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DOCUMENT DESCRIPTION: Legal - Deposition of Charles H. Roemer

1 UNITED STATES CLAIMS COURT
2 CIVIL NO. 465-83C
1-84C
3 688-83C

4 JOHNS-MANVILLE CORP.,
5 et at., :

6 Plaintiffs, : CIVIL ACTION

7 v. : DEPOSITION OF:

8 UNITED STATES OF AMERICA, : CHARLES H. ROEMER
9 Defendant. :
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10 TRANSCRIPT of deposition taken by and
11 before CAROL ANN BRUMETT, a Certified Shorthand
12 Reporter and Notary Public of the State of New
13 Jersey, at the TREADWAY INN, KENNY PLACE, SADDLE
14 BROOK, NEW JERSEY, on WEDNESDAY, APRIL 25, 1984,
15 commencing at 9:35 in the forenoon.

16 APPEARANCES:

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19 -and-

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I N D E X

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
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CHARLES H. ROEMER				
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BY MR. BAGNI	3		62	
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BY MR. HOLLINGSWORTH		33		
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BY MR. PARNELL		38		
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1 C H A R L E S H. R O E M E R, having been duly
2 sworn by the Notary, testifies as follows:

3 MR. MERREY: I think, just at the
4 outset, we ought to for the record indicate that
5 Mr. Roemer is appearing pursuant to your subpoena
6 for notice of deposition, and further that Judge
7 Peckham has indicated whether it will be
8 formalized in a form of order or transcript which
9 you sent me, but this deposition is not to be
10 deemed in violation of the restraining order, if
11 you will, that was concerning Mr. Roemer's prior
12 deposition on the bankruptcy matter.

13 MR. BAGNI: For the record, I will read
14 Judge Robert F. Peckham's order, which is dated
15 April 19, 1984, and which was prepared during a
16 telephone conference with the Court. The Court
17 states as follows: "I will direct that Mr. Roemer
18 proceed to be deposed and that the sealed order
19 heretofore made by the bankruptcy judge in the
20 Southern District of New York does not extend to
21 precluding the taking of his deposition."

22 DIRECT EXAMINATION BY MR. BAGNI:

23 Q. Sir, please state your full name and
24 address.

25 A. My name is Charles H. Roemer, and I

1 reside at 37-27 Verdan Avenue, Fair Lawn, New
2 Jersey.

3 Q. How old are you, Mr. Roemer?

4 A. 85.

5 Q. Tell us your birth date.

6 A. February 5, 1899.

7 Q. And as Mr. Merrey indicated at the
8 outset, you were subpoenaed to come today and give
9 your deposition testimony.

10 A. That's correct.

11 Q. Have I ever talked to you in the past
12 prior to this deposition about your deposition
13 testimony?

14 A. No, you haven't.

15 Q. And the first time we ever met was
16 outside the deposition room a few moments ago?

17 A. Yes.

18 Q. We understand, all of us, I've had
19 numerous conversations with your counsel, that you
20 are suffering from poor health, that you do have a
21 heart problem, and we're all very cognizant of
22 that, and we're willing to do whatever we have to
23 do to accommodate you. If at any time during the
24 course of the deposition you would like to take a
25 break, please feel free to ask for the recess and

1 I'm sure we'll all --

2 A. Thank you very much.

3 Q. What is your profession?

4 A. I'm an attorney at law of New Jersey.

5 Q. And are you presently practicing?

6 A. No. I retired on November 1, 1983.

7 Q. How long had you practiced in New
8 Jersey?

9 A. I was admitted to the Bar in February,
10 Bar of the New Jersey Supreme Court, in 1920.

11 Q. Was your professional life entirely
12 spent in New Jersey?

13 A. Yes, sir.

14 Q. What was the nature of your practice?

15 A. General practice. I did no criminal
16 work.

17 Q. Are you familiar with the Union
18 Asbestos and Rubber Company also known as Unarco?

19 A. I'm very much familiar with it.

20 Q. Did you ever have occasion to represent
21 Unarco as counsel?

22 A. No, not Unarco. My first contact with
23 its predecessor, I believe, was Union Asbestos and
24 Rubber Company, and that was brought about by
25 reason of the fact that I was then the chairman of

1 the Paterson Industrial Commission, and as a
2 result of the depression and the charges brought
3 about by obsolescence and otherwise in the dominant
4 industry of the city, which was silk manufacturing,
5 the Commission was created to attract new
6 industries, because as a result of this dual
7 depression, in other words, the world and our
8 nation was suffering from the great depression of
9 1929, we suffered a double depression, because it
10 was just about in that period that all this
11 obsolescence in the silk industry took place. In
12 other words, all the synthetic materials, like
13 rayon and so forth, these artificial fibers came
14 into being, and as a result of that, practically
15 all the silk looms of Paterson became obsolete,
16 and not only that, but because of the difference
17 in the, I suppose, chemical composition of the
18 silk created by silk worms and the artificial
19 fibers which came from Dupont, the dyeing industry,
20 the silk dying industry was made obsolete, and --

21 MR. MERREY: Excuse me Charlie. This
22 is interesting history. I don't think it is the
23 thing that Mr. Bagni and the other attorneys are
24 concerned with. Your involvement with the
25 Industrial Commission and Union Asbestos.

