NEW YORK UNIVERSITY-BELLEVUE MEDICAL CENTER
OF NEW YORK UNIVERSITY
INSTITUTE OF INDUSTRIAL MEDICINE

325 EAST 38TH STREET
NEW YORK 16, N.Y.

Mailing Address: 477 FIRST AVENUE, NEW YORK 16, N.Y.
Telephone: MURRAY HILL 9-1580

PLAINTIFF'S EXHIBIT
MET-568

June 28, 1954

Professor A. J. Lanza
Chairman, Institute of Industrial Medicine
New York University - Bellevue Medical Center

Sir:

In 1949 I accepted your invitation to take responsibility for cancer studies in the Institute of Industrial Medicine. Since that date I have published, or have in preparation, twenty papers in the field of cancer research (references attached). Two issues of the A.M.A.Archives of Industrial Hygiene and Occupational Medicine have appeared which were devoted to environmental, particularly occupational, cancer studies either conducted by me or which I was instrumental in bringing to publication from other institutions here and abroad in a manner standing to the credit of New York University.

You have, however elected to transfer responsibility for the cancer program of the Institute to Dr. Norton Nelson, who has not previously engaged in cancer research. I believe this matter involves issues prejudicial to the reputation of the University and that these issues therefore merit detailed consideration.

When I joined your staff, I emphasized the desirability of developing studies on environmental factors in lung cancer. During my first year here, my suggestions for activating such an effort in the space then available to me were declined on grounds that other then-current studies should first be brought to some conclusion. This was done, as recorded in publications referred to above, notably those conducted by me in collaboration with the Standard Oil Company (N.J.) and affiliates, which constituted the first major scientific contribution of the Institute.

In the fall of 1950 conversations were resumed on studies of lung cancer and I assisted Dr. Nelson in development of proposals for such studies, which were agreed to be a collaborative enterprise. I looked forward with pleasure to the opportunity of pursuing studies in this field in association with Dr. Nelson. He stated that the proposals were of a tenative nature and were to

be sent to the dean for consideration. My subsequent inquiries as to progress of these proposals met with replies that they were under review by a committee of the medical center. Finally, I learned that the actual fact was that they had been submitted as a request for a substantial grant from the Damon Runyon Fund with Dr. Nelson named as sole investigator, and that this grant had been made. After the grant was received, my inquiries on the subject met with evasive replies.

I was, however, requested to prepare a review of the literature on experimental studies of lung cancer. I prepared and published such a review (Ref. No. 32). I also prepared and published a review of occupational factors in lung cancer in man (Ref. No. 35). I elsewhere published my method for experimental production of lung cancer, which stands as the only reliable technique available today for experimental production of lung cancers of the types common in human cases of this disease (Refs. Nos. 21 and 22). I had previously published studies on the types of lung tumors common in mice (Ref. No. 20). I mention these various studies to document my interest and activity in the study of lung cancer.

During development of the lung cancer program, the manuscript of the review, which I had been requested to prepare for it and which set forth goals for study, was repeatedly borrowed by Dr. Nelson; but I was excluded from planning or participation in the program. I brought these facts to your attention, to no avail, in the fall of 1951. All personnel for this work was engaged without my knowledge until their appearance in the laboratory. Meanwhile (1951 and 1952), laboratory facilities, aside from animal quarters, were withheld from me, and you declined my request for a single full-time assistant of doctorate grade when the chairman of the Center's Cancer Committee invited me to apply for such a man under the institutional grant to the Center from the American Cancer Society.

In the spring of 1952, Dr. C. P. Rhoads invited me to speak at Memorial Hospital to representatives of cigarette and cigarette paper industries, who wished to learn of methods available for estimating potential carcinogens in cigarette smoke. I described this meeting to you. A few weeks later, I was invited at noon to attend a meeting at two o'clock in your office at which Dr. Nelson presented, to some of the same individuals I had met at Memorial, a typed proposal, prepared at your request and without my knowledge, for study of their questions with recommendation that they support such

studies through contributions to the Damon Runyon Fund. Dr. Nelson pointed out that, since both you and he were on the board of that fund, you were in a position to guarantee that such contributions would be funneled into the lung cancer grant, of which Dr. Nelson had complete charge. Since several individuals at this meeting had come from as far away as North Carolina, I could only conclude that the meeting was planned substantially in advance of the two hours notice given me.

