

Dates are approximate in the interest of completion. I have no records of the first trial and no copy of the complaint in the pending case so I can't give exact dates.

We bought 14.33 acres along Md. Rt 109 west of what is now Md. Rt 355, on the edge of the village of Hyattstown and east of what is now Interstate 70S (then not built) in about November 1948. My wife was raised in Hyattstown. Her mother and other relatives lived there. We lived with her mother until I got our home under roof. Simultaneously I cleared the ground by hand, no mechanization. The land had been abandoned for 50 years.

With no previous knowledge of chickens I first brought in ~~four~~ <sup>four</sup> small buildings I bought elsewhere and ~~had~~ <sup>begin</sup> to study about and learn about chickens from this and rearing them, meanwhile continuing with the construction of a poultry operation. I did most of the work myself, including much on the home. (There will be a separate memo on construction.) When this construction and expansion was ended by the complete inability to raise poultry because of helicopter trespass and intermittent sonic booms, I had built a two-storey insulated hen house 25x65; three brooder houses, also completely insulated, one 40x10, the other two and an enclosed area between them being 65x14; and an L shaped pole barn about 150x13 or 14, with the short leg either about 28' or about 42' long. All these buildings had concrete floors, including the second storey of the hen house. For a period of time I had an increased ~~xxxx~~ rearing capacity of young chickens for egg production on pasture with what is known as range shelters for night-time housing. We had specialized meat chickens, egg layers, waterfowl of several varieties and until it was ruined by helicopters, a unique breeding flock from which we obtained our meat-chicken stock. In about 1956 my wife became national chicken champion and we won first and third prizes in the only national dressed-poultry competition ever held. Because of damages from helicopters we could not enter one class at all. I believe we would have taken first where we placed third if we had not had this helicopter damage. By then our reputation in poultry was such that our entry into the competition was at the instigation and, in effect, the ~~xx~~ as the representative of the famous Delmarva Poultry Industry, whose managing director sent us the application forms sent to the trade group of that name, which represented the industry in the three states.

In 1959 I became the National Barbecue King. In other years I won other state and national honors in poultry cooking and for about five years always represented Maryland in the cookoff for the national chicken-championship in which men competitors were rare. (One of the unique aspects of our business was a man providing brides, housewives and famous restaurants with cooking information and recipes. Famous chefs came to our farm for our cooking, as did a number of diplomats and journalists.) During this period my wife and I made countless appearances for the poultry industry, ranging from demonstrations in such places as the Lexington Market, famous for its food, in Baltimore, to coast-to-coast TV shows. Industry experts told us that my wife's prize-winning recipe was the most-published in history. Mine started a whole new ~~trend~~ <sup>trend</sup> in chicken cookery, was also often published, and for a number of years was used as the sample on the entry blanks distributed nationally.

We were thus unique, completely unique, in poultry farming and marketing, with a never-equalled collection of honors, an international reputation in all aspects of poultry, our own exceptional stock, and we later became no less famous in waterfowl. (President Eisenhower raised rare ducks of my breeding and my Geese-For-Peace project got the Peace Corps its first good publicity break. Sargent Shriver personally asked me to join him and when I declined convoked a spontaneous meeting of all his bureau chiefs at which he introduced me as the man who had more good ideas than any he had met and the injunction to pick my mind. This project also was international front-page news.)

Although still a very small operation, we were so famous that when the mammoth Pfizer drug company, which then owned the world's largest, privately-owned experimental farm, put on a science-comes-to-the-farm exposition for the nation's food editors, they asked us to provide all the dressed and live meat poultry and all the lecturing on cooking. Pfizer had converted a ballroom in the Waldorf-Astoria Hotel in New York into a barnyard for this event, which was spectacular in the food business.

When the top man in poultry in the British Empire came to the United States for a ~~xxxx~~ poultry study of a month's duration, he went to all the largest breeding operations and other large, including university, installations. Ours was the only commercial farm he visited. His report was classified but was shown to me by the British agricultural attache in Washington, who brought him to our farm. (Names: Dr. Alcroft and C.G. Williams.) That

report, an official British document, describes our live breeding stock and our marketed meat chickens as possessed of the finest breasts in the United States or the finest Dr. Alcroft had ever seen. (I will attempt to get a copy of it, feeling that with the passing of time whatever impelled classification in the 1950s is not relevant in the 1970s.) Our customers included a succession of British ambassadors (meat and eggs both) who served our products to notables from Winston Churchill down.

