

The end of 1948 my wife and I bought 14 overgrown acres at Hyattstown, Md., the town in which she was raised, to build a home and a chicken farm. I am one of the few of the many American soldiers of World War II who made this dream come true.

Literally with my bare hands I cleared the land, some of it so overgrown that it was not even possible to use a ~~egg~~the. It was a difficult thing in which I exulted.

We had just begun the construction of our home when my wife required major surgery, delaying our start somewhat. When we got the house under roof we moved into the basement (which is half out of the ground and has windows as much as six feet wide) intending to complete it as we could afford to when our business grew. Meanwhile, wherever I could buy an inexpensive building portable enough to be brought to our land I did so, collecting a total of five. We began raising chickens and a few ~~mx~~ cattle and goats. I had never raised any animals other than one cat and one dog prior to moving to the country. I learned about chickens by study, observation and experimentation, and by 1954 or 1955 our customers some of whom came from distant countries were acclaiming our chicken as the best in the world.

At about this time I made what I believe was a basic new nutritional discovery and began working on it in a systematic manner. From it I learned how to make chickens grow faster than anyone else had done, ~~make them~~ <sup>make them</sup> yield more meat per live pound, taste better, and even how to finish them at lower cost. In 1957 the Chas. Pfizer became interested in our work, after they had asked us to make personal appearances at a Science Comes to the Farm Exposition at the Waldorf-Astoria Hotel in New York, where our chickens, on display, attracted more attention than any of the other products.

Gradually, as we could, we built up our plant. The advent of the

helicopters made it impossible for us to complete projected expansion. ~~Having~~  
 We built a small tenant house, three brooder houses, a two-storey hen house  
 with a capacity of up to 1700 hens, and a barn about 140 feet long before we  
 had to suspend expansion. The barn is used exclusively for poultry.

Meanwhile, in 1956 my wife became the National Chicken Cooking  
 Chamption, and in the same year we won first and third prizes in the only  
 national dressed-poultry contest ever held. In 1959 I became the National  
 Barbecue King. We have also won other honors and recognitions. I am and have  
 been consulted by a number of foreign governments, several departments and  
 agencies of our own, and have been sought out by other poultry people from  
 distant states. I am used by the University of Maryland as their waterfowl  
 expert and they have also referred other inquiries to me. I have written for  
 the poultry press, even having my picture on the cover of one of the largest  
 ones with National circulation. In recent years my own work in behavior has attract-  
 ed much attention, including from several drug houses whose research I have  
 assisted.

At just about the time we had established a reputation for quality  
 higher than any one else in the business and were building up our plant, the  
 military helicopters suddenly found our rather remote location ( 30 miles north  
 of the District at the very edge of Montgomery County) and began flying over us  
 as though there were aimed at a target. During Civil Defense Day 1955, when there  
 was the first mock evacuation of Washington, the number and noise of these heli-  
 copters was so great 454 hens were forced into a moult, a physical and chemical  
 change in the body that causes the cessation of ovulation. I was at Lafayette  
 Square in Washington when the exercise commenced and could not of my own knowledge  
 testify that the helicopters had flown over, although I knew it from an old man  
 who had tended our chickens in my absence.

Civil Defense Day in Washington in 1957 was at least as bad, and I was  
 home. Hundreds of helicopters of various types went over, terrifying our flocks.

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I phoned everyone I could think of to get them routed elsewhere, police agencies, Civil Defense authorities, even Civil Defense Headquarters in Laurel. Finally at their suggestion I wrote the Secretary of Defense, in whose office the letter got lost and stayed lost until several months later when I phoned. This was typical of the long relationship we have had with the government on this problem since. Finally, after almost <sup>all</sup> the damage was no longer visible, an investigating crew consisting of two colonels and a doctor from Beltsville came up, at my insistence. It later turned out the Army "lost" all copies of the report. My repeated protests as the overflights became more numerous and continued damaging accomplished nothing and we finally filed suit.

The day after the visit of the colonels one of them, Colonel Nicholas, information officer of the Military District of Washington, phoned and gave me the name and address of the claims officer, a Mr. Starnes, in one of the temporary buildings at Gravelley Point. After discussing the matter with me, he told me the damage done us was greater than could be settled out of court and advised me to consult a lawyer. I later learned he was incorrect.

The government kept delaying the trial, and our lawyers kept not learning the facts, prepared no evidence, interviewed no witnesses, and didn't even call some of those whose testimony could have been valuable whose appearance I had arranged for. I tried in every way I could think of to get the lawyers interested in the facts and the raising of chickens, without success. One of the lawyers, the one in whose name the case was filed, I had considered a personal friend.

The net result was that the judge didn't believe me, or said he didn't (and I don't blame him), but he nonetheless found in our favor and established a new precedent. The suit was for trespass. Nonetheless, all the information we didn't have for the trial was available, most of it in my possession and the rest available from witnesses, had we just been told in advance to have it.

