

11/13/71

Dear Gary,

One of the things that made Ned's crack about me being busier than any corporate big-wheels as unwelcome and offensive as it was is something of which he knew, something he promised to take up with you and with others in your general discipline known to him. On this he and you have been silent, so I presume that he didn't mention it to you or others. One of the things I laid aside when he came here is an enormously detailed and complex series of interrogatories submitted by the government in our suit for damages from the consequences of helicopters and sonic booms at our farm. I know that in general I have mentioned this to you before, but never in detail. I hope when you are soon here we can forget about other things the discussion of which would seem to serve no useful purpose now, discuss what can, and find a little time for this. It will not take a lot of time, will not involve you personally in our problems, and I think you will come to see that we offer great opportunities for others in this litigation, for which we have already established precedent. The real possibility is extending that precedent to cover damage to humans.

That noise, measured in artificialities like decibels, causes damage, is not new. That is causes damages in other ways is not, to the best of my knowledge, established as a matter of law. We provide medicine and ecology exactly this possibility. There is not any doubt of the fact. What we need is technical assistance in presenting it properly in court. The medical and other records exist, and they are or unfortunate clarity. There came a time when I was forced to keep and I did make and keep the most detailed records of observations and reactions, and in all cases they are supported, with a wide variety of collaboration ranging from my correspondence with Michamara to our Group Health Association. Lil became as conditioned as Pavlov's dogs. The only meaningful and reasonable consultations I ever had with psychiatrists was on this point. GHA then had a former army expert, a Dr. Casey, who has since left the area if he still lives. I first consulted him alone and then with Lil. He found that her reactions were a sign not of mental illness but the opposite, that if she did not react she would be sick, that mental health requires reaction to this kind of stimulus. Thus it is on his advice that we abandoned our farm, where we could have lived with virtually no overhead at all, because he said it was an urgent necessity for Lil. His advice that we move as fast as we could has turned out to be good advice, for gradually her reactions have diminished. Other consequences, in my belief, linger, but she is no longer panicked by helicopters flying near us and as recently as Tito's visit there were quite a few near us, although not as low or as noisy as when we lived at Hyattstown.

We have a good set of records, and we are available for questioning and examination, and I think the emotional consequences of this kind of abuse by aviation can be established very easily through us. This will be of benefit to others more than to us, for although it will help us, it will also become precedent. To make this comprehensible to any of your experienced staff people who might be able to help us themselves or by referring us to those of competence known to them, let me make this further explanation. We sued under a new theory, trespass. We thus established the property owner's ownership of the airspace above his property to the point needed to enjoy his constitutional right to own property. In our case the judge held that at an elevation of 800 feet the aviation caused damage and was trespassing. Now as he told the federal attorney in my presence, in the current case, this precedent having been established and the fact that damage results from such trespass also being established, all we have to do is establish the extent of this damage. The case is, in effect, already won. All that has to be done is to set a figure on the damage. To now we have sued for damage to our chickens only. In this suit we sue for the value of the property lost and for the personal injury to us. If we establish the fact of the injury, we have already won that entire part of the case. It is here and only here that I seek technical help, in establishing that such things can and do cause emotional injury and this really means a competent evaluator of us and a competent interpretation of the existing medical record, in our case at a single

medical point going back to before World War II.

Trying to explain this further casts me in part in a professional role I cannot fill, but I'll give you a couple of what I think are the simpler and less unpleasant examples. First I pick up with something that in haste I omitted above. Although in our successful suit we got but a nominal settlement, only because the city lawyer was afraid of country things and because he didn't prepare the case or even interview a single witness before he met them outside the courtroom (part of my education about lawyers), the government was worried about the precedent. It appealed, didn't decide when that time ran out, asked for an extension of time, and finally decided not to appeal. The first case that used ours as a precedent went to the Supreme Court and was affirmed. Thus the precedent is already affirmed at the highest judicial level. In that case people who are total strangers to us got, as I recall, \$5,000,000 in an airport case.

By means of these medical records, we can, I think, establish when I first began to develop anxiety and what the consequences of this trespass and damage was on the anxiety alone. Such things as when tranquilizers were first prescribed, when without knowing there was such a thing as anxiety I consulted doctors about what I now know to be the classic symptoms of anxiety. I remember quite clearly where and when the first meproamate was prescribed, for example. It was a physician's sample the doctor gave me to try. Equanil. I believe the records will show this kind of thing clearly and that it will dovetail with the thing over which we sued.

