deputy, and if any Senator uses the record in this case before vote on his confirmation, he can be hurt if not ruined. He lied and the record I have made eliminated even the remotest possibility of doubt or lack of deliberateness (the subject of the memo Judge Danaher asked for, by the way). My purpose here is not to give you a greater burden in having more to read but to prepare you for what you should expect to be up against, the probable desire on the highest level in Justice to resist anything we may do and if possible to hurt me.

Returning to my notes, with regard to (c) you asked me if we could use the figure of \$2.00 per bird as net loss per meat chicken. I would rather not, for the reasons above and for others, give any without the most careful hedging, for I don't want to become Davis' sitting duck. It may be as close as we can come. Less commonly, some of my chickens brought as much as \$9.00, perhaps a bit more, each, something unheard of. None sold for less than \$1.75, and as I told you, this could be for as little as 12 ozs., and that is not unheard of. In addition, these disturbances forced a greater need for flexibility upon me. If a meat flock looked like it was going to go into hysteria, it is more than likely that I slaughtered it as fast as possible, despite the demands of my marketing. There are other kinds of examples. On occasion I probably did take some of the less damaged small meat birds and segregate them to grow into larger size in the hope ^{it} might bring them through the hysterical condition and the damage would heal. A \$1.75 birds could reach that size in as little as four weeks with minimal labor and other overhead, minimal feed. If it took seven weeks or eight to reach the \$2.00 size, our cost in feed alone was more than doubled, as was the risk from disturbance. I know you probably need some kind of figure, and I have no way of arriving at a better one. I would be inclined to believe this may actually, under the conditions imposed upon us, be conservative, but defending it under cross examination may be impossible.

I have no note on (d). Perhaps I satisfied you on this when you were here. I think I can fairly state that there was no major or significant other cause, certainly not any until after the consequences of these disturbances had already inflicted the toll. We never had any serious disease problems, and there was, for a brief interval, a bit of trouble with some of the irresponsible kids in the fire department, but that overlapped and the damage was already done by the government and I never made any claim against the fire department, whose insurance company soon enough broke that up.

III provides further opportunity for recording Davis' deviousness. First of all, all that can be answered has been, (e)(i) for example, at least twice, once by ~~fast~~ and ~~by~~ me, personally, to Davis, in the chart I made, he copied and returned. If you take (ii) and what is subordinate to it, (ii)(1) together, he is asking me to give him "computation" of "estimated reduction of egg-laying ~~productivity~~ productivity" for chickens that have not yet laid ("each flock"), pretends that I attribute the damage to each or any flock to but a single disturbance (in (2) and (3)), and at the same time pretends the effects were not cumulative or that there was or could have been instant recovery from any single disturbance.

It simply isn't possible to add to what I have already given him and he has entirely ignored, something to which I would think we would be entitled to take exception and, if it is consistent with your controlling belief on this, protest to the judge. All this he had, carefully tabulated for him, copied, returned, and then harrasses me for. At the same time, pretending he didn't have it and being careful not to return it by mail, which would constitute proof that he did have it. I leave this entirely up to you, but have we not come to the point where the judge should be made aware of this kind of thing? He has rigged all of this to make me look bad with interrogatories, whereas he was supposed, he and those before him, to have been coming here to get whatever they wanted for some two years. Will not the judge's impressions influence his ultimate decision?

I have a note that now makes no sense to me, of something I was supposed to have given you, "What could my profits have been in 1964 if not for this, based on no further expansion". This is so conjectural, I just don't see how it can be answered. It can't, for example, be separated from the past. Let me give you a couple of examples. I lost my own breeding flock from these disturbances. In itself this involves several factors: meat quality and neatness and the cost of chicks; and the effect on my present business from the previous years of uninterrupted disturbances from the time of the first rock civil-defense evacuation of Washington. During this entire period I could make no plans, could arrange no organized marketing in advance, for I had to meet the day-by-day need of survival, and the way it worked out, I had to sell each week to continue into the next. I could only put aside some of these small birds and then, when I knew that I had, go out and sell them at the time that the meat business had already made their own plans.

writings". This was immediately after Mr. Brocato's and my first meeting with Judge Thomsen, when Mr. Brocato said he would come out and see my records and would take back with him those things I initially considered would be most helpful to him. Included were the tape recordings of what was committed to paper and submitted as affidavits in support of the claims I had filed, my original and my consolidated production and damage records, other things, and this envelope. When Mr. Brocato never came, I took these things to him. He decline to accept most. I then offered them to Mr. Davis, with similar reaction. Those magazines with these writings in the poultry press have been in that envelope and that old suitcase from the time I gathered them to the time of this writing, and as of this writing, as they have been for several years, they are in my office.