At the end of this meeting, Dr. Nelson advised me that he did not feel qualified to do the work himself, and was therefore detaching my only assistant (part-time), Dr. Kuschner, to handle all lung cancer studies under his (Dr. Nelson's) direction. Dr. Nelson further stated that he intended to take charge, without my participation, of studies of lung cancer contemplated by the Standard Oil Company, with whom I had worked as chief investigator for the past five years. I want to say here that I have the highest regard and warmest friendship for my former associate, Dr. Kuschner.

In May 1953, I was requested to prepare material for a press release intended to raise funds for the Institute. On May 14, 1953 this material appeared in the New York Times in an article emanating from a press conference held by yourself and Dr. Nelson. This article delt largely with results of the cancer program I had conducted in collaboration with the Standard Oil Company, and credited the work wholly to Dr. Nelson. He later told me that the Times article crediting him with my work was a reporter's error. I find this difficult to believe, since he was similarly credited in an article in the New York Post on the same date. I have no wish for public notice, but I must conclude that Dr. Nelson, in addition to seizing complete control of the future cancer program of the Institute, also wishes to acquire for himself credit for such work as I have done in the past.

When effort was begun to identify potential carcinogens in cigarette smoke condensates, it became apparent that techniques utilized for such studies with petroleum samples were unsuitable by reason of requiring large volumes of material for repeated applications to animals over periods approximating a year. I thereupon developed a screening test which has permitted evaluation of relative carcinogenic potencies of petroleum and coal tar derivatives within four days, and which we are now utilizing to trace active fractions in cigarette smoke condensates. In the early spring of 1953, I suggested to Dr. Nelson that this screening test put us in an advantageous position to trace carcinogens in urban air and engine

exhaust samples with reference to the possible role of air pollution in lung cancer. I suggested that we develop studies in this direction. Dr. Nelson said that he would like to think this over. Within a few weeks, he advised that he had, without further consultation with me, submitted proposals for study of air pollution problems to the New York Port Authority. His action in this matter thus paralleled his initial action in the development of the lung cancer program.

The screening test referred to above has given very promising results on a variety of species including man, as described in publications in the spring of 1954 (Ref. Nos. 36,39,40). In order to develop this new finding, I requested, as you knew, participation in the institutional grant now being requested by the Center from the American Cancer Society. On June 18, 1954, Dr. Nelson informed me that he had cancelled my application and had substituted an application for funds for his own work. This action seems utterly unnecessary, since the two applications were not mutually exclusive and both could have been made.

I would have a sterile view indeed did I not welcome anyone who wishes to devote time and effort to the cancer problem. I do not, however, believe that a newcomer to a field, such as Dr. Nelson, should be allowed to utilize his administrative responsibilities in the Institute and his position as an officer of the Damon Runyon Fund to exclude from the field a man, such as myself, with a record of over ten years productive work in it.

IT IS MY CONTENTION THAT, WHEN AN ADMINISTRATOR AND FUND OFFICER WHO HAS NEVER ENGAGED IN RESEARCH IN A GIVEN FIELD ATTEMPTS TO DRIVE AN EXPERIENCED INVESTIGATOR OUT OF THAT FIELD IN ORDER TO SEIZE CONTROL FOR HIMSELF, THERE EXISTS A SITUATION PREJUDICIAL TO THE REPUTATION OF THE INSTITUTION CONDONING IT AND TO ANY FUND THAT KNOWINGLY SUPPORTS IT.

