

1 THE LAW CLERK: 10 minutes, counsel.

2 MR. SHELLENBERGER: Thank you.

3 This is their own document, ladies and
4 gentlemen. This is their own document that in 1943,
5 seven years before Jean Vandergucht breaths that first
6 dust, they know about a first class hazard.

7 Down here, November 1948, Saranac writes
8 back to Bowes, and, ladies and gentlemen, I am going
9 to show you this one.

10 (Whereupon, the document was published to
11 the jury via the overhead projector.)

12 MR. SHELLENBERGER: I realize our findings
13 regarding Kaylo are less than favorable. However,
14 since Kaylo is capable of producing asbestosis, it is
15 better to discover it now in animals rather than later
16 in industrial workers.

17 Do you see the date on that? 1948, ladies
18 and gentlemen. That is Owens-Illinois. Owens-
19 Illinois.

20 Do you know what they are doing? Do you
21 know what they are doing? Do you know what they do

1 You know what they decide to do? What they
2 decide to do is because they want to promote
3 fiberglass, they try and figure out a way to trash the
4 competition, asbestos-containing pipecovering and
5 block, so what do they do?

6 They are testing their fiberglass and in '41
7 they get a letter back from Saranac Labs saying
8 fiberglass will not cause injury like asbestos.

9 I mean, he is telling them that right off
10 the bat, and they have a history of information with
11 Saranac Labs and knowledge, and what is very
12 important, ladies and gentlemen, what is very
13 important, in 1942 a man named Ames who was an
14 assistant to -- an assistant at Owens-Corning writes a
15 letter to Marshall who is a lawyer and a copy goes to
16 this man named Boeschenstein who is the head of
17 Owens-Corning, and it is called the weapon in reserve
18 document.

19 What is going on here, ladies and gentlemen,
20 is that Owens-Corning Fiberglas is trying to sell
21 their product. So what they want to do is they want

1 with that report? This is a brochure from Owens-
2 Illinois.

3 Down the bottom here it has got Owens-
4 Illinois and I know it says fiberglass at the top,
5 that is when they had the overlap.

6 Down the bottom Owens-Illinois. Do you see
7 what it says up here? Nonirritating to the skin and
8 nontoxic. Nontoxic.

9 Do you know what year this was pointed out?
10 1956. Do you see it up in that corner? Do you see it
11 up in that corner? 1956.

12 They are putting out a brochure saying their
13 material is nontoxic after the knowledge that they
14 had.

15 They try and keep the report confidential.
16 They talk about precautions. Ladies and gentlemen of
17 the jury, actual knowledge.

18 Let's talk about Owens-Corning Fiberglas.

19 Owens-Corning Fiberglas formed in 1938.

20 They are a different company. They are making
21 fiberglass.

1 to get together what they call an arsenal so they can
2 show the unions and the workers why their product
3 should be used instead of asbestos. Why their product
4 should be used instead of asbestos.

5 So in 1942, ladies and gentlemen, Ames
6 writes this plan on what they are going to do, and
7 this is their own document. Strategy for 1942.

8 (Whereupon, the document was removed from
9 the screen of the overhead projector.)

10 (Whereupon, the document was published to
11 the jury via the overhead projector.)

12 MR. SHELLENBERGER: What we need to do is
13 gather as a weapon in reserve an impressive file of
14 photostats of medical literature on asbestosis.

15 Available are two bibliographies covering
16 medical literature up to '38 citing references to
17 scores of publications in which the lungs and skin
18 hazards of asbestos are discussed.

19 This file will cover five to 600 pages which
20 can be microphotographed in the library of the Surgeon
21 General in Washington or some other medical library.