

February 12, 1929

Mr. A. E. Mittnacht

Dear Mr. Mittnacht:

In accordance with the request in your letter of January 31 that I follow through to a conclusion the case wherein Prohibition Agents held up a shipment of ETHYL Fluid and took a sample from one of the drums en route via Cline truck to Philadelphia on January 28, 1929, I give herewith this report on the investigation of the situation.

On January 28, 1929 we forwarded to Philadelphia via the H. G. Cline Trucking Company 15 drums of ETHYL Fluid consigned to the Quaker Line west bound to the Associated Oil Company at Avon, California. In trucking this material to the steamer wharves it is necessary to cross the new Camden bridge connecting Camden and Philadelphia. On this bridge the truck driver was stopped by the Philadelphia police and questioned regarding the contents of his truck. Although he displayed his copy of the Bill of Lading describing the material and at the same time made reasonable identification of both himself and the material, nevertheless he was placed under arrest and taken to the Philadelphia 4th District Precinct and held. The driver immediately got in touch with Mr. Cline, who in turn telephoned me. I called the police captain at this Precinct and explained the situation to him, asking him to be absolutely certain that no samples were withdrawn from the drums until the agents were entirely aware of the hazards involved and were instructed in the prescribed method of sampling. I also referred him to Mr. P. J. Lutz, Inspector of the Bureau of Explosives, who could identify the shipment and present the necessary credentials for its release; I also mentioned the Quaker Line, who would be in a position to do likewise. The police captain assured me that he would do everything possible to prevent any sampling of the material and said that upon the information that I had furnished he would release the truck at once without having samples taken. He did let the driver go. But on the other hand, he made no effort whatsoever to prevent sampling of the material by the two Federal Prohibition Agents from the Philadelphia office who were called in.

These two agents upon arrival at the Precinct requested a rubber hose to syphon the contents of one of the drums and were evidently going to suck on the hose in order to obtain a suction but fortunately a hose was not obtainable. I shudder to think of the result if either one of these men had

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swallowed any ETHYL Fluid. Unable to find a rubber hose they then secured a small Coca Cola bottle, tied a cord around the neck, and dropped the bottle into the drum through the bung opening. Upon filling the bottle they removed it from the drum, took hold of the bottle (while wet on the outside) with their bare hands and transferred the contents into a larger bottle which they took back to their laboratory in the Federal Administration Offices. As mentioned before, the driver was released (after having witnessed the above procedure) and permitted to go on his way to deliver his load to the Quaker Line Steamship Company. The drum from which the sample was taken was in a very bad condition, the Fluid having been slopped over the side, and no effort was made to clean it up. In handling this drum at the pier there was a good opportunity for Fluid contact by the stevedores. Fortunately we were able to get in touch with the Quaker Line and have the drum set aside before freight handlers could get in contact with it. We also sent our Mr. Armstrong up to the scene immediately. He cleaned the drum entirely with kerosene; shellaced over the stain, and repainted the drum so that it was in perfectly good condition before it was offered for loading on deck on the Quaker Line Steamer.

Returning to the matter of the two agents who took the sample, I interviewed these two men yesterday and supplementing the procedure mentioned above, I find the following facts.

Upon taking the sample, one of the men wrapped the bottle in a newspaper and put it in his pocket and carried it down town to their laboratory. The chemist in charge of the laboratory knowing that the material was alleged to be ETHYL Fluid containing Tetra Ethyl Lead made no effort to analyze it on account of having no suitable facilities and poured the contents down the sink. About this time Mr. Lutz appeared on the scene and happened to be in the laboratory when they were going to throw the bottle in the waste-basket. This would have been another potential source of a hazard. Upon Mr. Lutz's request they wrapped the bottle up very carefully and destroyed it by throwing it into the Delaware River. One of the two agents, Mr. L. Logan, said that he did not realize the poisonous properties of the material even though he had read the warning sign on the drum. He said that one of his hands was completely stained red for a period of two days, and that he did not take any extra precautions to wash it off immediately. The other agent, Mr. F. F. Gruber, said that he also "got some of the red stuff on the hands but thought nothing of it." This is indeed a pretty mess and I think that we should take immediate steps to subject these two men to a medical examination. Although they look perfectly healthy and might not suffer any ill effects I do not think we should run the chance of not having them examined.

In fact I have already suggested to Colonel S. O. Wynne, Prohibition Administrator, whom I interviewed yesterday, that we have one of our medical examiners call around to see his two men in the immediate future. He not only was in accord with this idea but said that if it was at all possible

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he certainly would appreciate our doing this. In addition to talking to Colonel Wynne himself, I also talked to Mr. T. J. Butler, Chief of Alcohol Division, Philadelphia District. I explained to these men the dangers involved in their men taking samples of ETHYL Fluid promiscuously. They were quite interested in the case and will be very willing to co-operate with us in the future. I am going to forward to them samples of our warning and trade-mark labels and give them a description of our package in order that they may post this information in their office so that their agents can readily identify it; and if it becomes necessary to take a sample, they will know the necessary steps and precautions.

I also explained to these two gentlemen that Philadelphia would probably be our only artery for outbound shipments into the various places in this country and that since this condition is purely local I did not believe it will be necessary to take steps with the Federal Prohibition Administration in Washington regarding the sampling of ETHYL Fluid at other points.

I find that not only are the Federal Agents stopping trucks at random but that the Bureau of Police at Philadelphia are taking a similar procedure. Accordingly, I called upon Commissioner Wm. B. Mills, Superintendent of the Bureau of Police in Philadelphia, and talked over the situation with him where again I received very good co-operation. In this connection Superintendent Mills has given me a letter which is to be carried by the operators of the motor trucks for H. G. Cline when they are hauling ETHYL Fluid. The letter is addressed to all police commanding officers of Philadelphia and states that if the driver of any of these trucks is placed under arrest or his vehicle detained, that he will be permitted to immediately call the office of the Superintendent of Police before they interfere in any manner whatsoever with the contents of the truck.

I believe that with the co-operation manifested by both the Federal Prohibition Administrator and Superintendent of Police at Philadelphia we shall have no further trouble on this point.

In concluding this report I would appreciate it very much if you would convey to Colonel B. W. Dunn, Chief Inspector of Bureau of Explosives at 30 Vesey Street, New York City our thanks and appreciation for the co-operation his department, through Mr. P. J. Lutz, has given us in this matter. If it were not for Mr. Lutz we probably could not have made such a prompt and satisfactory conclusion of this affair with the authorities in Philadelphia. That part of the investigation carried on by Mr. Lutz was not done in the usual performance of his regular duties involved in the I. C. C. regulations but in a spirit of co-operation and as a humanitarian to see that materials, such as ETHYL Fluid, are to be handled in only a prescribed fashion, and under no conditions as promiscuously as is illustrated in the above, and in order to protect any persons who may come in future contact with this material.

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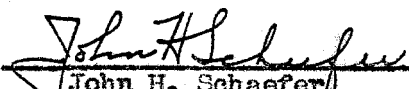
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Referring to the matter of having a medical examination made on the two agents mentioned in the above, I would appreciate it if you would act upon this immediately and arrange with Dr. Kehoe to have one of his men call at the Earl Building, in Philadelphia to give the necessary examination. Before our medical examiner calls, however, he should arrange through correspondence with Colonel Dunn as to the time that he may call in order that the two men in question be kept in the office at that time.

I am sending Dr. Kehoe a copy of this letter for his information.

Yours very truly,


John H. Schaefer

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