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US-MetLife-Sarawac
study suppressed
with Key role by
Lanza in 1933. Same
as with asbestos,
Lanza says.

1933

MEMORANDUM

THE PRESIDENT:

The attached memoranda relate to a project for studying and eliminating the prevalence of Tuberculosis among miners in zinc mines in the Joplin zinc field. You approved, in principle, the project on my memorandum to you of October 8.

We have further discussed the matter with the United States Bureau of Mines and have received from them, after this discussion, a draft of co-operative agreement between the Department of Commerce and the Metropolitan, which is the customary basis upon which the Department enters into projects of this character.

Dr. Wright's and Dr. Lanza's memorandum of January 18 attached, comprehensively covers this subject. The agreement and that memorandum requests an appropriation from the Metropolitan for this purpose of \$8,000 a year for three years. The direct and collateral results to be obtained from this undertaking, in my judgment, not only warrant the expenditure, but make it desirable. It also should prove financially profitable.

I, therefore, respectfully request your authorization to proceed in the matter and to execute the agreement, after submission to our General Counsel.

Respectfully submitted,

Wm. H. Hall
Third Vice-President.

January 20, 1927.

222X

TRI-STATE ZINC AND LEAD ORE PRODUCERS ASSOCIATION

Fisher, Oklahoma

Jan. 21, 1933

Mr. Donald E. Cummings,
Saranac Laboratory for the study of T.B.
Saranac Lake, N.Y.

Dear Mr. Cummings:

Your paper on "Studies on Silicosis Occurring in the Lead and Zinc Mines of Ottawa County, Okla." has been gone over by the Counsel for the Association and has been submitted to the Board of Directors for consideration.

I am asked to advise you that the Board feels that nothing could be published that is so potentially damaging to the lead and zinc mine operators of this district. The possibilities of its very damaging use in the hands of some unscrupulous lawyers or others who might be interested in stirring up damage suits against the mining companies is extremely great at this time. In many states in the union there are now pending suits for hundreds of claims for total disability from occupational diseases. The mining companies now in existence here would have to bear the burden of paying for disabilities to which they were very minor contributors, if such suits are ever filed here.

It is true that a man who has given his life to an industry and has become thereby disabled should be taken care of. Efforts are being made to work out some fair way to do this, but it is no easy matter. In the mean-time, the industry could be entirely wrecked if it were saddled with the care of everyone who might be persuaded to take action against it on the grounds of disability from silicosis. You can see what a brief your paper would be in such cases.

In view of the above, the Board expresses its firm objection to the publication of your paper, although it fully appreciates the scientific value of your studies.

With kindest regards, I am

Very sincerely yours,

(Signed) M. D. Harbaugh.

M. D. Harbaugh, Sec'y

PRODUCED S/C/M/MS

001208

THE SARANAC LABORATORY FOR THE STUDY OF TUBERCULOSIS
OF
THE EDWARD L. TRUDEAU FOUNDATION

POST OFFICE BOX 111
1 CHURCH STREET
SARANAC LAKE, N.Y.

January 24, 1933

Dr. Anthony J. Lanza
Metropolitan Life Insurance Co.
New York City

Dear Tony:

I am enclosing a copy of a letter which I have received this morning from Harbaugh relative to the publication of the paper which I recently submitted to you for criticism.

Obviously the situation which confronts the Association in Ficher is a real one and I can appreciate their reluctance to have any such data placed in the hands of unscrupulous lawyers or others who might use the information against the mine companies.

There is, however, another aspect to the situation which is equally difficult. I have actually spent nearly two years of time and several thousands of dollars in accumulating the data which has gone into these papers. The first paper, which is the one under consideration, really constitutes the introduction to the series and without this evidence the following papers are more or less valueless. In other words, the following papers demand statistical proof of the conditions brought forth in the study and without this statistical proof little or no value can be attributed to them.

