



ESTABLISHED 1802

E I DU PONT DE NEMOURS & COMPANY

INCORPORATED

WILMINGTON, DELAWARE

MEDICAL DIRECTORS OFFICE

May 29, 1934

L. R. Thompson, Assistant Surgeon General
Chief, Scientific Research Division
Treasury Department
Public Health Service
Washington, D. C.

My dear Doctor:

I have received your letter of May 12th relative to our previous request that we might be able to call upon Dr. Russell in an impending litigation in Indiana.

This case is of extreme importance to us as we believe that it is the beginning attempt to organize alleged compensation claims in this district. Unfortunately, we are unable to determine just exactly what the claim will be, but feel convinced that it will be either lead poisoning or silicosis. The law is worded in such a way in this district that a claim can be entered, as this one is, for occupational disease without any further qualifications. Therefore, we are at a decided loss to know just exactly we are facing there in the future.

From the standpoint of lead poisoning we have been extremely careful. We have installed a very complete medical service on this Plant, we have spent a great deal of money towards cleaning up the dust hazards, and have maintained a very careful check on our

From the standpoint of silicosis we did have a hazard in our softur silicate operation, where sand of a high silica content was used in the beginning of the operation. However, this has been remedied and the claimants in this case did not work in this area.

However, it is more or less generally known throughout the district that there is, or at least was, a silica hazard in this Plant and, therefore, we feel that there may be some possibility of that type of claim.

As you know it is extremely difficult to get witnesses who really and truly understand silicosis and it is with this in mind that we were anxious to get Dr. Russell to help us out if such a thing were possible.

I have been to Cleveland and consulted with our Legal Department there relative to your suggestion that we get the judge, who is to sit at the case, to request the services of Dr. Russell. Our Mr. Miller tells me that this is quite impossible as, in the first place, we do not know who the judge is and with the political situation as it stands he would, in all probability, whoever he might be, refuse such a request - feeling that labor in general would gather that he was favoring industry.

As the case stands at the present time it will probably come up some time in the fall and we have engaged the services of Dr. Robert A. Kehoe, of the University of Cincinnati, to represent us from the lead side and we are extremely anxious to get someone who can truly qualify as an expert on silicosis.

You understand that we are rather at a loss to know just exactly what to prepare for. We are denied the privilege of examining these ex-employees, although we have their examination records as of the time they were working on our Plant and these are all entirely negative.

Taking all these facts into consideration, we would again ask you if it might not be possible to, in some way, secure the services of Dr. Russell for these cases.

Awaiting your reply at your convenience, I am

Yours very truly,

MEDICAL DIVISION

G. H. Gehrmann
G. H. Gehrmann, M.D.,

Medical Director

GEG:LM

May 12, 1934

Dr. G. H. Gehrmann,
Medical Director,
E. I. du Pont de Nemours & Company,
Wilmington, Delaware.

Dear Dr. Gehrmann:

Dr. Leake has referred your letter of May 11, regarding the law suit in East Chicago, Indiana, to me for reply.

It is the Surgeon General's policy not to detail any officers of the Public Health Service to testify in cases relating to labor or industry. It is suggested, however, that you might get in touch with the judge who is to try this case and indicate to him that Dr. Russell would be able to appear as a friend of the Court and give him his opinion and advice on the case in question.

Sincerely yours,

L. R. Thompson (Signed) L. R. Thompson
Assistant Surgeon General
Chief, Scientific Research Division

ST:CK

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I. DU PONT DE NEMOURS & COMPANY
WILMINGTON, DELAWARE

MEDICAL DIRECTOR'S OFFICE

May 11, 1971

Dr. James P. Leake
United Public Health Service
Washington, D. C.

My dear Dr. Leake:

I am writing you for a little information and guidance.

We are threatened with a law suit out in East Chicago, Indiana and this suit is of such a nature that before we start we do not know exactly what the alleged difficulty is. However, we are convinced that it will be one of two things - silicosis or lead poisoning. We are preparing a defense to cover both situations. It is a rather difficult and unusual type of case in view of the fact that we have no approach to the individual before the suit starts. Therefore, we must be prepared to defend most anything when it comes up.

We have engaged the services of Dr. Zehoe, of Cincinnati, to defend us from the standpoint of lead and we now want a good man on silicosis. Our Grasselli group is anxious to get Dr. Albert Russell, who is a member of your organization.

My purpose in writing to you is to find out just how we can go about securing the services of Dr. Russell and the permission of the Public Health Service to allow him to testify in this case in the event that we need him.

Very very best regards, I am

Sincerely,
S. H. Germent, M.D., Medical Director

S. H. Germent
S. H. Germent, M.D., Medical Director

GHC:LM

R.M.

10/13 to Russell

June 1, 1934

Dr. G. E. Gehrman, Medical Director,
E. I. du Pont de Nemours & Co.,
Wilmington, Delaware.

My dear Dr. Gehrman:

Your letter of May 29, addressed to Dr. L. R. Thompson, regarding the securing of the services of Dr. Russell to testify in a case of silicosis, has been brought to my attention. I regret that I can not approve of Dr. Russell's appearing in any court except in a disinterested capacity as a friend of the court.

I realize that many fictitious claims of silicosis have been brought in to the courts, and that in some instances it has almost become a racket. On the other hand, our whole usefulness in the field of industrial hygiene has been the impartial investigation of industrial hazards. This we can only do with the full cooperation of industry and labor.

Should we allow our officers to appear in court in favor of either labor or industry, I am sure that in a short time our work would not be considered impartial and we would find our field of work greatly curtailed.

From your own standpoint, I believe you will see that if we were to examine the health hazards of an industry and then appear as witness on the side of one of your employees, it would be very difficult for you to admit us a second time, no matter how important the work.

I believe the Service policy in this matter is established on a sound basis and should not be disturbed.

Very truly yours,

H. S. Cunningham

H. S. Cunningham
Director, Bureau of Hygiene

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JOHN F. FORSYTH
JOSEPH M. BUSH

March 4, 1949

Re: Sinclair vs. U. S. Gypsum Co.
(Common law action)

Wendell J. Brown
Scott, MacLeish & Falk
134 South LaSalle Street
Chicago, Illinois

Dear Mr. Brown:

I now have heard from most of the prospective witnesses concerning their availability and it looks as though the only available date will be some time after April 11, if that can be arranged with the Court. Here is the way matters line up:

Clay has taken a cruise to South America to rest up. I am told he is expected back March 18 when he will go to trial with Stakel in a criminal case in Batavia. If he should return sooner, you are tied up with a case during the week of March 14. Dr. McCann emphasizes that he will not be available from March 23 to March 30. I have a complicated case for du Pont involving insecticide and potatoes set down for March 29 in which the potato grower and his lawyers are insisting upon trial. Even if I were free, Dr. Brumfiel cannot attend for the week beginning March 28 anyway. Moreover, Dr. Donnelly writes that our two stalwarts from Buffalo (extremely important there) will not be available at any time before April 11. Dr. Donnelly leaves March 7 for Florida and will not return until April 11. Dr. Strohm is sick and "won't be available for some time". I haven't heard definitely from Dr. Kaltreider yet so that the only one I am sure of at this time is Dr. Van Peurse.

Very truly yours,

Casper D. Saltensperger

CVB:AJV

Copy to:

David W. Daniel