One of the less unpleasant results with Lil is a very painful one I'll never forget. Every year I used to attend the Maryland nutrition conference, then in Washington and in February. You do not know it, but I did such original scientific work in this area, and some of what I did for drug houses led the Food and Drug Administration to make presentations to their vet. medical staff. The last time I went to that conference, I think it was in 1964, I had obtained certain scientific literature from the British Embassy, had gone over it and marked up what I wanted Lil to type up for use in the case in court. We then had the disaster of Warren's former law clerk as our lawyer, something that didn't become a problem until WHITENASH. I was preparing this for him. I went to the conference and, as was also usual, dined with an old friend, the director of research for Ciba (animal products), Dr. George Beloff. My recollections after all this time are keen. We went to Hogates, by cab, not using my car, I had a (great) lobster, etc. When I got home, Lil was abed and shivering like I've never seen anyone shiver. She complained of cold although the place was warm, she was well-covered and she was warm to the touch. Her pulse and breathing were more rapid than I have ever known and her temperature was, for her, fantastically high. I couldn't warm her with my own body, and she shivered so violently it shook me. I got out of bed, phoned the doctor in DC, and he decided (correctly) that this was not physical in origin. He asked what tranquilizers we had, I told him mepro., and he told me to give her a large dose. She had told me this had come on her while she was doing this typing, and it seems to have been the case, for there was nothing else she had been doing. I was terrified. The doctor told me I could take her to the closest hospital (in which I had no confidence), that as an alternative I could bring her into the clinic the next morning, his recommendation, and not to worry about waking him, to keep him informed. I dressed and spent the rest of the night just sitting and watching Lil. The tranquilizer ultimately had some effect. But when it was time to take her into the clinic, she had virtually no control over herself. I phoned her mother to come around and help her dress. I drove her to the clinic in Washington and did as the doctor had directed, took her right to the lab for tests the nature of which he had communicated to it by phone. We were among the first patients there. There was a line. I was right behind her. Suddenly she just collapsed and temporarily lost all or part consciousness. They immediately called for a neurologist. I remember him quite clearly. I had never heard of him before. I can describe the details of all of this with great precision, such was its impact on me, even to where they took Lil and where this doctor took me after he examined her, what he told me, etc. His immediate opinion was that he would not rule out a stroke, that the superficial indications were of a stroke on the right side. He was an Indian who really worked for the NIH and was there on a special study. His name is Vaid.

Clear enough? Well, the ultimate decision was an emotional reaction, no stroke. I phoned "our" lawyer, he met me there, consulted the hierarchy about getting the records, and what he saw was so reflected in his face I can imagine how I looked.

For the longest period of time Lil couldn't walk without holding on to me, could not walk where she wanted to, going elsewhere, even bumping into things. She couldn't even get to the bathroom without my help, although she was capable of shuffling as a means of walking. The came back regularly after it disappeared for the first time, with gradually decreasing frequency, much, much less since we have moved. She was subjected to all kinds of physical examinations and tests, and no cause was or could be found. To this day that is the case, no physical origin for it. But can you imagine how this was for both of us, what it means to me even today when I have to leave, why I never spend a full day in Washington when I have all the expense of a full day there, why I am fearful of leaving, as I soon must do, what to this day the emotional strain on me that lingers is? I have been forced to do such things as instal an extra phone at the foot of the cellar stairs and to put handrails on both sides of the step as a precaution against her falling when I am not here. There is, in fact, a phone in every room of the house except the bathroom, for this precaution, if it also serves other purposes. So, she is never out of crawling distance of a phone. We never before had this and I never before felt it necessary. In fact, for years we had no phone at all.

These are samples only. There is much worse. There is, for example, what got McAmara involved. Lil has acute glaucoma. It is the fast kind. When she felt one attack coming on she went to her specialist, whose previous experience was Walter Reed. He said the likely precipitating cause was the tensions caused by the helicopters and that any one attack could precipitate her irreversible blindness. McN's reaction to my letter saying I would hold him responsible should this happen is the kind of thing you'd not believe if you read it in a novel, he directed the general counsel of the Defense Department to represent us against the Army (we then had no lawyer). This, in turn, led to an agreement to settle out of court that the Army reneged on, the only reason we are now in litigation. Can you imagine what this also meant to both of us, how I felt each time I left home, what still lingers in the back of my mind each time?

Other things quite serious and also personal I leave to the future. I am here taking this time only in an effort to give you something to pass on to your experts to the end that they have a basis for understanding and making any possible recommendations. It has come back to mind because I had to spend the first part of the morning writing the federal attorney. That and one other thing reminded me of Ned and this unkept promise to speak to at least Miehler (?), who he said he knows and I know your high opinion of him. The other is what persists in Lil, who began as the toughest woman under serious stress you ever saw. Any emotional disturbance is for her today serious and inevitably causes some reaction. One of the more dependable ones is via her hiatal hernia. The effects of the disturbance when Ned was here had begun to wear off. She was unaware of most of my correspondence. I saw to it. But yesterday Jerry phoned and mentioned that Ned had called him in seeming reasonableness. Here I confess I unthinkingly did what I should not have. I didn't want Jerry to be depending on my representation alone, so I told him he could ask Lil and get her representation and reaction. She overheard this part and picked up the phone. She spoke to Jerry about it but briefly. It wasn't too long before the reaction set in. She was so uncomfortable she went to bed right after (a very bland) supper. She was awake most of the night and now, after breakfast, has returned to bed. This can be a very disagreeable thing and it is triggered by emotional stress. It is quite uncomfortable. The hernia, of course, is not the fault of the government. But how many reactions are!

I am sending copies of this to JP and MR in strictest confidence. They are not to let Lil know they know such things. My purposes are because each is in a position to detect the possibility of such experts as we need, MR at his university and JP through the NYC papers. Best, and hopefully,