^{had}
We proposed publishing these papers in the American Review of Tuberculosis, which as you know has a small circulation and would not reach the hands of any except those interested in the more or less technical aspects of this disease. Moreover, it will require at least a year before the paper can be placed in print and with the elapse of such more time the study will lose considerable value.

Frankly, I believe that your own publications and those of Sayers and Meriwether disclose exactly the same conditions as I have pointed out in my paper. The method of analysis varies in each instance, but the facts are almost identical. We cannot help but feel some resentment over this work, for one reason.

PRODUCED S/C/MMS

001203

Dr. A.J. Lanza, Jan. 24, 1933, p 2

No secrecy has been maintained in gathering the data and every one concerned has known of the work in progress. If we had contemplated this action we could have literally saved ourselves years of time and thousands of dollars in expenditure. We feel that to have allowed the work to be completed and then to have refused its final publication has been most unfair and somewhat discriminating.

I am therefore appealing to you for your advice in this situation. I have offered to incorporate in the paper every possible extenuating circumstance with regard to the district itself and I have pointed out that the basic facts in 1930 do not differ materially from those previously published. Does it not seem fair that this series be allowed to be published in the American Review of Tuberculosis?

You understand, of course, that we did not appreciate when we entered upon this investigation the fact that it must be approved by the industry as well as by the Metropolitan Life Insurance Company and the U. S. Bureau of Mines. We were altogether satisfied with the necessity of complying with both your wishes and Dr. Sayers' suggestions, but had we known that it must also be approved by the Association itself, I am quite confident that the work would never have been undertaken.

As a matter of fact I did not appreciate this restriction when I was in Chicago since it was not until my return that Dr. Sayers informed me of this necessary approval. I therefore submitted part of this evidence in Chicago and it is being incorporated in the report of that conference. I shall write today in an attempt to delete this information from the record, but I suppose that it is already too late and that I shall find myself investigating silicosis in the rock piles in the Federal Penitentiary in Atlanta within the course of the next few months. Such a study would probably be interesting but I am afraid my family would object to my undertaking it at the present time.

With my very best regards, I am,

Yours truly,

Don
DONALD E. CUMMINGS
ASST. DIRECTOR

PRODUCED S/C/M/MS

DEC:CC

001204

[illegible]

January 28, 1935

Mr. Donald E. Cummings, Assistant Director,
Bureau Laboratory for the Study of Tuberculosis,
Post Office Box 551,
Saranac Lake, N. Y. A.

Dear Don:

I have your letter of the 24th with the mention of Hartough's letter to you and I do not blame you for being disturbed. Have you sent a similar communication to Sayre? If not, I think it would be well to do so. Possibly Sayre and I can put our heads together and try to do something.

As you point out, there is a lot to be said on the mine operators' side of the question. When the original agreement was made between the Bureau of Mines, the Metropolitan, and the operators, conditions were, as you know, far different from what they are now. Some of us could have foreseen this plague of damage suits all over the country which have helped employers out of their wits and for good reason. Your position in this regard is identical with mine with reference to the asbestos study. Now we have a large mine of material, representing a lot of time, energy, and money, which were put into a nation wide study of asbestos and which we cannot point. I think we simply have to recognize that in these troubled times, we have to accept a certain amount of disappointment and set back. After all, with conditions as abnormal as they are now, we have no reason to expect that we are not going to be affected.

The Public Health Service in publishing their reports were accustomed to conceal the identity of the plants studied by referring to them simply as, for instance, "a steel plant on the Atlantic Seaboard" or "the Great Lakes region," so that the establishment could not be identified except by those personally concerned in the study. I wonder if this method of protection is out of the question with respect to your work. Of course, if the vital statistics cannot be identified, they will undoubtedly lose a part of their force. You might mention this to Sayre if you think it worth while.

Sayre, incidentally, has replaced Leake who is out of the picture. I believe there will be a very considerable building up of the industrial hygiene activities of the Public Health Service from now on. At any rate, I shall drop Sayre a line to see if we cannot get together at an early date for the purpose of bringing some pressure to bear on the people in Fisher.