I have undoubtedly written letters (the question says "other writings"), and I recall some to famous people, like Konrad Lorenz, to an expert in the field in Canada, and to others. These are in my files, probably filed by the name of the correspondent. I recall a draft of what could have been a separate article (or a chapter of a book) entitled "The Happy Eggs", a ridiculing of a spurious "experiment" by the Air Force intended to show that sonic booms were actually helpful and an exposure of falsified statistics and predetermined "conclusions" based on contrived questions and selected interviewees. The latter relates to a "bird-like" "experiment" in Oklahoma City in an unsuccessful effort to persuade the Congress that people didn't object to or suffer from sonic booms!

There is none of this not in the possession of the government, as in the form of my letters to it, or repeatedly offered to the federal attorneys in Baltimore or to Army representatives, like Captain Van Voris, who has copies of at least some and presumably turned them over to the defendant or counsel.

The question asks by whom written. In by far most of the cases, by me. There may have been and undoubtedly were a few occasions on which I was away and my wife made notes.

For your information, I also made notes on my wife's reactions. I do not propose to offer them to Davis and he has not asked for them. To a degree, however, - have sent comments to the government, as in the log, perhaps, and a few letters.

Question 11: The government has all of this, both parts, in the log or in the affidavits. The passive actions taken by defendants" consist of 5 facilities. They made agreements they never kept, they put in regulations they could not get their pilots/agents to abide by, they marked their maps wrong and for a long period of time, until I discovered it by accident, were actually routing their helicopters over our property (McLaughlin letter mislocates our property and shows this), they finally printed directives and gave us a copy, but again to no avail, for nothing stopped the trespasses. It got so ridiculous that the Assistant Secretary of the Army for Fiscal Management sent his assistant for aviation affairs, a Colonel Low, to actually find out where we were and to mark their maps according! (We should ask for a copy of his and Morse's memos and reports.) Low fretted for some time because of his inability to get the ultimate regulation promulgated and printed in the manuals.

This gets the end end of the notes I made when you were here, of those things on which I was to inform you. What remains is what my wife is working on. That is yielding what I regard as very valuable information. It shows the expansion in capacity without significant increase in gross income, yet our capacity more than doubled. It shows, for example, that even when we were first starting, our demand exceeded what we could produce, for as I had forgotten, I bought eggs in 1953 and 1954, prior to our expansion, whatever I could get from neighbors who produced hatching eggs, and these were those he could not sell as table eggs himself, those not of a size suitable for hatching. I will give you this in more detail later, but I am reporting it now because of the disasterous misuse at the trial and so you will know. Our books show the construction of an entirely new building for meat chickens in or beginning in 1964, additions (probably year of completion) to the hen house in 1955 and 1956 (and this is separate from later changes in an effort to diminish the consequences of the disturbances), yearly additions to the building we call the pole barn in 1953, 1954, 1955, 1956 and 1957, the point to which my wife has progressed, additions to the two earlier-constructed brooder houses in 1956 in one case and 1956 and 1957 in the second, that our prospects by 1953 were such that instead of improving our situation, it has become clear we needed living, regular help and built a

small tenant house for a childless couple. In short, the books do confirm what I have told you.

The addition in the hen house more than doubled its capacity for egg chickens, and the same is true of the pole barn. And the figures for the earlier years include gross income from eggs bought from the neighbor in those couple of years. But the figures for the years that coincide with two things, the beginning of the helicopters and the more than doubling of our egg capacity, show the consequences. Of course, these breakdowns are at best rough estimates of what is chickens and what is eggs, required, as I now recall, by the tax forms of those years. But after the doubling of the hen-house capacity, the figure for eggs in 1957 is actually smaller than that for 1956 and the small increase of 1956 over 1955 is hardly commensurate with the expansion by that year. And exactly the same thing is true of poultry. I sold everything I produced and increased my capacity, and my prices were fixed, but my income (as Davis has to know from the tax-returns he has) was less in 1957 than in 1956. (Can you understand what really happened to us in the first suit!)

Going along with this, "veterinary" expenses are so utterly negligible, which bears on sickness we didn't have, that they are lumped in with "other" and for part of this period this included the mammals we raised, small in number. Almost all of the small amount we spent on chickens was preventive, not treatment. And when there was treatment, as I said above, we never had any kind of epidemic condition and it is probable that what we did have is attributable to the disturbances.

