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March 10, 1937

Mr. Philip Drinker  
50 Van Dyke Street  
Boston, Mass.

Dear Phil:

I have your letter of March 9. Mr. Davis came to see me, accompanied by Mr. Williams, Personnel Manager of the Union Carbon and Carbide Company. Mr. Davis is the head of the department dealing with power development for this Company and struck me as being a very decent citizen and seemed to be quite well informed on the whole subject of silicosis.

I have heard from a number of sources about the high mortality that has been attendant upon the construction of this tunnel. The suits are being brought against the contractor and the insurance company and Union Carbon and Carbide is apparently not liable. However, they have decided to look into the matter thoroughly and be of such assistance as circumstances may warrant to the contractor in defending these suits.

I pointed out to Mr. Davis, and as far as I could make out, he got the same advice from Sayree, that the thing to do was to establish first of all whether these sick men had silicosis and for that purpose, I suggested that he consult Dr. Pancoast. My own opinion is that if these men were found to have silicosis and they had worked under conditions exposing them to silicosis, the suits had better be settled. Of course, there is a strong probability that many of these men were old hard-rock workers who may have had silicosis when they went to work for the contractor. Mr. Davis was anxious to establish the status of respirators and I advised him to get in touch with you, both as to type and as to the time when various types appeared on the market.

I imagine that there are probably some genuine cases of silicosis mixed up with a number of more or less fraudulent suits. The majority of these people bringing suits are negroes and naturally the whole thing has been engineered by some clever lawyer. I do not know who the contractor is but I expect they have got him across a barrel. A number of suits have been filed on behalf of persons now dead and I believe their lungs have been secured. I advised Mr. Davis to consult Dr. Gardner for this phase of the job. I shall be glad to give you any further dope if I have any.

Sincerely yours,

A. J. Lanza, M.D.  
Assistant Medical Director

Mr. Philip Drinker  
50 Van Dyke Street  
Boston, Mass.

Dear Phil:

I have your letter of March 9. Mr. Davis came to see me, accompanied by Mr. Winans, Personnel Manager of the Union Carbon and Carbide Company. Mr. Davis is the head of the department dealing with power development for this Company and struck me as being a very decent citizen and seemed to be quite well informed on the whole subject of silicosis.

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Sincerely yours,

A. J. Lanza, M.D.  
Assistant Medical Director

May 17, 1933

Dr. A. J. Lanza,  
Assistant Medical Director,  
Metropolitan Life Insurance Co.,  
New York City, New York.

Dear Dr. Lanza:

Enclosed herewith please find a copy of the deposition of Dr. Clayton S. Smith and of my own evidence in the first of the series of legal cases resulting from the alleged silicosis developments at the New River power tunnel project. This case is that of Raymond W. Johnson (an employe) vs. Rinehart & Dennis Co., et al (the contractors).

I have indicated certain corrections in red pencil where mistakes are obvious, either on my part or that of the stenographer. This copy of my testimony was transcribed by a stenographer for the Rinehart & Dennis Co., and I think he made a pretty good job of it. You will notice my attempt at simplified language, also many grammatical slips, etc. - the case being heard before a locally selected lay jury. Hence, please be gently critical of the phraseology and so on, but lay on heavily where you think I am in error and I shall appreciate it. You will find these two manuscripts most valuable for the direct evidence of the West Virginia situation rather than for the opinions contained regarding silicosis.

In this Raymond Johnson case, some 85 lay witnesses had already been heard before I arrived, while the plaintiff, Mr. Johnson, and his physician, Dr. L. E. Harless, preceded me on the witness stand. I waited there until the two X-ray specialists from Charleston, Dr. Hughey and Dr. Lambert, had given their testimonies, which corroborated mine, and then departed for Columbus.

I am informed that the next week Dr. Pancoast and Dr. James A. Britton appeared for the defense. Dr. Pancoast limited his testimony to the X-ray films of Mr. Johnson alone and stated that in his opinion they were tuberculosis and not silicosis, while Dr. Britton considered all the evidences, X-ray and otherwise, and declared the case was purely one of tuberculosis and not silicosis; thus, we obviously disagreed.

I think the trial must have covered between four and five weeks. Finally it resulted in a disagreement on the part of the jury. Dr. Harless wrote me under date of May 10th that seven of the jurors were in favor of finding for the plaintiff, Johnson, and five were for the defendant. There is very strong suspicion that those five were corrupted by an agent for the defense. One of the five has been summoned before the Court and was fined for contempt on the evidence that he discussed the case during the progress of the trial. I think a second one will perhaps receive a summons to appear.

Dr. A. J. Lanza — Page 2.

before the Court to answer contempt charges. Of course it is very difficult to obtain evidence sufficient to establish charges of bribery, but there is no doubt in my mind as to what happened. The case was cleanly won for the plaintiff by overwhelming evidence. The same case, or another one will come to trial soon, perhaps in this month."

Judge Bary, who presided (Circuit Court, Fayetteville, W. Va.), I considered very fair indeed.

I am sending similar copies to Sayers and Russell. You may keep this material for your files.

With all best regards,

Sincerely yours,

Emory R. Hayhurst.