1 THE WITNESS: Well, except that as a
2 result of that, advertisements were put in the New
3 York papers, and one of the responses to one of
4 those editorials -- one of those advertisements
5 was Mr. Cohen, who was the president then of the
6 Union Asbestos and Rubber Company, and I met Mr.
7 Cohen who came to Paterson. We had a very lengthy
8 conference.

9 Q. Can you tell us what year that was, sir?

10 A. That would be, I think it was right
11 after Pearl Harbor, so it must have been early in
12 1942, because the Pearl Harbor attack took place
13 on December 7, 1941, and it was then that Mr.
14 Cohen told me he had been ordered by the United
15 States Government to establish an asbestos plant
16 in the vicinity of either the New York or Brooklyn
17 Navy Yard or the Philadelphia Navy Yard, so that
18 he wanted me to explain to him the advantages of a
19 Paterson location.

20 Q. Would you explain to us what you mean
21 by ordered? You said the United States had
22 ordered --

23 A. Well, Mr. Cohen told me that he was the
24 head of a firm that manufactured asbestos bricks
25 for railroad cars, and that by reason of their

1 experience with the material, that he had been
2 ordered, that was the term, I think, that's very
3 appropriate, and I think it's the one he used. In
4 other words, he wasn't opening -- as I understood
5 it, he wasn't opening his plant by reason of any
6 order of his own board of directors, and it was --
7 and he was to do something that they weren't doing
8 in Cicero, which was the place where they
9 maintained their plant.

10 Q. What did he tell you that Unarco was
11 expected to do at the Paterson plant?

12 A. He said that with the destruction of
13 our Navy, really, at Pearl Harbor, because we
14 didn't maintain much of an Atlantic fleet, he said,
15 and I know that myself from my historical studies,
16 that we would have to become a seven ocean -- we
17 would have to create a seven ocean navy, and that
18 he would have to create a plant that would we have
19 and manufacture asbestos blankets, because they
20 would, of necessity, have to build many torpedo
21 boats and destroyers and smaller vessels which had
22 to contain very high speed engines and so forth,
23 but in order to be small and fast, that would all
24 have to be -- the engine part of the vessel would
25 have to be contained in the smallest amount of

1 space imaginable, and under the circumstances, he
2 couldn't weave these blankets by the use of
3 American or Canadian asbestos because the American
4 asbestos or the Canadian asbestos was very short.
5 It was only about an inch or an inch and a quarter
6 long, whereas the asbestos which the government
7 was to supply came from Africa. I forget whether
8 he said north Africa or south Africa, but he said
9 that the asbestos thread was much longer and lent
10 itself to the weaving process, and that the plant
11 that he was to establish near one of these two
12 Navy yards would have to weave and make asbestos
13 blankets which could be wrapped around the pipes.
14 He sort of explained to me that asbestos is used
15 in most homes for wrapping around the return pipe
16 to the boilers of the houses, but that would mean
17 that each pipe would have to be covered in that
18 fashion, and it would take so much room that with
19 blankets made of this African asbestos, they could
20 concentrate the engine in the smallest amount of
21 space to give the Navy -- navel vessel the maximum
22 speed because these smaller vessels, especially,
23 aren't necessarily intended to destroy the enemy
24 but to disable them, so they have to get in and
25 out fast. Now, I -- that was substantially what

1 he told me during this Paterson conference.

2 Q. Let's see now. Did he ever indicate to
3 you that Unarco would be engaging in these
4 manufacturing activities in Paterson for purposes
5 of profit?

6 A. He never discussed that with me at all.
7 I assumed, of course, that he -- that the company
8 would be compensated.

9 Q. Did he ever discuss with you whether or
10 not the government was helping to defray the cost
11 of establishing a new factory?

12 A. As far as I knew, there was no
13 discussion of that at all.

14 Q. Now, he explained what Unarco was
15 wishing to do. Did you then explain to him what
16 the virtues of locating in Paterson might be?

17 A. Yes.

18 Q. I see. And presumably there then came
19 a time when Unarco established a factory or a
20 plant in Paterson?

21 A. Yes. We had just the plant that they
22 wanted.

23 Q. I see. Were you instrumental in
24 helping to facilitate the movement of Unarco into
25 that plant?

1 A. Absolutely.

2 Q. And what was your function?

3 MR. PARNELL: Excuse me. You say
4 Unarco, and he says Union Asbestos and Rubber
5 Company. I'm not sure they're the same thing, for
6 my own classification.

7 Q. Do you distinguish Unarco --

8 A. I only knew Unarco was Union Asbestos
9 and Rubber Company of Chicago. Their plant was in
10 Chicago, but they were in Cicero.

11 MR. BAGNI: Are we talking about the
12 same thing, counsel, Unarco and Union Asbestos and
13 Rubber Company?

14 MR. ROMNESS: We never established.
15 Whatever is comfortable.

16 A. I assume when you say Unarco, you mean
17 only the company I knew.

18 Q. Yes, sir.

19 Q. So you were saying that you were
20 instrumental in facilitating the movement of
21 Unarco into this particular plant. And how did
22 you help to facilitate the move?

23 A. Well, number one, the manager of the
24 plant was a very wonderful young engineer by the
25 name of Robert Cryor, C-r-y-o-r, and he had an

1 assistant manager by the name of Ed Shuman,
2 S-h-u-m-a-n, and both of them, Mr. Cryor came from
3 Chicago, Mr. Shuman, I think, had his origin in
4 the New York area, but neither of them knew where
5 the water company was. Neither of them knew where
6 the City Hall in Paterson was. Neither of them
7 knew where the public service utility company was
8 in Paterson. In other words, because of my
9 chairmanship of the Industrial Commission, I told
10 them that they were -- I was available to do
11 anything that I could to help in promoting the
12 welfare of the company in Paterson.