What my wife is preparing is more than you need for the immediate purposes. It includes what I can anticipate that you may need in the future. This is just too rough on her. She feels and shows it and has had to "dope" herself up. But she will continue with it until she completes it, for we are both aware that the sooner she is finished with it the better and the easier on her in the long run. She is using a ledger sheet. I will make a photocopy and send you the original. I can't predict how much she will have done in time for me to mail it tomorrow, which should get it to you by Monday. That is something I think we should send you in a unit. If it is not completed, it will not be enclosed with this. But it will be at most a day or so in reaching you. She also has a medical appointment in Washington on Tuesday. I hope it can be done to go with this or at latest separately Monday. But you will, if not with this, have it very soon.

If it just roughs, for any talking you may do with Davis. But the comparison between 1956 and 1957, roughly the period covered by what I was confronted with in court and taken by surprise, "proof of loss" never having been mentioned to me before then, shows that when our egg income should have more than doubled, it not only went down slightly but this in terms of cash is about \$15,000 a year and even then it is in comparison with a disaster caused by the first of the helicopter disturbances, for that was before 1957. In 1955 or 1956. This means it is even worse than that, and this is the part that is the gravy. I told Baron, Brocato and Davis that my wife had discovered or realized this after the trial, the fact of it, not the figures, which I then didn't know. I then knew of the expansion only. Davis' questions begin with 1956. I hope you can get this all in somehow in answer to them, to show that the figures represent an enormous decrease in income, for the increased size

*, from p. 4: Davis was supposed to provide me with the locations of certain government personnel and not to talk to them except in my presence. This included Van Voris and the enlisted man with him, then a young Baltimore lawyer. He has "reached" Van Voris and Morse, both still with Army and DOD, has not told me how to reach either, has promised me since dropping the fact that he had reached them, has never told me the name or anything about this enlisted man, and when I asked him verbally in the presence of the judge, the judge said he would do it after I asked in writing. To date, total silence, judge or no judge. I would like to be able to talk to these people, especially the enlisted man, who ought not now be under the control of the Army because he was a lawyer.

+ Understand that all production costs are already included, hence "gravy". For example, these chickens were raised, fed, housed and tended.

I am sorry about the length of this, for I realize it will take time to read, if considerably less than what it took to write. My intent is to inform you, for the immediate and for the future. For the future, I know there will be some things that may not make sense to you and may require some explanation before trial. For example, the cost of free housing, eggs, chickens, milk, etc., is not included in the hired labor figure on our books. And as we could, we replaced feeders from which feed could be wasted with more efficient ones, so the relative feed cost for the earlier years will be higher. For the years before the helicopter damage forced the liquidation of our meat-chick breeding flock, the cost of meat chicks will not exist and will not be in the chick-cost figure. (After the trial I found my contemporaneous records of hatching per egg set, the number of eggs set, etc., for a long enough time to be representative, for I was then having it done by an old friend, a retired man, for whom it was a hobby, and I paid him by the number of eggs he put in his incubator, which I later bought, together with several others, and hatched myself, where I had no need to keep records. I gave one of these incubators to the Mathiases, with the start of a breeding flock of our rare ducks.)

My wife has completed the ledger sheets and I enclose them herewith. She has, at the same time, prepared another for the future. I think it would confuse you to send it now, but we have it for when you want it. It consolidates the costs of all the buildings of the farm and will appear to be very, very unreal in considerably understating their value. In fact, they total less than a third of the value placed on them by the U of M. agricultural economist. They do not, for example, represent most of the labor costs, which were mine.

You will note that in 1961 we discontinued the artificiality of attempting to segregate egg and chicken income, apparently having learned it was not essential.

Included where we have a "poultry" separation is a product my wife canned and we sold where she could salvage some of the damaged but edible parts. It is not a significant figure. As a matter of reality, the work involved, uncompensated, exceeded the revenue. It was a fantastic product, but it was so complicated it could not be done commercially.

She has just completed it. In order to get it to you as fast as I can, I attempt no analysis for you. But one thing I think is pretty obvious: with more than a doubling of our capacity and despite the sometimes marginally successful efforts I made to offset the effects of the disturbances, partly reflected in operating costs, our income remained about constant. When you deduct purchases, this is clearer. It amounts to about \$15,000 a year as I indicated when she had not completed this and is pretty constant. I am not now certain and will not delay this to check, but I think the first such disaster was in 1955, which would be reflected in a seriously diminished income for that year and would make the approximately \$15,000 figure even greater. In any event, here alone we account for an actual, measurable loss of over \$100,000 for the years 1956 following.

Sincerely,

Harold Weisberg