

June 24, 1929

Mr. Calvin P. Reid,
The Travelers,
Liability Dept. Claim Division,
30-42 E. 42nd Street,
New York City.

My dear Mr. Reid:

I am sorry to have neglected writing you up to this time as to the results of my trip to Dallas, Texas, some weeks ago in the matter of Mr. [REDACTED]. What I have to say about my trip will probably be of very little value, though I hope that my conversation with the attorneys was of some value. I first went to visit Mr. Grisham of Thompson, Knight and Baker, Law Firm, and then went with him to see Mr. Davis of the Continental Company and Mr. Hamilton of Hamilton and Hamilton, and a gentleman, whose name I forget at the moment, from Abilene, who was representing the Continental people. It had previously been arranged that Mr. [REDACTED] be in town on that day and I was able to see him at the office of Doctor Dorman. My conversations with the attorneys were devoted to giving them the available information on the subject of Ethyl Gasoline, and to detailing to them how a defense of the suit should be presented, at least from the point of view of presenting medical evidence. I maintained that the diagnosis of lead poisoning is very difficult to make except as one can prove the existence of a significant source of exposure. Granting the existence of such a source of exposure, the general symptoms are not likely to be specific for lead so that it becomes necessary to find at least some of the classical signs of lead poisoning in the form of a lead line, stippling of the red blood corpuscles, gastric cramps, muscular weakness or paralysis, especially of the type resembling "drop wrist". In the absence of such signs one would be inclined to look about for a possible interpretation of the illness other than lead, and it would then become a question as to what constitutes the most plausible basis for the symptoms. I pointed out that in this case there is a strong presumption, based upon years of experience and experimental evidence as well, that there was no adequate source of exposure at least in so far as Ethyl Gasoline is concerned (I believe that there was some possibility in this man's case of exposure to lead in the handling of tires, but I did not personally examine carefully into this matter because of the shortness of my stay.) In the absence of significant exposure it would therefore become all the more necessary to establish the existence of some of the cardinal symptoms and signs of lead poisoning. The question arises, therefore, as to whether this man had at any time had a lead line, whether he had had stippling, or whether anybody had examined into this matter (failure on the part of the examining physician at this stage

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would certainly indicate that he failed to have a proper appreciation of the factors necessary to make a diagnosis, and this matter should be used to confront the physician in the case as to what constituted the basis of his diagnosis). As to the explanation of the symptoms on a basis other than that of lead poisoning, which is the third point in my thesis, it is particularly easy in this case. One has the opinion of a disinterested physician, Doctor Dorman, who has believed from the start that the entire thing was of infectious origin and that the second irritation was of a chemical sort having no relationship to lead. This was the opinion also of Doctor Page who was representing the liability company in Dallas. It would seem to me, therefore, that there should be no great difficulty in presenting this case and in arriving at a favorable outcome

I saw and talked with Mr. [REDACTED], and, although I was not able to follow up the matter, there was some doubt in my mind as to whether his skin condition was in any way connected with gasoline. The type of lesions was typical to those described as being due to gasoline irritation, but similar lesions have been described as due to a number of other causes. Furthermore, he had had a recurrence of this condition, after its apparent complete disappearance, during a period in which he was having no exposure whatever to gasoline. Doctor Dorman told me that his physician at Abilene had suggested that [REDACTED] was better when he was away from home than he was while at home. This suggested that the skin condition that he had might be due to something in his home environment, or even suggested the possibility of its being due to food. The type of lesion suggested to me that it might even be due to iodides and when I asked him what kind of salt he used he promptly replied that he used iodized salt. This may or may not be of importance, but I suggested to Doctor Dorman that it be investigated into and that if it turned out to be the case he should be taken off this iodized salt and observed to see if a recurrence failed to appear, or whether it would recur later if the iodized salt were resumed. In the matter of the wrist and hand, which apparently had suggested to the doctor in Abilene "drop wrist", it is quite certain that lead played no part. I examined the hand and wrist and agree fully with Doctor Dorman and Doctor Machle's diagnosis that this was an arthritis and a definitely infectious thing. While I was there I asked that an X-ray picture be taken of the hand and I had an opportunity to see the picture before I left. This picture showed what I knew it would, the development of changes in the bones at the joints - changes which are characteristic of low grade infectious involvements of the joints.

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3 Some doubt was expressed by the attorneys, especially Mr. Hamilton, as to what would be the action of a jury in this matter. They seemed to feel that there was a considerable possibility that the condition of the patient himself, which is obviously not good, and that the somewhat crippled hand that he has would speak so loudly for him in court that he might get a verdict arising out of pure sympathy. Naturally I could not express an opinion on this point. These gentlemen ought to know more about Texas juries than I, and yet it seems to me that if this matter were presented vigorously and in a straightforward fashion there should be no doubt at least to the lack of influence of lead upon this injury. I believe, however, that good expert testimony will be necessary in order to prevent the clouding of the issue. I understand from Doctor Machle that Doctor Dorman considers himself a very good expert in such cases. His geniality and his easy-going manner, however, lead me to wonder whether he would express his opinions with the certainty which is necessary to carry with a jury. It would seem that the attorneys should be able to decide this point, but the case is of such importance and a verdict against leaded gasoline would react so badly even though it was entirely unjustified, that I believe it is necessary to spare no trouble and expense in seeing to it that the scientific evidence is properly presented.

It was suggested by one of the physicians, Doctor Page, that [REDACTED] attorney was willing to settle the matter out of court. I do not know what this means, but I merely mention it that it may be considered for what it is worth.

If there are any further developments in the matter I should be pleased to know about them.

Very truly yours,

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