13 Q. Let's see now. Once the company became
14 established in the plant, did you ever have an
15 opportunity to go to the plant?

16 A. Oh, yes.

17 Q. And did you have an opportunity to
18 actually see the operations?

19 A. I certainly did.

20 Q. Do you recall -- did you actually go
21 down on the floor where the blue collar people
22 were working?

23 A. Absolutely.

24 Q. Do you recall whether you saw any dust
25 in the air?

1 A. I don't recall any serious amount of
2 dust. I know that the weaving process itself
3 produces some dust, but I was in that plant a
4 number of times. At a matter of fact, I was
5 subsequently examined by virtue of my visits to
6 see if I had asbestosis, and, thank God, Dr.
7 Selikoff told me that I was okay.

8 Q. Sir, were any of the -- did you ever
9 see any of the employees at the plant wearing any
10 kind of protective devices?

11 A. I certainly did. As a matter of fact,
12 they were supplied with the most expensive miners'
13 masks, which they were required and ordered to
14 wear, and in order to give the company -- when I
15 say company, I mean Union Asbestos, in order for
16 the company to have some discipline in the matter,
17 they paid, I forget now whether it was five or ten
18 cents an hour over the union scale, so that the
19 company could make sure that they always wore
20 those masks. In other words, most Americans, I
21 think, are free booters, and we don't like to have --
22 wear masks or anything else, so there is a natural
23 tendency, I think, to sort of kick them off
24 occasionally. You know? But in order to make
25 sure that they wore these masks, and they were

1 quite expensive, according to what Mr. Cryor told
2 me, and as I say, they were paid more than wage
3 scale to make sure that they did wear them, had to
4 wear them.

5 Q. Did you ever see any Unarco employees
6 on the floor involved in the manufacturing process
7 not wearing their masks?

8 A. No.

9 Q. When you walked on the floor, did you
10 wear a mask?

11 A. No.

12 Q. Did Mr. Cryor wear a mask?

13 A. No.

14 Q. Mr. Shuman?

15 A. No.

16 Q. Are you familiar with a process called
17 finishing?

18 A. Finishing?

19 Q. The finishing process.

20 A. No.

21 Q. Let me put it to you another way. Did
22 you ever, during your visits to the plant, ever
23 see employees sawing asbestos blanket or asbestos
24 blocks?

25 A. No, I did not. I don't recall that.

1 MR. PARNELL: Read back the question
2 and answer.

3 (Pertinent portion read by the
4 reporter.)

5 A. No, I did not.

6 Q. You did not see them sawing?

7 A. No. I did not.

8 Q. Who was Dr. Jack Roemer?

9 A. He was a distant cousin of mine, and he
10 was generally recognized as the outstanding x-ray
11 specialist in the Paterson area.

12 Q. I see. So he was -- his specialty was
13 radiology?

14 A. That was his specialty, yes.

15 Q. And you say his reputation in the
16 medical community was he was the leading
17 radiologist in the Paterson area.

18 MR. PARNELL: With all due respect, I
19 have to object. I don't know that Mr. Roemer is
20 in the position to testify as to what his standing
21 was in the medical profession.

22 A. He was elected president of the Passaic
23 County Medical Society, and he testified as an
24 expert in many court proceedings, especially in
25 accident cases, and I remember one occasion when

1 Judge Selzer in the circuit court wanted to send a
2 message to the Passaic County Medical Society, and
3 he took occasion to do it via that. That was
4 right in the open courtroom.

5 Q. Was Dr. Roemer associated with Unarco?

6 A. Yes. Well, associated, I mean in this
7 sense, that Mr. Cryor told me that he wanted all
8 his prospective employees to be x-rayed before
9 they were hired, and he wanted them x-rayed every
10 six months thereafter, and in accordance with our
11 arrangement, he called me and asked me to
12 recommend a Paterson x-ray man, and I told him
13 that Dr. Roemer was my relative but that that had
14 nothing to do with my judgment, that I felt that
15 he was the best man that could be employed by them,
16 and I, upon my recommendation, they retained Dr.
17 Roemer to do the x-ray work as I've indicated.

18 Q. So in the x-ray work that you've
19 indicated is Dr. Roemer would take the x-rays of
20 the prospective employees and would follow that up --

21 A. If they were hired.

22 Q. If they were hired?

23 A. He would then follow that up six months
24 down the road with another x-ray.

25 A. That is correct. That was his setup

1 with the company, but being the kind of a man that
2 he was, being a scientist as well as a physician,
3 on his own, he started x-raying some of these men
4 more frequently just to see what was happening,
5 and as a result of that, he discovered six cases
6 of lung changes.

7 Q. What year was that, sir?

8 A. I would say that that was either the
9 fall -- well, let's see now. That would be
10 probably -- that was '42. That was '42.

11 Q. Did Dr. Roemer communicate his x-ray
12 findings to you?

13 A. Of all these men, you mean?

14 Q. Of the individuals, the six individuals
15 that you are referring to.

16 A. Oh, yes. What -- do you want me to
17 tell you about that?

18 Q. Let me ask you a couple preparatory
19 questions.

20 First of all, did there come a time
21 when he communicated his findings with respect to
22 those six men to you?

23 A. That's right.

24 Q. And you indicated before that Dr.
25 Roemer had concluded that these men had serious

1 x-ray changes.