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I saw our lawyer regularly, trying to get something done, to no avail, although he did promise to. The helicopters became more frequent visitors and the lawyers let the statute of limitations run on some of the damage, even though it had been agreed there would be further suits, and I had been precluded from any reference to what might be included in future suits.

When the lawyers did me no good, and after a very bad fright, I got in touch with the Defense Department myself, with slightly better results, results good enough for it to be clear that if our lawyers had done so there would never have been the need for a suit.

Perhaps I ought to explain that chickens, generally, are defenseless creatures. When frightened they panic, tending to pile on each other in corners, etc., or to go into the air, innuring themselves as they fly into things or each other as they alight. It appears that the helicopter is especially frightening because it suggests the hawk to the chicken. Under these circumstances, the production of both eggs and meat becomes more costly, more difficult, more disagreeable, and varying numbers of chickens are killed, injured, or rendered useless.

The general counsel of the Defense Department, then Cyrus Vance, instructed a staff attorney, Walter Morse, to look out for my wife and me, which he has since then tried to do. He has, in effect, been our attorney against the Army. Mr. Morse arranged a conference at the Pentagon at which operational and legal officers of all the services were present. All of them, plus the White House, were involved in the flights. One of our lawyers declined to attend this conference with me on the ground it might compromise him, so I went alone and had no difficulty making an arrangement to halt the running of the statute of limitations. They agreed to pay me for specific damages to specific flocks, I thought they agreed they had made our operation of a poultry farm impossible and were going to settle for that under Causby, and I agreed to leave to a future determination whether or not and to what extent my wife and I had been damaged personally. We both believe

we have been, and seriously. They didn't have enough claims forms at the meeting for me, gave me what they had and promised to send more, which they never did. It was quite some time later when, after many requests, I got more, but I never had enough to keep copies of the claims I filed. Prior to the meeting Mr. Morse had promised that we would get together and decide on how the claims should be worked out-a basis, that is, not him or anyone else in the establishment actually filling out the claim or anything like that - because as everyone admitted, it could be quite complicated. No one ever did. Some time later, at Mr. Morse's suggestion, I tried the more normal procedure, of complaining to the closest military establishment, Fort Detrick, in Frederick, Md., about a dozen miles away.

At the meeting, I had been given the names of the proper officers of the various services, who I was to call if I saw any helicopters. They admitted they had their maps marked wrong! They had many ways of knowing where I was. I told them often enough. They had a committee at our place. The maps were marked and introduced into evidence at the trial, and they even buzzed us to take pictures for the trial. When I accused them of this at the meeting, no one denied it! In the next month or so there were so many overflights and so many calls that they stopped accepting my calls! I have an extensive record of just about all the flights, with time, directions, type and any other pertinent information I could get, and gave the Defense Department copies of all I had typed up. They have had access to the rest and I in fact reported just about all of them by phone Wednesdays when I was in Washington making my deliveries. At the meeting they admitted there was no need, never had been any need, for even flying near us. At that time they told me they were putting in effect a regulation requiring that the helicopters avoid us by five miles. After the committee had been up, a regulation was put into effect requiring elevations of 1500 feet. Both regulations were regularly and consistently ignored, as the aviation officer of the Military District of Washington later told me on his decision! I also reported this to the Department. And nothing seemed to stop the helicopters. From 1955 to date we haven't had a single flock of laying

chickens ( usually three different flocks each year, and each flock kept for an average of close to two years) not ruined by the helicopters. Finally the assistant secretary of the Army sent up his assistant for aviation affairs, a Colonel Low ( recently retired and now in the Washington office of North American), who first called and told us he had investigated and learned we had been abused, that he was determined to stop it. I told him that when he came I could have all sorts of witnesses, etc for him, and he replied that he had talked to enough pilots to know I was telling the truth, that it wasn't necessary for him to speak to them. But when he got here there happened to be two men, both of whom had worked for us and had witnesses both the overflights and their effects on the chickens. I introduced Colonel Low to them, and he repeated that it wasn't necessary to talk to them, that the facts were all to clear. I took him around the place briefly, showed him some of the damaged equipment and poultry, and he left in haste because he was overdue in Washington. Colonel Low got impatient with some of the Department's lawyers, because he did want to get our troubles stopped. He had a new regulation put into effect prohibiting flights lower than 4000 feet and requiring that our property be avoided by 3 miles. It helped considerably. But it was also regularly ignored, including by White House Helicopters.

We even got a call from the White House at about this time, asking if there were certain liberties they might take with this regulation without hurting us or causing my complaint, and I readily agreed to their desires, which had to do with the security of the President and which, if adhered to would not have hurt us. But the White House pilots, as affidavits in our possession prove, are adept liars and I finally had to lay traps before reporting them in which I anticipated the lies they would tell.