IT IS MY FURTHER CONTENTION THAT, WHEN AN ADMINISTRATIVE OFFICER OF THIS UNIVERSITY AND AN OFFICER OF A FUND IS PERMITTED AND ENCOURAGED TO SWINDLE AN EXPERIENCED INVESTIGATOR AND TO DISPOSE OF HIM AS AN INFERIOR BREED OF HIRED HELP, THERE EXISTS A DANGEROUS PRECEDENT FOR SCIENCE IN AMERICA AND AN AFFRONT TO SCHOLARS EVERYWHERE.

I wish to state very clearly that I have no monopolistic delusions or ambitions, and no wish to exclude anyone from engaging in cancer research. I have at all times stood ready to cooperate to the best of my ability with any individuals in the Institute interested in cancer

problems. I cannot, however, effectively serve the University for the purpose for which I accepted my appointment when the major decisions for cancer studies in the Institute are made behind my back, without my knowledge, and in a manner designed to exclude my participation.

You invited me here to take responsibilities for cancer studies in the Institute. I CLAIM THAT MY ATTACHED BIOGRAPHY AND LIST OF PUBLICATIONS AFFORD AMPLE EVIDENCE OF ENERGETIC AND CREDITABLE WORK IN THIS FIELD FOR THE INSTITUTE. DURING MY FIVE YEARS HERE, I HAVE HAD THE PLEASURE OF WORKING WITH FIVE PART-TIME ASSISTANTS OF DOCTORATE GRADE. I TAKE PARTICULAR PRIDE IN NOTING THAT IN EACH OF THESE FIVE INSTANCES THE COLLABORATION HAS PRODUCED TANGIBLE AND CREDITABLE RESULTS (REF. NOS. 25, 26,36,37,38,40,41). I CLAIM THAT I HAVE EARNED THE OPPORTUNITY TO SERVE THE UNIVERSITY IN THE PURPOSE FOR WHICH YOU INVITED ME HERE.

I have no quarrel with Dr. Nelson's responsibilities as director of research for the Institute. Within that broad framework, which involves many types of problems, I believe that my subordinate responsibilities in the special field of cancer research should have been accorded the simple courtesies which would so easily have made for effective and honorable team work. I have repeatedly indicated this to Dr. Nelson, to no avail.

I wish to learn why these simple courtesies have been so noticeably lacking, and why my facilities have been sabotaged. I recall that in 1952 you stated to me that you had been retained by a chemical firm as a medical consultant, that in this capacity you had lobbied in Washington for discontinuation of all field studies of occupational tumor problems by the National Cancer Institute, an agency of the United States Government, and you claimed personally to have set in motion the procedure by which those studies were stopped at a time when they were developing data of profound importance for the public health. I wish to learn if you accepted a fee for this service to the chemical firm that engaged you.

I understand that you have served as a medical consultant to an asbestos manufacturer. As you are aware, the existence of a lung cancer hazard for asbestos workers has been argued for some years. When I recently showed you a letter containing data analysed by a prominent statistician who concluded that a lung cancer hazard did in fact exist for workers in that industry, your only

response was a vehement denunciation of cancer investigators as "troublemakers". I wish to learn if you played any role in preventing publication of these data.

When the director of the Saranac Laboratory, who had spent years in the study of asbestosis and other forms of pneumoconiosis, discovered that an industrial dust caused cancer in the lungs of animals inhaling it, and when he applied for a grant to pursue his studies, then, in the summer of 1953, you stated to me in the presence of Dr. Goldstein and Dr. Nelson that you utilized your position on the board of the Damon Runyon Fund to reject his application, that you utilized your position on the board of the Saranac Laboratory to force his resignation, that you claimed to have subsequently prevented him from getting a job in a medical school in California by going personally to call upon the dean of that school. I wish to inquire who paid for your trip to California. It is my understanding that an occupational dust disease involving the health of many hundreds of workers exists in California, and that you were retained as a consultant for that problem. It would appear that your service included your action in preventing one of the country's leading authorities on dust diseases from obtaining an appointment in a medical school out there. I wish to learn whether you accepted a fee for this service.