2 MR. PARNELL: I object to the form of
3 the question. He did not say serious. He may
4 have, but I don't think he said it.

5 MR. BAGNI: I'll withdraw the question.

6 Q. I believe you said something to the
7 effect that Dr. Roemer said that these men showed
8 x-ray changes.

9 A. That's right.

10 Q. Now, did Dr. Roemer arrive at a
11 diagnosis with respect to those six gentlemen?

12 A. Subsequently he told me he had.

13 Q. And what was the diagnosis that he had
14 arrived at?

15 A. The diagnosis that he arrived at was
16 that they had asbestosis.

17 Q. I see.

18 Did he tell you -- well, I'll withdraw
19 that.

20 Can you recall what, if anything else,
21 Dr. Roemer told you in connection with the
22 findings he had made with respect to these six
23 gentlemen?

24 A. Yes, sir.

25 Q. Would you please relate that to us?

1 A. Well, one day in 19 -- I believe this
2 was during the summer of 1942, he came to my
3 office, and I was rather surprised at that,
4 because he was a rather busy man, and I said,
5 "What's on your mind, Jack?" And he said,
6 "I've just" -- he told me he was examining some of
7 these men more frequently and without compensation,
8 because his orders from the company were to do it
9 every six months. He said just out of curiosity,
10 because this was a new venture, and he saw these
11 changes on the x-ray, and he asked these men to
12 come back and be x-rayed again maybe a week later,
13 and he was convinced then that a permanent change
14 in the condition of their lungs had taken place,
15 and I said, "Well, why do you come to me about
16 this?" I said, "I'm not a doctor and I'm not
17 connected with the company in any way." He said,
18 "Well, you're the one that recommended me, and I
19 think it would be more appropriate if you did it."
20 He said, "I want you to go to the company and tell
21 them to dismiss these men immediately because
22 they're going to die horrible deaths." I said, "How
23 can that happen?" And he explained to me at that
24 time, I mean this is my recollection of it, that
25 asbestosis is different from silicosis, which

1 miners suffer from. He said that silicosis causes
2 a chemical change in the lung, whereas asbestos,
3 because it is a mineral that doesn't dissolve,
4 causes a physical change. I said, "Well, Jack,
5 I'm getting in deep here. Please explain what you
6 mean." So he explained it by telling me if I had
7 a five-pound bag, paper bag, he said the bag would
8 be full, even though it would appear to be empty.
9 He said, "It's full of air." He said, "But if I
10 put two pounds of sugar in there," he says, "then
11 a change has occurred." He says, "The two pounds
12 of sugar have driven out the space occupied by the
13 two pounds of air," and he said, "but, on the
14 other hand," he said, "If I put two teaspoons full
15 of sugar in coffee," he said, "a chemical change
16 takes place. In other words, actually the sugar
17 disappears, and you now have a new composition
18 made of coffee and sugar, a complete chemical
19 change." He said, "If these men continue to work
20 at the plant," he says, "more and more of these
21 little" -- what are these little air spaces in the
22 lung called? I don't have a recall. Well, you
23 know, lungs are made up of millions of little air
24 sacks, I guess is a way I can explain it, they
25 fill up, and after awhile, he says, "They just

1 haven't enough space there to breath, so they
2 really die horrible deaths." He said, "Tell them
3 to get out." Get -- "Call Mr. Cryor and tell him
4 to dismiss these men right away." I said, "They're
5 married men, Doctor." I said, "What are they
6 going to do?" He said, "Charlie, let them cut
7 grass or anything out doors but get them out."
8 Well, by that time I was beginning to understand
9 the urgency of the situation, so I got in touch
10 with Mr. Cryor, and I told him about what Dr.
11 Roemer had told me, and I said, "Bob, you ought to
12 dismiss these men immediately. Tell them what's
13 wrong." He said, "Charlie, I can't do it. We're
14 a union shop." He said, "Our union contract
15 provides that we can't dismiss anyone without
16 informing the union." So I said, "Well, get in
17 touch with the union and tell them what Dr. Roemer
18 told me and get them out of here."

19 Well, about a week later, Bob Cryor
20 called me and told me that he had taken the matter
21 up with the union, that was the union that
22 organized the shop, and they told him that they
23 wouldn't consent to the dismissal of these men
24 because they accused the company of engaging in
25 a plan to bust the union. And that's all this

1 was.

2 Q. Do you know whether any alternatives to
3 dismissal were discussed by Mr. Cryor with the
4 union?

5 A. Well, the only alternative we had was
6 to notify these men personally, and they went to
7 the workmen's compensation bureau and filed claims.

