

December 10, 1931

Dr. F. R. Morton,
Standard Oil Co. (Ind),
910 S. Michigan Ave.,
Chicago, Ill.

Dear Dr. Morton:

Please accept my thanks for your letter of December 4 with its information concerning the case about which I asked you.

I appreciate the difficulties occasioned by a defense of this type of case. If it were possible from a legal point of view, to defend these cases on the basis of experimental evidence, I believe it would be worth while to carry our experimentation a bit further. However, there is a considerable doubt in my mind as to whether the same objection would be raised as has been raised in the case of your witnesses. That is, it is not possible to demonstrate that a lack of injury in the case of experimental subjects has anything to do with the existence of an injury in a given specific case. The question of contributing factors is always one which is raised, and which in my opinion can never be completely defended. There is always a sick man whose illness works upon the sympathy of Compensation Boards, Courts, and Juries, and this is always regarded as more important than any type of negative evidence.

Some years ago I carried out a series of experiments on animals, infusing into their eyes gasoline, Ethyl Gasoline, and each of the ingredients of concentrated fluid. These experiments demonstrated satisfactorily that the gasoline is more immediately irritating to the eye than any of the other materials. Furthermore, there were no delayed evidences of injury as a consequence of the treatments with tetraethyl lead, ethylene dibromide, etc. I question very seriously whether it would be either possible or advisable to have these experiments repeated on human subjects. Such subjects will stand for certain risks, but in the main they will not endure pain. This is obviously a painful type of experimentation, and one which I do not care for particularly, even in the case of animals. Thus, granting that such negative evidence, while it is important to ourselves, is of very little value in court, I am skeptical about the advisability of carrying it out.

Our largest number of complaints of injury have to do with skin diseases of one sort or another. We have demonstrated a number of these to have been due to skin parasites of one sort or another, and we have found a few instances in which the irritation was apparently a direct consequence of gasoline exposure. I do not believe experiments could be devised which could satisfactorily answer the questions which arise.

On the basis of satisfactory evidence we are in position to defend any claim that significant quantities of lead have been absorbed out of gasoline. This, which constituted the greatest danger both from a public health point of view and from a legal point of view, has been studied in such a way as to provide facts which are tenable in court cases. In fact, we have been able in an important case to set up a defense in opposition to expert testimony, which satisfactorily disposed of the case. I do not believe that any other conclusion would be arrived at before any reasonable magistrate or jury.

With kindest regards.

Sincerely yours,

RAK:ET