We had a number of diplomatic customers, from ambassadors to clerks and including the man who became President of the United Nations General Assembly. While he held that post I left 5 dozen of our largest eggs a week for him at his country's embassy. They were taken to New York by train. And I was paid \$1.00 a dozen for them. Our product was used at such diplomatic functions as the organization of the SEATO treaty meetings. I could plot the comings and goings of Secretary of State John Foster Dulles by the orders phoned by his wife's secretary after he phoned her from wherever in the world he might have been. (She was a Miss Thomas. I think I have a note from her when she left the Dulles employ.) Dulles had the gout. Our poultry was one of the few things he really enjoyed without worrying about how he would react. I recall once when Mrs. Dulles had a party for a number of prominent ladies at which Mrs. Eisenhower was the guest of honor. The cook told me the next week, when I made my regular delivery, that Mrs. Eisenhower had gone to the kitchen to ask where they had obtained such marvelous poultry. The cook, Bertha, added that Mrs. Dulles has insisted on preparation in <sup>aspic</sup> which, to the cook's taste, was the least desirable way. Among the other such incidents bearing on the unique quality of our product and the no less unique marketing that come to mind are the dispatch of his military attache (a son-in-law, as I recall) by the Dominican dictator, Trujillo, even at 5 a.m., to bring back and cook our small-sized, individual-serving birds. French premier and foreign minister, Christian Pineau, would visit Washington, publicly and incognito, on official business and to visit his son, ~~Walter~~ Claude, who then managed Air France. When he did Claude would get this same individual size for his father to cook. The elder Pineau enjoyed cooking and relished them. We have White House fan mail. President Eisenhower, an amateur chef, wrote my wife about her recipes, which he read with pleasure. The Mayflower Hotel served our birds on its gold service. A number of prominent eating places used them. Trader Vic's created several recipes for them. The founder and owner of the famous restaurant chain asked me to raise these birds for his international operation, but by that time the helicopter damage made even thinking of it impossible. The meeting with Vic was arranged by his then Washington manager, "Dumps" Baldauf, later food and beverage manager for the entire chain. Baldauf, who had an international reputation in food preparation, was so taken with the quality of our product that he came with his family to see it live and how it was raised.

There are more such illustrations. Marketing is the key to success in such an operation. The best product in the world is valueless unless it can be marketed advantageously. Among the agriculturally-famous institutions that used me as a marketing consultant are the U.S.D.A.'s Beltsville experimental station, which referred waterfowl inquiries to me, the University of Maryland's poultry department, on waterfowl and specialty items. The Northeastern Poultry Producers' Council also did. I recall also that when the French government was interested in specialized goose breeding, an area of traditional French fame, its consultant consulted me. The State Department even asked me if I would go to Russia to teach them how to raise better chickens. (The man in State was Willis Lorie or Lowry. I may have the name of the man in Agriculture.)

Another unusual aspect of our business was ~~was~~ presents, where the taint of commercialism had to be avoided. With the facilities into which we could never grow because of this damage, I could have converted our business entirely to that. It was never able to reach its potential. I probably have enough records to show some of the market for this we had and some of the customers. We had at least four and maybe five large freezers, some large ice-cream cabinets in which we kept frozen poultry at home and a rather large number of lockers in the Frederick and more, the Gaithersburg, Md., freezers. Customers included radio and TV people, including a vice president of NBC who just died, "Scoop" Russell, advertising agencies, RCA, a former Attorney General of the United States, and other prominent individuals and corporations. Here also my marketing was unique and personal. We raised the gift for the giver to give the recipient and we sent a personal letter instead of a card so informing the recipient. Going along with this my wife created a line of exceptional jellies and similar products for which we also got an exceptionally high price. Before we could do with this what was possible, her

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doctor made her stop. In fact, in about 1959, when my wife was working in Washington to help make expansion possible, and for no physical reason, "r. Crowell told her to stop working. She was a relatively young woman then and had no medical history that could have caused it other than the unending helicopter intrusions, which began about five years earlier.