8 Q. Were these six individuals personally
9 notified of their condition?

10 A. They were, according to what I was told.

11 Q. Do you know who actually notified them?

12 A. Either Mr. Cryor or Mr. Shuman.

13 Q. Do you know whether they continued
14 working at the Unarco plant?

15 A. I really don't know. I assume not.

16 Q. Once the union discussions proved
17 unsuccessful, what, if any, further action did you
18 take?

19 A. Well, I made some inquiries around and I
20 was told -- I assumed that there must be some sort
21 of centers of study of this matter, just as there
22 was in connection with tuberculosis, and to my an
23 amazement, I was told that there was only one
24 place in the whole country where any studies in
25 asbestosis were being made, and that was Saranac

1 Lake in Upstate New York, and as a result of
2 further inquiries, I was informed that the
3 Metropolitan Life Insurance Company maintained it,
4 so I contacted the Metropolitan Life Insurance
5 Company and they referred me to -- now, I may be
6 mistaken about this, there were a couple of
7 doctors that I spoke to connected with Saranac or
8 Metropolitan Life. It didn't make any difference
9 to me. I just wanted to get some results. The
10 doctors in question were Dr. Lanza and at a recent --
11 when I gave a deposition previously, I think my
12 recollection was refreshed about a Dr. Gardner.
13 Those were two of the doctors that I had spoke to --

14 Q. May I ask what you were seeking from
15 these physicians?

16 A. I told them what our problem was, and
17 if they had any recommendations, and they led me
18 down the primrose path into a cul-de-sac that I
19 just couldn't get out of. I couldn't get
20 anywheres. And I was subsequently told by someone,
21 I don't know who it was, that --

22 MR. PARNELL: I have to object to any
23 kind of hearsay told by someone, if he doesn't
24 know who it was. I have to object to that.

25 A. But, at any rate, it was as a result of

1 what was said to me I was told that the
2 Metropolitan Life's work in this matter was being
3 subsidized by the asbestos industry, and under the
4 circumstances they -- you wouldn't get any help
5 there, Charlie. That's what I was told.

6 Q. You wouldn't get any help from where?

7 A. Metropolitan.

8 Q. I see. Did you take any other action
9 on the information that Dr. Roemer had supplied
10 you?

11 A. Well, I think we had to tighten up on
12 the compensation situation, and we couldn't get
13 workmen's compensation from any company, so the
14 result was that they made an arrangement with an
15 insurance company, the name of which I don't know
16 at this time, to handle their compensation cases,
17 but they had to be self-insurers. In other words,
18 if there was a judgment entered, for whatever the
19 amount was, the company would have to pay it out
20 of -- the judgment out of its own treasury.

21 Q. Did you ever have any meetings with
22 officials from the Johns-Manville Corporation
23 about the situation at the Paterson plant?

24 A. That was one -- that was one of our
25 moves. I went -- I conferred with Bob Cryor and

1 Ed Shuman and I said, "Look here. The biggest
2 asbestos company in the world is right here in New
3 Jersey." I said, "They certainly must have these
4 problems just as you're having them." Let's see
5 how they handle them. I mean, we really wanted to
6 do the right thing. So I suggested that they set
7 up a conference with Johns-Manville, which was
8 subsequently done.

9 Q. Do you recall who set the meeting up
10 with Johns-Manville?

11 A. Mr. Cryor and Shuman.

12 Q. I see.

13 A. Because I told them it would be better
14 if they set up the meeting instead of myself, and
15 the meeting was arranged at their New York
16 headquarters on, I believe, 40th Street in New
17 York.

18 Q. Do you recall what year that was?

19 A. I think it was in the fall of 1942, or
20 it might have been the spring. Now, the reason I
21 said that, I remember I was wearing a top coat at
22 the time, and I remember taking it off and having
23 some young lady hang it up for me, so it was
24 either the fall of 1942 or the spring, I would say,
25 of 1943.

1 Q. So a meeting was, in fact, set up at
2 the Johns-Manville headquarters in New York City?

3 A. That's right. At the main offices.
4 And the president of the company was there and the
5 counsel of the company was there.

6 Q. And what was the president of the
7 company's name? Do you recall?

8 A. I think the counsel's name was
9 Vanderver. Vanderver Brown. Now, his brother was
10 the president, or at least I was told that, but
11 his first name escapes me.

12 Q. Would it have been Louis Brown?

13 A. It might have been. It might have been,
14 yes.

15 Q. Do you recall what time of day the
16 meeting was held?

17 A. It was held before noon. I remember
18 that distinctly, because I had lunch with them in
19 their board rooms after the meeting.

20 Q. I see. Why do you recall the lunch so
21 vividly?

22 A. It was the first time in my life I had
23 lobster for lunch.

24 Q. Do you recall who all was at the
25 meeting representing Johns-Manville?

1 A. Oh, there were several other gentlemen
2 there who were introduced to me as officers of the
3 company. Their names escape me entirely.

4 Q. Who from Unarco attended the meeting?

5 A. Mr. Shuman, Mr. Cryor and myself.

6 Q. Now, this meeting took place over 40
7 years ago. Why is it that you are able to recall
8 Vanderver Brown's name?

9 A. Because it was so unique. Brown, of
10 course, is a common name, but Vanderver, I never
11 came across that name prior to that.

12 Q. Have you ever come across it since?

13 A. No.

14 Q. When you got to the meeting and it was
15 convened, who presented the Unarco situation, if
16 you will, to the Johns-Manville representatives?

