

ENVIRONMENTAL RESEARCH FOUNDATION

P.O. Box 73700 Washington, D.C. 20056-3700 (202) 328-1119

September 3, 1991

To: A Few of My Dioxin-Researcher Friends
From: Peter Montague *PM*

Tomorrow you may be called by the *Corporate Crime Reporter*. They are the only news outlet to have this story until Monday September 9, ~~So~~ please don't talk about this, even to your other dioxin-researcher friends, until then.

The purpose of this letter is to make you aware of a recent development in the dioxin battle. W. R. Gaffey, a scientist now retired from service with Monsanto, has sued me and Environmental Research Foundation (Washington, DC) in a state court in Missouri seeking a retraction of words contained in issue #171 of our weekly newsletter, *Rachel's Hazardous Waste News*, which appeared March 7, 1990. I was served with a summons on August 20, 1991, and am preparing my defense now; I have until September 19, 1991, to enter a pleading in response to the summons.

I am attaching a copy of the text of newsletter #171 so you can re-read it to refresh your memory about what it said. I have placed the offending words (they're on page 2) in italic type. Mr. Gaffey says these words are untrue and maliciously defamatory. He is seeking a retraction of these particular words, he is asking for court costs, and he is asking for such other compensation as the court may see fit to award. He says his reputation and his private consulting practice have been harmed by the publication of these words.

Ralph Nader has been helping me find pro bono legal counsel in St. Louis, to be backed up by a group of First Amendment specialists in Washington, DC. I am confident that we can put on a strong defense. Our plan is to seek dismissal of the lawsuit as frivolous. Failing that, we will put on a full defense. If necessary, we will pursue every legal avenue available, including appeals. When we win, we will then counter-sue, to try to teach Mr. Gaffey and others like him that frivolous lawsuits don't pay.

I do not know what might happen if we should lose. I know I cannot print the retraction Mr. Gaffey is seeking. I have looked into this matter in some detail and I believe the words I quoted in #171 are true; therefore, I am not able to back away from them.

I'm going to need help from epidemiologists, statisticians and other scientists who can give depositions about what Zack and Gaffey did with their data. If you have ideas about how best to approach this entire matter, please give me a call. I can be reached at (202) 328-1119.

cc: Ellen Silbergeld, Pat Costner, Carol Van Strum, Paul Merrell, Cate Jenkins

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environment, and the kind of damages the jury awarded in Kemner would have been a big help to all of us, as a precedent. Keep up the good work!

The story of my being sued by Gaffey will appear in the *Corporate Crime Reporter* September 9, so after that we are all free to discuss it. Until then, please keep this information in confidence. Thank you for your help.

Sincerely yours,

Peter Montague

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