

July 30, 1972

Daniel F. Johnston, M.D.
240 West Lanvale Street
Baltimore, Maryland 21217

Dear Dr. Johnston:

Robert M. Brown, clinical psychologist at the University of Maryland Psychology Clinic, describes you as an imaginative man not fettered by scientific cliches and stereotypes and a scientist who is inclined to welcome challenge and innovation. It is on his encouragement and from this description that I write to see if you can be of help to us in our medical-legal problems.

I am a former investigative reporter, Senate investigator and editor, and intelligence analyst who, in 1948, chucked what I regarded as the dishonesty of commercially acceptable nonfiction writing, turned the clock backward and became a world-famous farmer only to have our farming and our health ruined by military helicopters and sonic booms. Having been forced to discontinue farming, I returned to writing and earned a new international reputation from my (continuing) work in a taboo field, political assassinations.

In order to bring out the first critical work on the Warren Commission, I had to invent the underground book. In that form and in subsequent reprint, it became a best-seller (first of four reprintings, 250,000 copies). This also made me a pariah in publishing. The net result of the ruin of our farm and this new literary career is financial disaster. We are without significant income and are about \$35,000 in debt. I feel I must begin by telling you this because, should you become an expert witness for us in a coming suit, we would be unable to pay you except from the proceeds of success.

We filed and won a precedent-making suit in federal district court in Baltimore. There is now pending a suit for damages subsequent to the period covered by the first suit. That we won at all is astounding because, for a combination of plausible reasons, the lawyer who then represented us really did not prepare a case. His senior partner, as a matter of fact, was castigated publicly in an unheard-of manner by the same judge on his subsequent appearance in another case.

Laws designed for the protection of those who sue the government so restrict counsel that it is not easy for the complainant to get adequate representation.

On the recommendation of our Senator's wife (both are friends), we asked Edward Bennett Williams to represent us and he agreed. He assigned a firm lawyer, Peter Taft, to the case. Following initial interest and activity, there was an abrupt change, and they let the case hang for years, with Taft ultimately abandoning us in the most prejudicial manner and moving to California to start a political career. It turns out that Mr. Williams is one of Chief Justice Warren's closer friends, that he hired Mr. Taft, Mr. Warren's former

lawclerk, as a favor to the Chief Justice, and that all take a dim view of my work in the field of political assassinations.

In all honesty, I must tell you that, if this seems paranoid, it is mild compared to the reality of our lives and work.

As a witness in my own suit, I began to get a belated education in the workings of the law and some lawyers. I first learned the phrase "proof of loss" when I was in the witness chair. Since then I have kept rather detailed records of everything that could seem relevant.

These records range from a diary and production and other farm records to carbon copies of federal espionage on me, complete with bills rendered by the private agency used in that aspect, checks from the CIA's front established for such purposes, even the envelopes in which checks were mailed, including one original. Inspired by the pixie in me, ultimately I made a deal with this agency working for the CIA, by telephone, to make their surveillance easier. I can play you a tape recording of that. It was made in the presence of a young lawyer friend who had not yet taken his bar exams. (I am attempting to address what may seem paranoid.)

There are many reasons why I am persona non grata to the federal government. It is the federal government I sue. It is concerned about the precedent I have set, those further precedents possible in the pending suit, and about my current efforts ranging from my research and investigations to my "Freedom of Information" suits against it. I have, for example, won a summary judgment in federal district court in Washington against the Department of Justice.

So, this will not be an easy litigation, and its prospects are not improved by our inability to provide a retainer for the lawyer who now represents us.

If this is all "bad news", I cannot honestly approach you without giving you at least an encapsulation of it.

On the other hand, I think this suit has little chance of not succeeding in some areas and a pretty fair chance of succeeding in new areas. I believe if you can take the time to see me and to ask for whatever substantiation you may want of anything I tell you, you may see that we can offer you not only a challenge you may welcome but an opportunity to extend the medico-legal parameters of your profession.

There was a time after Mr. Taft abandoned us (the court records will show this is no exaggeration) when I was pro se in this matter. In Judge Roszel Thomsen's chambers, I offered to negotiate a settlement. When the government agreed and then stalled and stalled, the judge finally told the Assistant United States Attorney that he had already ruled on the substance of the case and the sole question was establishing the amount of damages, so, when I offered the government access to all our records, why didn't the attorney get whatever was wanted?