We added all costs to the Xmas-present business, so it became a mass market for our products at their standard, retail price. I remember one case, that of WNBC, which gave to media and public-relations and advertising people, where the results were so fantastic they were flooded for requests for more, to the point where they had to say I was sold out, even though I had a small supply from our regular stock. We shipped to as far away as California for them and others, by air.

My merchandising skills are such that later, when I returned to writing and couldn't get commercial publication of my first and controversial book, I borrowed a down payment on the printing, invented the "underground" book and made a best-seller of it, without a penny to spend for advertising (it was never advertised) and without any promotional budget at all. I did it all by promotion, so successfully that when it was reprinted, it went through four editions the first of which was for a quarter of a million copies. There was no promotion on the reprint. It coasted on what I had done with the original.

The Forum of the Twelve Caesars, then the most famous restaurant in New York, asked me to produce for them. I made one station-wagon load of close to a half ton. When I delivered the manager took me to the table of either "in beard of Burl Ives (both famous in cooking) by request when it was learned I was there, and a man whose name I do not remember, then famous in wines. Albert Stockli, the supervising chef of that ~~xxx~~ and the affiliated restaurants, always wanted to meet with me when I was there. This is but one of the potentials of the business I was never able to develop because of the problems attributable to the damages only.

During the Eisenhower re-election campaign, Mr. Robert Rogers, chairman of The Committee of Arts and Sciences for Eisenhower (editor of a magazine whose Washington correspondent I had been, later my immediate superior in U.S.S. and manager of a radio station for which my wife and I worked separately) asked us if we would appear to be photographed with the President and on leaving say we were voting for him. On grounds of principle, we each declined. This is not commonplace in farming.

When we branched into egg wholesaling, I made the entire spread, selling at the top of the market as quoted by USDA for Baltimore to restaurants. In itself this was a premium market I could never fill and for which, ultimately, I had to buy eggs in relatively large quantities, selling them at a small markup to hold my customers, hoping the helicopters would go away. I doubt the markup covered handling costs. Basic retail price for our eggs was based on large @ 80¢ a dozen, ranging in the larger sizes to \$1.00 a dozen, year round. The only variation was to service personnel in the buildings to which I went and restaurateurs who bought wholesale, to whom my year-round price was 75¢ a dozen, still a large premium. The quality was such they did buy at this price, often twice what they could buy regular commercial eggs for.

If this is not all I can say and to a large degree after all these years still prove about our marketing and the rare potential of a unique business, it should be enough to establish this potential, the only reason we persevered when the helicopters became a persistent affliction, to our business and to us.

Those familiar with Causby have a scant notion of what happened. Causby was a small egg producer, without the problems of flocks of different sizes, ages and characters. With us the greatest loss was not from instant death due to panic. Trying to save the surviving stock and to nurse the damaged was a greater cost, as was the damage to the business and to marketing and, ultimately, to planned expansion above what we had at the end. The chickens developed a self-perpetuating hysteria on which I also became famous as an expert, having to attempt to cope with it. Such a market as ours could not accept damaged if otherwise healthy and edible birds. I did salvage some parts and my wife developed a special product for edible but unsaleable parts, like torn breasts and thighs. I wrote extensively about hysteria (I was the subject of a number of articles in the ~~public~~ poultry press, including at least one cover story) and what I did to cope with it. This included changing the entire environment and the use of certain drugs. (I did work for a number of drug houses. I remember Pfizer, Ciba and Eastern Poultry Laboratories, to whom I turned over a patent for a means

of raising better meat chickens at lower cost. I have pictures of much of this, some taken by Giba, as I have countless still and motion pictures of behavior, environment, hysteria and damages. I was asked to address the veterinary medical staff of the Food and Drug Administration on these things and it is my recollection that they permitted Giba an "additional use" on reserpine (Serpasil) based on my work.)

The conditions of raising poultry brought about by the helicopters and the consequent hysteria were intolerable on many counts, including face-to-face living with the consequences and costs and the futility on one extreme and the minor injuries from pecking by otherwise docile chickens on the other. It became particularly unbearable to my wife, to the degree that I had to have help, another woman, because just going into the chicken houses became intolerable for my wife.