Besides helicopters, sonic booms are something chickens cannot take. We have had infrequent but expensive trouble with them in the past, and in the past year we have had about three dozen that I know of. The Air Force tells me they are prohibited in this area, and a fine officer in the Secretary's office, assigned

to sonic boom problems, has tried hard to stop them. He hasn't been able to identify the source of a single one! He hasn't been able to follow a single one by radar ( he set up a combined military and radar net to follow them) even though he believed if I could report them within two minutes, it would be possible. This is not as unusual as it seems, because elsewhere in the country there have been such numerous protests about sonic booms that the curtailment forced in training flights, in the opinion of some air force people, is dangerous. And none of these have been identified.

This officer is Major George Freeman and my wife and I believe that he, Mr. Morse and Colonel Low have really tried to help us.

Returning to my call to Fort Detrick, the legal officer there apparently phoned Second Army at Fort Meade, for instead of the Detrick legal officer visiting me the next day, as he had promised, I got a phone call from a Captain Van Voris, JAG, Ft. Meade. He seemed familiar with the case, said the file was at Fort Holabird, Baltimore, and was too voluminous for mailing, and as soon as he got it he'd be in touch with me. He knew, he said, what helicopters would do to chickens and even told me of some of the claims he had paid for them. He told me it wouldn't be necessary to prove anything like that, asked me if I'd settle under eminent domain (I replied that if it was like Causby that's exactly what I had asked). I have a contemporary memorandum of this conversation, as I have on most of the others. He didn't come until July 1963, after many more vigorous protests from me to the Defense Department. He called first but came without warning, and I took him around, showing him damaged chickens and equipment, etc. We agreed on much of the contents of the claims for specific damage to specific flocks but he seemed uncertain whether the Army would accept my experts, the head of the Poultry Department of the University of Maryland and the zoologist on his staff who is also in charge of all the chickens the University raises. I was to hear from Captain Van Voris on this and several other points, but I never did. I have in his handwriting some of the things he agreed to pay us for. He also brought a good supply of claims forms with him

and under his direction my wife filled them out as the others had been, for the maximum amount under the Military Claims Act, subject to later computation and submission of proof. I wrote and phoned him without answer, and about August 3 got an amazing communication from Colonel Paul Leahy, chief of the Army Claims service at Ft. Holabird, in which there was not a single accurate statement of law or fact. In it he rejected everything, acted on incompleated claims and many other things. On the occasuon of Captain Van Voris' visit I had taken him to a file drawer containing voluminous material related to the damages and told him he could have what he wanted. He asked to take some samples of the affidavits with him and I assented. When I pointed out other things he said they weren't at that time necessary. He also went over and approved the calculations I had made at that time.

~~Although~~ I got Colonel Leahy's letter on Saturday, we were so distressed-sick-that I called Mr. Morse at his home and he immediately began what has been since then an effort to get Colonel Leahy back on the track. We are now close to that point, but a long series of rather unusual letters intervened, between him and me. He now apparently acknowledges the applicability of the Military Claims Act, the overflights and the damages they caused, but not the exact amount, which I am to compute.

When Captian Van Voris was here he told me the various services, following our conference at the Defense Department ( I believe the date was May 2, 1962. I have amemo on it, as does Mr. Morse), met and agreed wht the Army would settle with us and then pro rate among themselves. As the Captain put it, "If they then cannot agree, it all comes out of the same pocket anyway." Mr. Morse has confirmed this agreement.

There are many other details that to me are just as incredible. It doesn't seem as though this could have happened, but it did, and I believe, without knowing what constitutes legal proff, that I have it all nailed down. I have still and motion pictures, egg production and hatching records, affidavits on various aspects, and the promise of technical experts of unassailability almost unequalled, status in the field



I am not much concerned about the specific damage to specific flocks part of the situation, once we have gotten an agreement from Colonel Leahy approximating that we made at the Pentagon almost two years ago. But I am concerned about the settlement for the property and the business and more about the damage done to us personally. I have been most seriously concerned about the effect of such tensions on my wife, who among other troubles suffers, as the Defense Department knew, from both acute glaucoma and an apparently inoperable hiatus hernia. Her specialist told her in effect that any one of the helicopters could cause her blindness. This after she had had two bed attacks. Our nerves are shot. We have both been put on tranquilizers. Neither of us knows an uninterrupted night's sleep, and we both suffer from chronic fatigue. Other things I am satisfied flow from these problems are too personal to mention. It is hard to describe what living like this, and for so many years without respite, does to a person and not have it seem exaggerated. But it is, in fact, something hard to exaggerate. I have for some years now found it difficult to concentrate.

We sold the last of our chickens January 27, 1964. We have a supply of frozen poultry which I am selling when I get to Washington, and we have a few waterfowl the disposition of which I am arranging.