17 A. I did.

18 Q. And do you recall what you told them in
19 words or substance?

20 A. I told them substantially what Dr.
21 Roemer told us, and that he asked us what we were
22 doing. You see? How we were handling our cases.
23 I said, "Well, in our case, as soon as Dr. Roemer
24 reported to us that there were changes in the man's
25 lungs, just in very incipient stages, we notified

1 parties of the situation. Workmen's compensation
2 claims were filed." He then, either Mr. Brown,
3 the president, or one of them, accused us of being
4 a bunch of fools because by doing that it will
5 cost the company much more money than if they let
6 them continue to work. I'll never forget, I
7 turned to Mr. Brown, one of the Browns made this
8 crack, and I said, "Mr. Brown, do you mean to tell
9 me you would let them work until they dropped dead?"
10 He said, "Yes. We save a lot of money that way."
11 Well, I poked Bob Cryor, who was sitting near me,
12 and I said, I think, the conference was over. I
13 wanted some humanitarian conversations to be
14 included in this thing that we might have
15 overlooked.

16 Q. Were you shocked by what --

17 A. I was terribly shocked, and I said, "I
18 don't think there's anything more that we can
19 discuss here.

20 Q. During the course of this conversation,
21 did the -- did either of the Browns indicate to
22 you that they had discovered that some of their
23 workers had come down with asbestosis?

24 A. Yes. Of course.

25 Q. And do I understand your testimony to

1 be that in the face of that discovery that it was
2 Johns-Manville's policy not to inform the workers
3 of their condition?

4 MR. PARNELL: I have to object to the
5 form of the question. That may, in fact, be what
6 this witness will say, but that has not been the
7 testimony as to this point of time, and I object
8 to the form of the question.

9 MR. BAGNI: I'll withdraw the question.

10 Q. Mr. -- one of the Browns indicated to
11 you that they were aware of the fact,
12 Johns-Manville was aware of the fact, that some of
13 their factory workers were suffering from
14 asbestosis.

15 MR. PARNELL: I object again.

16 A. I thought I answered that already. In
17 other words, I told you that their policy, when
18 they learned that one of their employees was
19 involved in this asbestosis, was to let them work,
20 because by doing that no claim would be filed in
21 the workmen's compensation bureau, you see, and
22 that they saved a lot of money that way. In
23 effect, he felt we were a couple of jerks or
24 something for notifying them so soon.

25 Q. I see. Was anything else discussed at

1 the meeting after that?

2 A. No. No. We just -- I said, well,
3 there's nothing more that we can accomplish this
4 morning and we were then invited to have lunch
5 with them.

6 Q. So you adjourned for the lobster lunch?

7 A. Yes.

8 Q. And was anything discussed during the
9 course of the lunch?

10 A. No. It was a very delightful lunch.

11 Q. That was small talk, basically, the
12 lunch.

13 A. Yes.

14 Q. Is there anything else you remember
15 about the meeting with Messrs. Brown?

16 A. I can't think of anything.

17 Q. About how long did the meeting last?

18 A. I would say about an hour tops.

19 Q. During the course of the meeting, did
20 either of the Browns relate to you what, if any,
21 findings Johns-Manville personnel had made with
22 respect to any x-ray changes in their factory
23 workers?

24 A. I thought I explained that.

25 Q. Well, what I'm trying to get at is, if

1 I may, you testified that Dr. Roemer came to you
2 and explained to you what the situation was with
3 respect to six workers. You then went to
4 Johns-Manville to explain the Unarco situation to
5 them and ask them how they were dealing with their
6 situation.

7 A. Yes.

8 Q. And I'm simply trying to determine
9 whether or not their experience and their findings
10 were the same as the findings that were made by
11 Dr. Roemer.

12 MR. PARNELL: I have to object. With
13 all due respect, unless one of the people from
14 Johns-Manville represented specifically in detail
15 to Mr. Roemer about all the findings, as you call
16 it, et cetera, I have to object to the form of the
17 question. I don't think it is proper. It is
18 obviously prejudicial to my client, and the only
19 thing I want to be sure of is that Mr. Roemer
20 repeats actually what he heard without
21 embellishment or speculation, and I think that is
22 what the law requires.

23 A. I'll repeat what I said before, that
24 they said that they had the same problems, the
25 problem in their plants, but when they were

1 advised of changes in the condition of their
2 employees' lungs, that they did nothing about it
3 so far as the employee was concerned because they
4 saved money that way. I mean, that's the only way
5 I could put it. That was definitely said by one
6 of the Browns. It was either the president or his
7 brother.

8 Q. Have you had any contact with Vanderver
9 Brown or Louis Brown or any other Brown since that?

10 A. I have never heard of them since. I
11 never had any contacts with them at all.

12 Q. Have you had any contacts with the
13 Johns-Manville Corporation?

14 A. No. Except to give -- I did make a
15 deposition in this matter -- not in this case, but
16 in this situation, so that --

17 Q. But you never had any further
18 discussions with Johns-Manville regarding business
19 matters.

20 A. No.

21 Q. Do you happen to recall the names of
22 the six Unarco workers?

23 A. Oh, no. No.

24 Q. Were they ever related to you, the
25 names?

1 A. Well, I think Dr. Roemer had a -- some
2 sort of a piece of paper with him with their names
3 on it, but I wasn't concerned with the -- at that
4 moment with the names or anything else, because
5 Roemer wanted me to notify the company that he had
6 found six cases and that these six men were the
7 ones that he would recommend to be discharged.

8 Q. I see.

9 MR. BAGNI: I don't have anything
10 further at this time.

11 CROSS-EXAMINATION BY MR. HOLLINGSWORTH:

12 Q. Mr. Roemer, I'm Joe Hollingsworth, and
13 I represent Unarco, UNR Industries as it is now
14 known. I have just a few questions.