I have contemporaneous and extensive notes of these things, including the damages, to a large degree if not completely in the log copies of which I gave regularly to the Department of Defense. There will be no question of the dating. This is an outgrowth of one step in the legal history of the case, which follows chronologically.

Jesse Chessin is a Washington lawyer whose mother, with whom he lived, was a customer. When these damages persisted and nothing I could do stopped them, and particularly when he was visiting us once when after an overflight he saw the panic and damage, I asked him to seek legal relief for us. Ultimately he told me this really required an expert in a particular part of the law and for this he arranged representation by the firm of Rauh and Bilard. John Bilard actually represented us in court. I don't recall the date of the trial. Before this I had met neither partner. Bilard made one brief visit to our farm, not looking at our books ~~xxx~~ or the evidence I was gathering. When with the passing of time he asked to see no witnesses, never discussed them with me and things like that, I repeatedly raised this concern with Chessin, who on all occasions assured me to be content, that Bilard knew what he was doing. We went to trial without Bilard having interviewed a single witness in advance. One of the results is that he had no prior statement from a major witness, ~~xxx~~ a man who had retired from farming and was working for us. This man was the father of girls with whom and in whose whom my wife had played as a girl. His "favorite nephew", according to a spontaneous confession he made to us after the trial, was an FBI agent who persuaded him to "forget" when he was on the witness stand. The testimony will show this is what he did do, under oath. (Other FBI abuses are apparent in the decision and represent one of Bilard's deficiencies. I think if at all possible on discovery we should seek 100% of the FBI interviews and I have a solid idea of the minimum they should include, from the trial and knowledge of the interests of the defense, from having lived with FBI agents for four months on a major case in the field and from what may be the most extensive investigation of the FBI's methods and reporting ever made. \*t is so large I have several thousand pages of FBI reports I haven't even read.)

In retrospect, based on my experience, I should have been more than merely uneasy about the lack of preparation of the case and should not have accepted Chessin's and Bilard's assurances. I guess I was too preoccupied with day-to-day urgencies that were responsible for the suit and with coping with them while conducting the business. I should have anticipated the impending and utterly needless disaster before I did, a few minutes before court began when, over coffee, I learned what "proof of loss" is. Not how to establish it, I think Jesse also learned then that Bilard had not prepared this. The record will show that he asked and got permission to return to that later. Under the circumstances, I could hardly think about it, especially after Horace Thompson's suborned perjury, which was enormously upsetting. In reality, the government's rebuttal evidence, my income-tax returns, established a minimum annual loss, based on a year of extensive losses from the helicopters, of about \$15,000. Because I was caught by surprise and couldn't think and because the lawyers had never even spoken of this, it had to have exerted a powerful influence on the judge and persuaded him I was a liar. He could not anticipate the case had not been prepared.

Also bearing on this is what may be a gratuity the judge went into in his decision, as I recall in a way that indicated his assumption my wife was not in accord with the suit. He noted that she did not appear as a witness. Somebody had to take care of the chickens. John Bilard selected Thompson, I suppose because he was not my wife. In looking back on it it is apparent he could have used both, on different days, leaving one to tend the chickens. Had he, I do not doubt the judge would have had cause to question Thompson's "memory", with entirely different

results possible if not probable. I knew Thompson, a simply, honest religious man. As he was later to confess, prodded by his own conscience, I think he could have told the whole story under questioning, especially by the judge. I think this judge would have taken a firm position on perjury and its subornation, and in the time that would have been added, my wife would have provided the proof-of-loss answer, as she later did. I am surprised that the judge found for us at all, based on what was before him.