In effect, the case is won. The original decision has been sustained by the Supreme Court in the first case based upon it. The sole question seems to be establishing a cash value of damage.

We believe, and believe that with competent help we can prove beyond reasonable doubt, that our health and lives were damaged by what is now, as a matter of law, not merely noise but trespass. It is here that we need the help Mr. Brown thinks you might provide and suggests might fascinate you.

For years we have belonged to a medical cooperative. Almost all our medical records are at a single point. I believe changes therein recorded, if in some cases inadequately and in other instances overtly wrongly, plus new examinations and evaluations, would establish this. Going along with these medical records, I have detailed records of the kinds of things that happened to us, particularly to my wife, for which no physical cause has been established or even alleged. These records are dated not only by the times I placed upon them, but also by internal accidents, such as the color of the typewriter ribbons used, the old typewriters used and no longer in our possession, things like that. Even by the kinds of paper, in some cases. They are not records I could have fabricated at a later date and they are, in fact, included in contemporaneous records given to the Defense department which in 1962 agreed to a settlement without litigation.

In all of what may seem incredible to you, what may be most difficult to accept is that for a time the Secretary of Defense had a representative of his general counsel represent us against the Army, which had refused to do what the Defense Department asked of it. As part of my keeping of the agreement, I regularly supplied copies of records to the Defense Department, so the medical notations I made are incorporated in the government's records and are thereby also dated. Some are authenticated by return letters to me, including from high DOD officials.

In my nonlawyer's, nonpsychiatrist's view, this case is unique in several ways. Precedent is firm and established by the sitting judge. It is established legal fact that the damage was the consequence of a tort, that there was damage, and that the damage was in violation of controlling regulations, some promulgated for this particular case and published by the government with copies provided to us. We do not attribute the damage to us personally to the decibel level of the noise but to its (we think) inevitable consequences and the associations therefrom. Bearing on the latter point, our medical records will show no psychiatric problems prior to long after the beginning of these now officially tortious acts. The first psychiatrist I consulted told me that only not reacting as my wife did, approximately like Pavlov's dogs, would be bad mental health. On a later consultation, this psychiatrist recommended that I move my wife from the location around which all these associations centered. This psychiatrist has left the area in his retirement.

Thus we were forced to abandon a property in which we could live for no more cash cost than taxes and insurance and go into debt for the place in which we now live.

These and other psychiatric records precede my first book on the JFK assassination. It would seem unlikely that our psychiatric problems can be attributed to work in that field or to any cause other than the helicopters and sonic booms and the government's failure to obey the court's decision.

Dr. Johnson

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I am not unaware of the power, influence and capabilities of an adversary like the federal government, and I would be misleading you not to call this to your attention. However, I believe some recovery is close to certain, for we can now prove fairly extensive damages to the poultry operation. We may or may not be able to collect for the ruin of the business because it was close to sui generis. I think that, with competent and interested professional help such as Mr. Brown believes you can provide, we can do more than earn recovery for personal damages. The precedent might be important to psychiatry and to others damaged by noises where the damage is not mechanical energy alone. If we collect but one cent in personal damages, we will, I believe, establish a precedent that can hold limitless benefit for countless people throughout the country.

This belief, in fact, is a bit oppressive. It prompts me to more caution and patience than I would ordinarily exercise. To illustrate this, our recovery on the first and unprepared suit was a mere \$750. But the damages awarded those who first used the precedent was \$5,000,000. So, I feel we bear a heavy social obligation in addition to the need to serve personal interest.

If you are willing to explore this to see if you are interested, I will go to Baltimore almost any time you indicate. At the least, I think you will find this interesting if not informative. If you would prefer to do this after the end of your professional day, when it will not reduce the number of patients you might see, I would be glad to arrange it for an evening. I do hope you will see me at some early date.

While perhaps not exactly in point, you may find the enclosed Washington Post story headed, "Doctor Says Noise Brings Breakdowns", of interest.

Sincerely,

Harold Weisberg

cc: Mr. Brown
Mr. Clapp