With best regards,

Sincerely yours,

PRODUCED S/C/M/MS

001202

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



OFFICE OF
INDUSTRIAL HYGIENE
AND SANITATION

TREASURY DEPARTMENT

BUREAU OF
THE PUBLIC HEALTH SERVICE

WASHINGTON, D. C.

January 27, 1933.

Dr. A.J. Lanza,
Metropolitan Life Insurance Co.,
New York, N.Y.

Dear Dr. Lanza:

I have had no word from Don Cummings but I have heard from Mr. Harbaugh and the operators feel very keenly that the report should not be published at this time. In justice to them, I would say that the bad picture is somewhat over-emphasized by Don due to the fact that he has not lived or been in close contact with mining camps. It would, therefore, seem much worse to him than to the mining man. I should think, *as they object* that he would find it inadvisable to publish the report if he expects to continue as a consultant to industry. His present employers are also in close contact with the Picher group and I believe they have mining interests in that field.

I think the report contains much information of interest and I sympathize with Don in his disappointment.

Cordially yours,

(R.R. Sayers)
Surgeon in Charge.

RRS/LIG

TO
ATTORNEY GENERAL
HONORABLE
WASHINGTON, D.C.
While the members of the board feel that the data contained in
your paper could be made use of by unscrupulous persons in a
manner most damaging to the industry even though the paper is
made confidential as to the location of the plants they do
not see your gains or view and also the high chance of your
losing the paper, and that it would be unreasonable
to expect the industry to pay for the paper if all
the data were made confidential. The paper would
be made confidential in the Southwest
and the data would be made confidential in the Southwest
and the data would be made confidential in the Southwest

TELETYPE TIME AND LEAD ONE
PROSECUTOR ASSOCIATION
ONE 10
MIAMI, OKLAHOMA

PRODUCED S/C/M/MS

Copy for Dr. A. J. Larza.

February 21, 1935.

Mr. Donald E. Cummings, Asst. Director,
Bureau Laboratory,
Box 200,
Sawnee Lake, N. Y.

Dear Mr. Cummings:

I have finally got an expression of opinion from the members of our Board of Directors regarding your letter of February 2nd.

While the members of the Board feel that the facts contained in your paper could be made use of by unscrupulous persons in a manner most damaging to the industry even though the paper is made unidentifiable as to the location mentioned, they do appreciate your point of view and also the significance of your scientific contribution, and they do not wish to be unreasonable or unfair in the matter of publication of the paper.

In line with your suggestion, they feel that no reasonable objection can be offered to the publication of your paper if there is deleted from it all matter which makes its substance identifiable as to the area concerned. The title "Studies on Silicosis Occurring in a Metal Mining District in the United States," is suggested, rather than in a Southwestern Mining Community.

I went through the paper with the idea of making some suggestions on the necessary deletions, but it became apparent that you would need to make so many revisions that I felt you could make them better with a free hand. It will require the deletion of references to Oklahoma, Ottawa County, Joplin, lead and zinc, persons, institutions (including this association and the Clinic) and various other matter. After you have revised the manuscript we should like the opportunity to inspect it before it is published and has been accomplished, since there might be some doubt as to some of the points involved. I assure you that this need not delay it longer than to mail it here and back.

001178

Sheet # 2 - 8-21-53
Donald H. Cummings.

I fully appreciate your position in this whole matter for I am extremely interested in the progress of scientific work. I believe that the publication of the paper in this form will not detract from its fundamental value to those who are really interested in it from a scientific standpoint.

Incidentally, I recently discovered that the copy which you first sent me.

With kindest personal regards, I am

Very sincerely yours,

M. D. Harbaugh
M. D. Harbaugh, Jr.

C.S.
Dr. A. J. Lemm
Dr. R. R. Sayre.