I recognize that a large part of industrial medical practice involves protection of employers against claims for compensation. I QUESTION THE PROPRIETY OF ACCEPTING OBLIGATIONS TO TERMINATE THE WORK OF A GOVERNMENT AGENCY AND TO ASSASSINATE SCIENTIFIC INVESTIGATORS. I WISH TO LEARN WHETHER YOU HAVE BEEN UNDER SUCH OBLIGATION TO AN INDUSTRIAL ORGANIZATION TO PREVENT MY PARTICIPATION IN STUDIES OF LUNG CANCER.

It cannot fail to be noted that the director of the Saranac Laboratory lost his job within a year after announcing his fundamental discovery that lung cancer could result in animals after inhalation of beryllium compounds. It cannot fail to be noted that the director of the government project you took "credit" for wrecking lost an earlier job in an industrial laboratory very shortly after making one of the major discoveries accomplished in cancer research in the United States, namely the demonstration that beta-naphthylamine can cause bladder cancer, this in a factory where he claims 200 men have died of that disease. It cannot fail to be noted that after my publication on industrial cancer problems, I was excluded in your Institute from participation in lung cancer studies, a field in which I had conducted

investigations since 1943. It cannot fail to be noted that my facilities for other work were hampered, and a curtain descended upon my participation in development of the scientific and financial progress of the Institute.

I recall that when I began industrial cancer research, a distinguished scientist predicted that pretexts would be found to block my work as well as to wreck the program of the National Cancer Institute in the same field, and warned me that "it would be only a matter of time before my throat was cut." I do not believe that the situation implied by his attitude or the events detailed in this letter are desired by any industrial organizations with whom I have been associated, certainly not by the Standard Oil Company (N.J.) or its affiliates. I do not believe that any substantial elements in American industry wish to block progress in cancer research. Nor do I believe that students of the problem share your view, often expressed to me, that "cancer investigators are troublemakers" and that "all the talk about chemical causes of cancer will blow over." After more than ten years of work and study in the cancer field, I am convinced that the most practical direction open today for genuine prevention of many forms of this disease depends upon identification of environmental sources of exposure to cancer-inciting agents, and upon development of reasonable and feasible measures for minimizing such exposures.

I attempted to summarize this approach in a lecture given in 1948 and subsequently published as the introductory article to the Proceedings of the Cancer Prevention Committee (A.M.A. Archives of Industrial Hygiene and Occupational Medicine, 1952, 5; 187 - 189). As an American delegate to the Symposium on Lung Cancer, sponsored by WHO - UNESCO in Louvain in 1952, I was charged with formulating concepts for identification and prevention of occupational lung cancer hazards (Ref. No. 35). As chairman of the Committee on Cancer Prevention, International Union Against Cancer, and as chairman of the standing Committee on Environmental Factors, National Lung Cancer Conference, I feel that it is my duty to call upon leaders in industrial medicine and management to recognize the opportunities open to them to participate in the control of cancer hazards and to foster efforts in this field.

I BELIEVE THAT THE MATTERS DETAILED IN THIS LETTER ARE OF SUFFICIENT IMPORT TO THE UNIVERSITY AND TO THE PUBLIC HEALTH TO MERIT STUDY BY A BOARD OF REVIEW. I hereby request that such a study be made at a time mutally satisfactory to the parties concerned, noting that I am

obliged to leave New York on July 19 to conduct a Symposium on Cancer Prevention comprising two of the days of the Sixth International Cancer Congress in Brazil.

I wish to conclude by saying that I appreciate the need to conduct studies of potential industrial and environmental cancer hazards in a manner avoiding undue public alarm or unjustifiable claims for compensation. May I also emphasize that I seek no advancement. I seek only the opportunity to serve the University in the purpose for which I was invited to join the faculty in 1949.

Very truly yours,

William E. Smith, M.D.
Associate Professor of
Industrial Medicine

cc: The Chancellor
The President, The University Council
The Chairman, Board of Trustees, New York University-Bellevue Medical Center
The Director, New York University-Bellevue Medical Center
The Dean, Post-Graduate Medical School
Cancer Committee, New York University-Bellevue Medical Center
Professors R. E. Eckardt, N. Nelson, R. C. Page

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by
William E. Smith

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