15 Could you tell us once again what the
16 source of supply of the asbestos used at Unarco's
17 Paterson plant was?

18 A. It was asbestos that the government
19 purchased in Africa.

20 Q. How did it get to Unarco's plant? Do
21 you know?

22 A. It was delivered on -- on railroad cars.
23 The plant in Paterson had a very long railroad
24 siding on the main line of the Erie Railroad.

25 Q. Was all of the output of product from

1 Unarco's plant supplied to the government ship
2 yards?

3 A. You mean the Paterson plant?

4 Q. Yes.

5 A. Yes.

6 Q. Were the supplies of the government of
7 asbestos to the Paterson plant constant throughout
8 World War II?

9 A. No. There were some interruptions. I
10 think I remember one very well, because the ship
11 that was transporting the asbestos for the plant
12 had been torpedoed by a German submarine, and they
13 were very worried that the plant might have to
14 shut down until the supply was restored, but,
15 apparently, they survived that emergency.

16 Q. Were there sufficient numbers of
17 workers in Paterson to man Unarco's plant?

18 A. Oh, yes. The plant employed about 200
19 people. It had no difficulty in getting it
20 because Paterson is the oldest deliberately
21 planned industrial city in the United States.

22 Q. Did the government have anything to do
23 with assuring that the work force was available to
24 Unarco?

25 A. Now, just repeat that, please.

1 Q. Did -- do you know, did the government
2 have any connection with assuring that sufficient
3 work force for Unarco's plant during the war?

4 A. I don't know whether that -- I don't
5 think that was discussed. There was no problem
6 about it. That's all I know. No problem at all.

7 Q. Did the workers have draft deferments
8 that worked at Unarco's plant, do you know?

9 A. I believe they were given the highest
10 rating, which meant, I believe, it was -- but that
11 was no problem because most of them were, you know,
12 above the draft age.

13 Q. But you believe that the workers at
14 Unarco's plant had the highest priority that the
15 government could give them?

16 A. That's right. As a matter of fact, the
17 plant was so efficiently run, the government
18 awarded the Union Asbestos plant in Paterson the E
19 Flag, which was the greatest honor that an
20 industrial plant could get during the war.

21 Q. How do you know about that, sir? Could
22 you explain that?

23 A. One day two men, one a representative
24 of the United States Army by the name of Kuhn,
25 K-u-h-n, and one representing the Navy, whose name

1 was Cabot-Lodge, the son of the -- the brother of
2 the Senator from Massachusetts, came to my office
3 and said they were representing the Defense
4 Department in connection with the fact that they
5 were going to award the plant the E Flag. I says,
6 "Why do you come to me?" I said, "Why don't you
7 go to the mayor?" And he said,
8 "We don't want this to be a political thing." In
9 examining the make up of the city government, the
10 only Board that seemed to be non-political was my
11 Board, which was the Industrial Commission, and
12 they asked me to cooperate with them in setting up
13 a date and all that sort of thing and a time and
14 so forth with the company, which I did, so that I
15 was involved in that presentation from before the
16 plant even knew it. I was the first one notified
17 of that thing, and I attended the actual
18 presentation with Knox and Kuhn and other
19 representatives of the government, and that -- one
20 of the most important things in connection with
21 the presentation of an E Flag was the fact that
22 the industrial relations were good at the plant.
23 They had to be excellent. In other words,
24 maintain excellent relations with their help.

25 Q. Unarco would have had to maintain

1 excellent relations in order to qualify for an E
2 Flag?

3 A. Yes.

4 Q. Do you recall the ceremony?

5 A. Oh, very much.

6 Q. Can you describe it?

7 A. Well, all the employees that were --
8 that could be spared were in attendance, and the
9 newspapers were there with their photographers to
10 photograph the event, and there was great
11 rejoicing. Let's put it that way.

12 Q. You said all the employees that could
13 be spared. Did you mean the ones that weren't
14 working at the time?

15 A. Well, those that weren't working and
16 those who stopped work. I mean, those that could
17 be spared. There were certain operations, I
18 assume, that had to be guarded at all times, or
19 covered, let's say, so far as I know, every
20 employee was asked to attend.

21 Q. Was Unarco's plant in Paterson in
22 operation around the clock 24 hours a day?

23 A. Yes, it was.

24 Q. What did the E Award signify?

25 A. Efficiency. In other words, there were

1 a number of items that were -- that had to be met
2 in order to get that award, and, apparently, Union
3 Asbestos and Rubber Company qualified.

4 Q. When was the Unarco Paterson plant shut
5 down? Do you know?

6 A. Well, it was -- I would say on or after
7 the Japanese surrender.

8 Q. One last question, Mr. Roemer. You
9 said in attendance at the E Award ceremony were
10 two gentlemen from the government, and I think you
11 said their names were Kuhn and Knox?

12 A. No. Cabot-Lodge.

13 Q. Kuhn and Cabot-Lodge?

14 A. Yes. He was a brother and subsequently
15 became Senator of Connecticut, and his brother was
16 ambassador to and United States Senator. His
17 father had been United States Senator in -- during
18 the Woodrow Wilson administration.

19 MR. HOLLINGSWORTH: Thank you, sir. No
20 further questions.

21 CROSS-EXAMINATION BY MR. PARNELL:

22 Q. Mr. Roemer, we met before. I'm Al
23 Parnell, and I'll have some questions to ask you.
24 If at any time I ask you a question and you don't
25 understand it or don't like it, I'll change it.