PRODUCED S/C/M/MS

001180

March 24, 1943

Dr. R. R. Sayers, Surgeon,
United States Public Health Service,
Division of Industrial Hygiene,
Washington, D. C.

Dear Doctor Sayers:

You have no doubt received a copy of a letter addressed to me by Mr. Harbough relative to the publication of the studies on silicosis occurring in the Fisher district.

Dr. Gardner and I had discussed this matter at some length and it appears to us that to deprive the paper of any reference to the type of industry or to its geographic location, robs it of any real significance in the eyes of the people who might be interested in it.

Since your own publications from this district are now available, it seems to me only fair that my own data be published without restrictions. In other words, it seems to me that all those interested can obtain from your publications all of the data presented in my own paper and I cannot therefore, see why there should be so much restriction imposed upon us, particularly since the work was carried out under your auspices. I am, therefore, appealing to you for permission to publish the paper as it was originally forwarded to you or for your good counsel with regard to the whole matter. I think you realize that to attempt to revamp this paper now needs to entirely rewrite it - a task which I do not relish especially since I have taken such infinite patience in the preparation of the original. Please inform me what your opinion is in regard to this matter at your earliest opportunity.

With kindest personal regards, I am

Very truly yours,

WAS A
cc to Dr. A. J. Lanza

104-67
PRODUCED S/C/M/MS

001178

Author: [illegible]
Receiver: Cummings
Comments:

"I talked it over with Sayers and he feels very strongly that if you and the Saranac Laboratory are going to stay in the consulting business with respect to the mining industry, it will not be possible for you to publish these papers, at least at the present time. I myself somewhat reluctantly feel inclined to agree with him."

In that respect, as I pointed out to you, I am in the same position as you are with the investigation of the asbestos industry.

April 11, 1937

Mr. Donald E. Jennings, Assistant Director, **PRODUCED S/C/M/MS**
 The Saranac Laboratory for the Study of Tardigrades,
 7 Church Street,
 Saranac Lake, N.Y.

Dear Don:

I found your letter of April 8 on my return from Pittsburgh. I am very much afraid that I have not much of comfort to you. I talked it over with Sayre and he feels very strongly that if you and the Saranac Laboratory are going to stay in the consulting business with respect to the mining industry, it will not be possible for you to publish these papers; at least at the present time. I myself somewhat reluctantly feel inclined to agree with him.

The mining companies in Michigan, with whom you have been in contact, have interests in the Fisher District. If these papers are published against the wishes of the Tri-State Association, you will undoubtedly promptly feel the repercussions elsewhere. As I said before, I feel the whole situation is unfortunate but it is one of those things that can not be helped. I think it is important that the Saranac Laboratory establish and maintain contact with industrial firms because it is going to be increasingly necessary for industry to have available a thoroughly scientific and impersonal establishment with which it can do business. At the same time, we must recognize that the present disturbed conditions of affairs, with the extraordinary multiplicity of damage suits for silicosis is not only very disturbing but necessitates that all of us who are in contact with industrial firms proceed with a great deal of caution. I understand that Oyster lawyers are beginning to stir things up in Fisher and Miami, which makes the situation with respect to the Tri-State Association still more difficult. On the other hand, I feel fairly certain that when the industrial situation starts to clear up, you will be able to bring your reports up to date and have them published. In that respect, as I pointed out, you are in the same position as we are with the investigations we have made in the asbestos industry.

With best regards,

Sincerely yours,

001170

A. J. Lanes, M.D.

DR. KNIGHT
MEDICAL DIRECTOR

On April 25th, Dr. Gardner and Mr. Cummings of the Bureau Laboratory came to the Mine Office for a conference with Dr. Meyers, Dr. McConnell, you and myself. A very thorough discussion was had of all the various actual interests associated with the pieces of research being carried on at Bureau and at the Bureau of Mines Laboratories in Pittsburgh. In view of the very unusual condition of affairs obtaining in various parts of the country, with respect to the suits for occupational diseases and particularly the unsatisfactory condition in the Picher, Oklahoma District, it was agreed by all present that certain reports dealing with studies made in Picher should not be published at this time but that publication should be deferred until a more reasonable time.

