

February 4 1938.

Mr. J. C. Taylor,

Attn. Mr. Lewis:

Dear Oscar,

Today we received in the mail the enclosed copies of correspondence covering an alleged case of lead poisoning at Warrior, Alabama. There are four letters in this file of correspondence- one from Mr. M. C. Hines of the Birmingham District Office of the Standard Oil Company to Mr. W. E. Smith, President of that company, which is a report covering all information on this case up to date. There are also two letters from Doctors giving their statements on the diagnosis of the sickness after they had examined the man who claims to have been poisoned. The other is a letter to the Standard Oil Company from a lawyer presenting the case for settlement.

I am sending you this correspondence in the absence of Mr. Costello from the office, so that you will have the complete details in hand should the matter be brought to your attention from some other source. We are making no commitments nor are we attempting to enter into this matter in any way other than to keep posted on any developments that may take place, in which case you will be advised immediately.

We are sending a copy of this correspondence to Dr. Kehoe. If there is any action that either you or he would like for us to take, please let us know and we will act immediately.

Very truly yours,

J. A. Costello,

by *George Hesser*

GPR/F.L

enclosures.

CC-Dr. Kehoe with enclosures. ✓

Birmingham, Ala. 2/2/38 MCH C&E MCH

Mr. W. E. Smith, Louisville, Ky.

Claim- [REDACTED]
Warrior, Alabama.

The above named party has called at our office and stated to the writer that he was suffering from partial paralysis in his left arm which had been caused, as he had been informed by his doctors, from lead poisoning because he had drunk water from a well on his property which had been polluted with Crown Gasoline, which as you know contains Tetraethyl Lead Fluid.

This call was made shortly before Christmas and I immediately went to Warrior, Alabama, and with our agent W. C. Barnett made an investigation.

I find that on September 29, 1936, we purchased from the Pan-American Petroleum Corporation two wet hose gasoline pumps and two 10 bbl. underground tanks and leased same to L. W. Burns at a highway stand on U.S. 31, two miles north of Warrior. Our Warrior agent advises that on the first part of May 1937 Mr. Burns called his attention to the fact that the well which is located behind the house and about 85 feet from the underground tanks contained gasoline. Our agent called for a mechanic and Birmingham pump mechanic, W. I. Richey, went to Warrior on May 4, 1937, and found a leak in the top of the tank where the return line enters the tank. Mr. Richey states there was no gasoline in the hole, but the tank was damp and the ground was damp at the point where the overflow line entered the tank, and the tank was leaking. This tank was removed and a new tank installed by mechanic Richey. Someone had advised Mr. Burns to put lime in the hole which would neutralize the ground and clear up the well. Mr. Richey states that a hundred pound sack of lime was put in the hole by the parties mentioned above and that he proceeded to install the new tank and cover same up. I am informed by our Warrior, Alabama agent that this well was cleaned out and cleared up to such extent that the water could be again used. Mr. [REDACTED] owns the property on which this equipment was installed and, of course, owns the building occupied by L. W. Burns as a filling station and road side garage.

Mr. Florence claims that the first part of July 1937 he was stricken ill with hemorrhages which confined him to his bed for several weeks and that he lost the use of both his arms and suffered severe pain in the arms and shoulders. Dr. W. B. Martin at Warrior, Alabama was called in and I attach hereto copy of statement from Dr. Martin dated December 22nd. I consulted Dr. Martin about this time in connection with this case and he positively states to me that in his opinion this man's condition is caused from lead poisoning which he attributes to the fact that Mr. [REDACTED] has told him that he has drunk the contaminated water from this well. Mr. [REDACTED] has stated that he drunk this water when nobody else would. There are several members of his family, but on his own statement he is the only one that drank the water. Dr. Martin stated to me that he had sent this patient to Birmingham for further check up and diagnosis of his case. I Attach hereto copy of statement from Dr. E. Dice Lineberry of the Norwood Clinic. Dr. Lineberry was substantiated in this statement by Dr. Ward, also a member of this clinic, which for your information is very

Mr. W. E. Smith
Louisville, Ky.

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reputable. Dr. Lineberry has further stated to the writer that he is basing his conclusions on statements made by Mr. [REDACTED] that he drunk this contaminated water, and from the examination and tests that were made in their laboratories. Dr. Lineberry has stated to the writer that no trace of lead was found in the blood tract, but bases his statement of lead poisoning on the fact that this mad has the wrist drop and partial paralysis, which he states could be caused from lead poisoning.

Attach hereto copy of letter from attorney George Rogers dated January 28th. I called on attorney Rogers Monday and stated to him that we had not completed our investigation. He asked me to complete this as quickly as possible because if we could not come to an agreement on settlement he would like to file suit immediately so this could be tried at May term of court. I questioned him as to what he thought his case was worth, but he would not give me a figure only stating that his client had spent \$300.00 on doctor's bills. Attorney Rogers has agreed to permit us to have Mr. [REDACTED] examined by our doctors and I would suggest that we do this at once because I cannot believe in the first place that this man has lead poisoning because I do not believe he could consistently drink water contaminated with gasoline and since this was Crown Gasoline and not Crown Ethyl Gasoline the Tetraethyl Lead contained was small and the tanks being located approximately 85 feet from the well in a shale soil, that beyond a doubt a good portion of the lead contained in the gasoline would be filtered from the gasoline by the time it reached the well. Also the fact that this well cleared up and only occasionally was the water such that it could not be drunk.