Unknown to me, because we did plan further litigation, for the period not covered by the suit, Silard let the statute run. There came a time when my wife, who has a form of glaucoma, had an attack. Her doctor told her the likely precipitating cause was the tensions from the overflights and, from what I recall of what she told me, that any one could cause her irreversible blindness. On learning this, I wrote Secretary Chamara a letter saying that if my wife went blind I'd hold him responsible. This led to his ordering the office of the general counsel of the Defense Department to look out for our interest, and that led to an invitation to a Pentagon conference, the composition of which was honestly spelled out to me by the man who did try to look out for our interest and did arrange the meeting, Herbert Walter Morse, now general counsel of Selective Service. Silard declined to accompany me on grounds that then and now are incomprehensible, that it would "compromise" him. I thus faced a battery of JAG officers from each branch of the services of the rank of colonel and operating personnel from all branches. We worked out a basis for reaching an amicable settlement and for preventing future problems, an order that all aviation avoid us by five miles, without real difficulty. It later turned out that the Army would not abide by the law, would not recognize the applicability of a law enacted at DOD request, with Morse one of the witnesses asking it, designed to permit administrative settlement of claims for up to \$5,000. But under the terms of this agreement I was given claims forms and filed them promptly, each flock of chickens having been agreed to as a separate claim, and the filing of claims subject to later computation having been agreed to as a mechanism for stopping for the running of the statute. When it turned out I didn't have enough forms, a Colonel Taylor sent me more. He was Army JAG.

When nothing stopped the overflights and Morse was frustrated by this, and when it also turned out, in correspondence to me by the government, that they had marked their maps wrong and were deliberately flying the copters over us thinking they were ~~avoiding~~ avoiding us, these are among the things that followed: The Army sent a colonel to our place to mark the maps correctly and then promulgated a printed regulation we have ordering a five-mile avoidance; Morse suggested that I go by the book and report not to the Military District of Washington, as I had been directed, but to the closest military establishment, which is Fort Detrick; an officious civilian there who had been a colonel and still represented himself as such threatened my wife with prosecution as a nuisance for making formal report in my absence (he confirmed it to me and I tape-recorded it); I made formal complaint over this; JAG Second Army sent a Captain Van Voris to bring the claims up to date and consult us about the case (we turned him loose in the files and he took what he wanted); he was replaced later by a Captain Chucala who also came out; and nothing happened.

It was not easy to obtain counsel under the conditions of the law for such a suit, but eventually Edward Bennett Williams agreed to represent us. He turned the work, later, without consulting us, the case itself, over to a junior employee, Peter Rawson Taft (grandson of the President and Rippon Society activist), who began to prepare it but then became inactive. He finally abandoned us, as I recall in a letter mailed from Arizona while he was moving to California to establish a residence for running for office. Judge Thomsen was a bit upset by this. It was some time before he released Taft. Taft filed a complaint. I don't recall if I ever saw it. He also filed Part 1 of a set of interrogatories, about 6 1/2 years ago. I didn't get the answers until about a month ago, perhaps less. We sought Baltimore counsel without success. I asked to be and was recognized pro se and with three different assistant U.S. Attorneys, in Judge Thomsen's chambers, made offers of complete access to our records and a negotiated settlement each pretended to want and none proceeded with, meanwhile continuing to seek counsel. Through the first of these assistants, Alan Aaron, who was then in private practice, we engaged Harvey Clapp, of Venable Baetjer and Howard, about a year ago, right after getting a set of interrogatories that had been in preparation while the government pretended to be negotiating. The one thing Mr. Clapp has done is answer these interrogatories, after about 10 months. The, the day after he wrote that they would require further interrogatories, as I had said from the first, he set the case for trial on 12/20,

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not quite a month away, without consulting us, without beginning to prepare the case, without ever having looked at our files or discussed witnesses or their availability now, eight years after I had arranged for them, without seeking or discussing technical experts or expert witnesses, without our complete medical records (which he promised most recently to get, as I had earlier arranged, in July) and, if what he told my wife in my absence yesterday is true, solely because our adversary is leaving the office of the U.S. Attorney in Baltimore. (With a minimum of four on this case already? And why should this concern us or dominate our interest or eliminate his responsibility to prepare a case before trial?)

Laft, when I pressed him about some aspects, agreed to file in the Court of Claims, but never did. That was to have included a claim to a taking.

Out of a clear blue sky, about a month ago, Clapp suddenly started pressuring me to accept a settlement we had earlier ruled out and when I wrote him about this never responded except to pressure and argue further and, ultimately, set the trial date for a time when preparation is impossible.

He has made no medical evaluation of us and as of this minute is not in a position to have it made. He has not responded when I have asked him about who is expert or who he'd accept or recommend, and only this past Saturday, one working day ago, I got the promise that, as a result of my persistence, he will get our complete medical records. I have written him of this often enough since July. There has been no single reply, no single suggestion as to the preparations he wants me to make, etc.