I enclose the expense accounts of Dr. Gardner and Mr. Cummings in connection with this trip.

May 5, 1935

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

PRODUCED S/C/M/MS

001148

PLAINTIFF'S
EXHIBIT

5201.0

PRODUCED S/C/M/MS

DR. ARTHUR
THOMPSON PRESIDENT

I think Dr. Garner's report covers the work very well. I expect to see Dr. Sayers today and will get him to prepare a similar statement for the Public Health Service.

Both Dr. Sayers and I were instrumental in establishing Garms Laboratory in the industrial consultation field. This work has grown until now the annual fees received from various corporations by the Garms Laboratory amount to over \$50,000 annually.

October 10, 1935


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

003299

PLAINTIFF'S
EXHIBIT
5207-0

EXHIBIT

1660 (2)

1933

The Saranac-Laboratory
for the
Study of Tuberculosis

OF THE EDWARD L. TRUDEAU FOUNDATION

REPORT OF DIRECTOR
AND
FINANCIAL REPORT

FOR THE YEAR ENDING SEPTEMBER 30, 1933

REPRINTS OF SCIENTIFIC PAPERS

The Saranac Lake Academy of Medicine

1960

THE SARANAC LABORATORY FOR
THE STUDY OF TUBERCULOSIS
OF THE

EDWARD L. TRUDEAU FOUNDATION

Leroy U. Gardner, M.D.	.....	Director and Pathologist
Thomas M. Durkan, M.E.	.....	Assistant Chemist
Winfield O. Kelley, B.A.	.....	Clinical Pathologist
Douglas S. McCrum, B.S. (E.E.)	.....	Photographer
Morris Dwarshi, C.P.H.	.....	Assistant in Experimental Pathology
Catherine M. Cummings	.....	Librarian and Secretary
Roy Dayton	.....	Financial Secretary
James V. Luttrell	.....	Purchasing Agent and Technician
George Hulpritt	.....	Technician
Anthony Delahant	.....	Technician
Andrew J. Redlin	.....	Voluntary Assistant in Chemistry
Everett L. More	.....	Voluntary Technical Assistant
William LaBounty	.....	Assistant
Henry C. Stout	.....	Assistant

FIELD AND CONSULTING STAFF

Donald E. Cummings, B.S.	.....	Assistant Director in Charge of Field Work
Homer L. Simpson	.....	Consulting Roentgenologist
Daniel M. Brumbel, M.D.	.....	Clinical Consultants
Robert N. Downs	.....	X-Ray Supervisor
Richard Libbey	.....	X-Ray Technician
Richard Walters	.....	X-Ray Technician
Dorothy P. Rogers	.....	X-Ray Stenographer

PLAINTIFF'S
EXHIBIT
1660 (11)

The two remaining reprints in this volume are by Dr. Brumfield and Dr. Jameson respectively. The former deals with cardiac displacement in chronic tuberculosis and the latter is a report of further observations on experimental genital tuberculosis.

Finances

The accompanying financial statement for the past fiscal year shows a balance in the treasury. This was made possible by various economies and by the receipt of income that was not anticipated when the budget was prepared and the work for the year was planned. The extra income was derived from contributions to the Academy of Medicine, from the contract with the U. S. Gypsum Company and from a contribution of \$100 from "a group of friends". These friends are a number of industrialists in Milwaukee and the vicinity who, under the leadership of Mr. Benjamin E. Kuechle of the Employers Mutual Insurance Company, and Mr. Harold Falk, raised a fund to bring together a group of specialists to inform themselves about silicosis. This was the meeting mentioned in last year's report which Mr. Cummings and the director, among others, addressed in Chicago. After all expenses for this meeting had been paid an unexpended balance was turned over to the Laboratory for research purposes. We take this opportunity to thank them publicly for their help.