I further developed that Mr. Florence came to this location five or six years ago, that he and his partners were reputed to be bootleggers and consistently sold liquor and operated a place of this type. Our records show that we sold this outlet in:

January 1937	415 gallons
February	750 "
March	1156 "
April	2735 "
May	853 "
June	568 "
July	498 "
August	453 "

The last delivery we made to this outlet was on August 21, 1937. Liquor was legalized in Alabama in May 1937. This place is located in Blount County just across the Jefferson County Line. Blount County is dry, Jefferson County is wet? I am informed that the sheriff of Blount County, which is dry, took out after the bootleggers when liquor was legalized in Jefferson County. You will note how this business dropped off after April and I am informed that L. W. Burns, the operator, left that section when enforcement started. [REDACTED] could not leave because he owned the location. I am checking further as to facts concerning the bootleg activities and such cases as has been brought against these parties for prohibition law violations. It is my opinion that attorney Rogers would advise [REDACTED] to accept a \$500.00 settlement because attorney George Rogers has been for a long time agent Barnett's attorney. Agent Barnett is the Ford Distributor at Warrior and vicinity as well as our agent, Attorney Rogers, I understand, has also represented [REDACTED] in his skirmishes with the law. Do not believe attorney Rogers would jeopardize his connection with agent Barnett because of this case, on the other hand he having previously represented [REDACTED]

Mr. W. E. Smith,
Louisville, Ky.

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he would naturally want to make a settlement for his client.

It is my opinion that this is not a case to settle. On the other hand it will be a costly case to defend because of the medical testimony that will be necessary to prove that this man's paralysis was caused by something other than drinking this contaminated water for a short period of time. Expert chemical testimony will be necessary to prove just what content of lead the water would contain under similar circumstances and whether it would poison a man's system to the extent that it would cause this man's paralysis.

I have learned further that Mr. [REDACTED] has been a heavy drinker. Certainly his stomach hemorrhage condition could have been caused from this.

I am attaching hereto extra copy of Doctor's statements and this letter should you need it for the Ethyl Gasoline Corporation, should it be your desire to have their doctors examine Mr. [REDACTED], if you elect to do this. Advise as we would like to make the necessary arrangements in advance with attorney Rogers for the necessary examination.

CC; Mr. Chas. C. Middleton, Louisville, Ky.

c o p y

COPY

Dr. W. B. Martin
Warrior, Ala.

December 22 1937.

Mr. A. C. Hines,
Standard Oil Company
Birmingham, Alabama.

Dear Sir:

On or about the first of July 1937 I was called to see Mr. [REDACTED] who was suffering from a profuse gastric hemorrhage and pain in shoulders and both arms.

At that time I thought he had a gastric ulcer and treated him for this, but his arms continued to become worse and in the course of a few weeks developed a partial paralysis in both arms with severe pain.

About this time we obtained a history of his having gasoline in his drinking water and Dr. Linberry of Norwood Clinic and myself agreed on a diagnosis of lead poisoning.

Since the onset, his right arm has recovered but he still has the typical wrist drop paralysis of lead poisoning in left forearm, however, the severe pain first associated with this has disappeared, but there has been little if any improvement of paralysis in left arm in the past two or three months.

Sincerely yours,

W.B.Martin, M.D.

VS 0011124

NOV 22 1937

COPY

THE NORWOOD CLINIC

Birmingham Ala.
Jan. 31, 1938

Mr. M. C. Hines
Standard Oil Company
Birmingham Alabama.

Dear Sir:

Mr. [REDACTED] was referred to me by Dr. W. B. Martin, Carrier, Alabama, September 6th, 1937. At this time he was concerned about two conditions: first, for three or four years there had occasionally been a burning in the upper abdomen relieved by taking soda. About August 1, 1937 he had vomited a large amount of blood and had passed blood by bowel. Dr. Martin had treated him for ulcer of the stomach and the stomach condition had greatly improved. Second, about two days prior to the vomiting of the blood, he had begun to complain of pains in both arms and for two weeks prior to consulting me, the pain in the left arm had been so bad as to require large doses of morphine.

On examination he was found to have a weakness of the left wrist, in medical terms known as wrist drop, with some loss of sensation of both arms, but more in the left. A complete examination of the blood and urine, gastric analysis and x-ray examination of the stomach was made by us September 7, 1937. A probable diagnosis of chronic lead poisoning was made. He returned to see us again November 29, 1937, at which time he was having no pain in the arms and the strength was returning to the right arm, but he still had a complete wrist drop of the left. At this time we obtained a history of him having been drinking well water contaminated with ethyl gasoline for about one month prior to the hemorrhage from the stomach. The drinking of this contaminated water was discontinued after he had the hemorrhage from his stomach.

Dr. H. S. Ward saw this patient with me in my office and agreed with my diagnosis of chronic lead poisoning.

Very truly yours,

Dr. E. Dice Lineberry, M.D.

EDL/m

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COPY

GEORGE ROGERS

LAWYER

First National Bank Bldg
Birmingham Alabama

January 28, 1938

Standard Oil Company
801- 6th Avenue South
Birmingham Alabama.

Gentlemen:

I have been retained by Mr. [REDACTED] who lives a short distance above Warrior, to represent him in a claim for damages against you as a result of his well being polluted by gasoline and his suffering lead poisoning as the result of drinking the water therefrom.

If you care to settle this matter without litigation please communicate with me at once.

Very truly yours,

George Rogers.

gr/h

KE 0011126