

November 10, 1939

Dr. T. A. Watters
1430 Tulane Avenue
New Orleans
La.

Dear Doctor Watters:-

I am writing you somewhat belatedly concerning the postponement of the trial of [REDACTED] vs. E. I. duPont de Nemours and Company, since I have just found out that you were not notified at the proper time of the postponement of the case. I am very sorry indeed that you were not notified and that you suffered a considerable amount of inconvenience as a consequence of this postponement.

For your information the case will be taken up again in all probability on January 31st and on the several days immediately thereafter. I will make it a point myself to get in touch with you at that time and to let you know the nearest possible date on which your testimony will be required. I was led to believe that you would be informed promptly either by the attorneys for the duPont Company or by Dr. Jones, but since this was not done, I would not permit you to be subjected to any further inconvenience which can be avoided through proper information. Our friends, the attorneys, are not always as zealous in arranging matters for our convenience as they might be. Therefore I shall make it a point to notify you.

Concerning this case and the importance of your testimony, I think it is only right to say that in my opinion what is required is testimony which will clarify the situation produced by the hospital record. On the face of the record, the diagnosis of lead poisoning and lead encephalopathy is written down and without any question. This record thus constitutes a bit of factual evidence which will be hard to combat except by the testimony of all the men of experience and training whose names appear in connection with the record and diagnosis. I feel that it is very important that this testimony be given. I feel that it is only fair that it should be given since the diagnosis arrived

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at in this case was not made or concurred in by the staff physicians whose names appear on the record. In most instances the record would not be of major importance necessarily, but in this case it happens to constitute the chief evidence by which claim of lead poisoning is substantiated. It is, therefore, of considerable importance that the facts in the matter be presented in the court record. I should not be unduly exercised about the outcome of this case except for the fact that the management of this plant have gone to great lengths and expense in order to make the plant safe. It represents from my point of view one of the most ideal chemical plants in this or in any other country. Every effort has been made to protect the workmen against danger, and the expense of these efforts can only be justified if the management in protecting the men have also protected themselves against unjust claims. I feel, therefore, in the interests of justice and also in the interests of the furtherance of proper methods of industrial hygiene that it is important that this case be decided in strict relation to the facts, rather than on the basis of prejudice or prejudicial testimony. I appreciate very much the attitude of yourself and your associates in being willing to testify in this case, since I know that involvement in this case is as objectionable to you as it is to me.

In any case I shall hold myself responsible for notifying you in advance of the necessity for your appearance.

Cordially yours,

RAK:is

Robert A. Kehoe, M.D.