For the coming year an income of approximately \$42,000 is anticipated from various sources. Salaries have been raised at least to the same level as they were before the enforced reduction of last year and in some instances there have been further increases commensurate with the services rendered. One additional man has already been placed upon the payroll of the research staff and another will be employed some time during the year. Six new names appear on the payroll of field personnel and Mr. Cummings has been transferred from laboratory to field work.

The field expenses and moneys allocated to the x-ray department will amount to approximately \$16,500, leaving a balance to be expended in the Laboratory of about \$21,500. With the increases in salary that have been made this sum will hardly be adequate to carry on the full program of research that has been outlined. However, we have fairly good assurance that certain new sources of income will become available and that some of the older pledges on which we had not counted may be renewed. All receipts from the Academy of Medicine will be devoted to carrying the diagnostic department. The only contribution that will be asked of the Trudeau Foundation, whose income is depleted, will be a fellowship for the maintenance of the clinical diagnostician.

It is a pleasure to acknowledge our debt and sincere appreciation to all the friends who have so loyally supported the Laboratory during a trying period. The assistance of the many lay contributors to the Academy of Medicine is extremely gratifying. The contributions of one large donor, the Metropolitan Life Insurance Company, have been the mainstay of the experimental work during the past five years. To this company we are deeply grateful.

The outlook for the coming year is brighter, but we have greatly widened the scope of our work and it behooves us to be diligent in seeking out new sources of support. It is hoped that our activities may justify the trust that has been placed in us.

EXHIBIT
 1660 123

by Dr. Brumfiel and Dr.
cardiac displacements in
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about silicosis. This was
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turned over to the Labor-
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one large donor, the Metro-
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may justify the trust that

RECEIPTS AND EXPENDITURES

SARANAC LABORATORY FOR THE STUDY OF TUBERCULOSIS

1932 TO OCTOBER 1, 1932 TO SEPTEMBER 30, 1933

Receipts:

Balance on hand Oct. 1, 1932	\$2,353.70
From endowment held in trust by Trudeau Foundation:	
Interest on securities	\$2,450.00
Interest on cash balances	11.22
	<u>\$2,461.22</u>
Gifts for maintenance of work:	
Adirondack Fund for the	
Tuberculous	1,000.00
Anonymous (per Dr. Baldwin)	100.00
Tajma Mueser Eckert Fellowship	1,000.00
"Group of Friends"	100.00
Metropolitan Life Insurance Co.	1,000.00
Milbank Memorial Fund	1,000.00
Miscellaneous donations	120.00
Oglebay Norton & Co.	1,750.03
Saranac Lake Academy of Medicine	2,010.00
U. S. Gypsum Company	2,375.00
U. S. Public Health Service	1,099.98
Total of gifts	<u>19,955.01</u>
From Trudeau Foundation	1,000.00
	<u>25,416.23</u>
Total Receipts (carried forward)	\$28,269.93

*See following pages for list of donors

RECEIPTS AND EXPENDITURES

SARANAC LABORATORY FOR THE STUDY OF TUBERCULOSIS

OCTOBER 1, 1932 TO SEPTEMBER 30, 1933

Total Receipts (brought forward) \$18,269.91

Disbursements:

Salaries	\$17,452.48
Animals and feed	1,147.10
Supplies and equipment	1,232.40
Fuel	506.56
Gas	136.55
Light and power	335.45
Telephone	95.37
Laundry	81.94
Repairs	79.32
Library	544.99
Publications	218.55
Traveling expenses	271.82

Animal House:

Building	92.22
Equipment	810.59

922.81

Miscellaneous expenses and supplies . 185.22

Contingent: extra supplies

and equipment for new work . 864.90

Total cost of work carried on

\$24,115.06

Donation returned to donor 500.00

Total disbursed

\$24,615.06

Balance on Hand Sept. 30, 1933 3,554.85