

August 23, 1965

Mr. A. S. Eichorn
Director of Health, Safety & Hygiene
The Harshaw Chemical Company
1000 Harvard Avenue
Cleveland, Ohio

Dear Mr. Eichorn:

Please accept my thanks for your letter of August 13th, despite the unwelcome news in it of the outcome of the Wright case. The decision of the member of the Board in this case is a sad example of the manner in which the facts can be rendered obscure or apparently irrelevant in our legal procedures, especially with reference to the appraisal of expert testimony. The amazing thing, in view of conventional attitudes, is that the outcome of these procedures is frequently right and satisfactory. In this instance, it was totally incorrect, since the man was not suffering from lead poisoning at any time. Someone said he was, and I said he wasn't, and the two statements had equal value, in a situation in which the evidence could not be weighed by the man who had to make the decision.

I agree with the judgment of your attorney that no useful purpose would be served by a rehearing. As to the remedy for this hopeless miscarriage of justice, which occurs not infrequently, I can see only one likely means. The compensation agencies should have competent experts - or at least one competent expert - of their own, to advise them in matters which they cannot hope to understand. How this can be brought about generally, or even often, is another matter which is difficult to predict, in view of the sterility of this professional task, from the point of view of the physician-scientist. A hack engaged in this task would worsen the situation, rather than improve it.

Sincerely yours,

RAK:rms

Robert A. Kehoe, M.D.

P.S. I retired from the Direction of this Department as of June 30, but after some three months which I shall spend on a special consulting job, I expect to return to this Laboratory or at least to have an office here to which I can return from time to time. I can be reached,

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