1 How's that?

2 A. Good enough.

3 Q. You, in speaking with Mr. Bagni,
4 recalled your first contact with Mr. Cohen, as I
5 recall.

6 A. Yes.

7 Q. Was that by telephone or did he come to
8 your office?

9 A. No. We met at -- it was a -- we met at
10 the Alexander Hamilton Hotel in Paterson.

11 Q. About how long did that meeting take?

12 A. I would say about an hour and a half.

13 Q. Tell me as much as you recall about his
14 conversation with you about the government
15 ordering Union Asbestos and Rubber Company to find
16 a place in Paterson.

17 A. No. The government didn't say that.

18 Q. All right. What was it that he said?

19 A. The government ordered the company, he
20 said, to establish a plant either near the
21 Brooklyn Navy Yard or near the Camden Navy Yard.
22 It was to be one plant, but it had to be near one
23 of those two Navy yards.

24 Q. Why was that?

25 A. Because, he said, they were to

1 manufacture some asbestos products for the Navy,
2 and they wanted the plant to be accessible to
3 those Navy yards.

4 Q. Now, if I heard you correctly, you also
5 indicated that the Union Asbestos and Rubber
6 Company had not previously been in that particular
7 business, that they had done something about
8 railroad brake linings. Is that correct?

9 A. That's right.

10 Q. Tell me as much as you recall about
11 that portion of the conversation.

12 A. He told me that his company had been in
13 the business of manufacturing brake linings,
14 asbestos brake linings for railroad cars for many
15 years, and that their offices were in Chicago, and
16 that their plant was in Cicero, Illinois.

17 Q. Continue, please. They were in Cicero,
18 Illinois.

19 A. And that by reason of that, the
20 government had selected the company to open this
21 plant because of their experience in asbestos
22 manufacturing activities.

23 Q. You also mentioned, I believe, that the
24 American and Canadian fiber wasn't going to be
25 appropriate for some reason. What exactly did Mr.

1 Cohen tell you about that?

2 A. He said that the reason that -- he said
3 that the American asbestos was only about an inch
4 or an inch and a half long and would not lend
5 itself to weaving.

6 Q. Well, how was it that the Union
7 Asbestos and Rubber Company was going to actually
8 get this African fiber across the ocean in war
9 time?

10 A. The government was to procure it and
11 bring it to the plant, which they did on the
12 railroad sidings.

13 Q. In your dealings, do you know how it
14 got to the railroad sidings? How did it get from
15 Africa to the United States?

16 A. Well, it was brought here to America by
17 ship. As I say, one of the -- two of the ships
18 were sunk by submarines, you know, and they were
19 worried about, you know, being able to maintain
20 the quantity that was expected of them.

21 Q. When you said the word they, who was
22 worried about maintaining the quantity?

23 A. The plant. The Union Asbestos.
24 Without asbestos the plant would have to shut down.

25 Q. You say that there were two occasions

1 when boats were sunk by submarines?

2 A. That's what I was told by Mr. Cryor.

3 Q. By Mr. Cryor?

4 A. Yes.

5 Q. Do you recall when it was that you were --
6 during what period of time you were told this or
7 was it just during the war?

8 A. During the war. I would rather put it
9 that way, yes.

10 Q. What did Mr. Cohen tell you that he
11 needed in finding a plant in Paterson? What was
12 he looking for?

13 A. He was looking for a very substantial
14 plant with heavy floor loads, with high ceilings,
15 but it would have to have a railroad siding for
16 the delivery of the asbestos, and we had a plant
17 that was then vacant owned by the Nicholson File
18 Company, which is now, I believe, in Providence,
19 Rhode Island, and I don't know whether I took him
20 there or not. I have no recollection of that. I
21 did tell him that that was one plant that I could
22 highly recommend to him, and all I know is that
23 subsequently I was told that he had accepted the
24 Paterson location in preference to any down near
25 Camden or in that area.

1 Q. Now, many folks who hear your testimony
2 at a later date won't know much about New Jersey.
3 Where is Manville located from where you were?

4 A. Oh, I would say central Jersey.

5 Q. How far in terms of miles?

6 A. Gee, I would have to give you a wild
7 guess.

8 Q. Please don't make a wild guess. We
9 don't ever want you to do that.

10 A. I really don't know.

11 Q. Do you know the name of the union that
12 you were dealing with or that Mr. Cryor was
13 dealing with? What was that called?

14 A. It was the same union, I believe, that
15 all the other textile plants were involved in.

16 Q. Do you know? I don't want you to guess.

17 A. I should know it. I don't have instant
18 recall now. I'll get it. Let's see. It was the
19 CIO union. That I know, but I would rather leave
20 it at that. I don't know the exact name of the
21 union right now.

22 Q. Now, did you have anything to do, other
23 than letting Mr. Cryor know about what Jacob
24 Roemer had told you, without actually talking to
25 the union yourself?

1 A. I didn't talk to the union.

2 Q. Mr. Roemer, I believe you had indicated
3 that you were in general practice. Is that
4 correct?

5 A. That is right.

6 Q. And I believe that you indicated to me
7 that prior time that your practice was not
8 exclusively related to workmen's compensation in
9 any way. Is that correct?

10 A. That's right.

11 Q. And I can't recall, but is it not true
12 that you really didn't do a workmen's compensation
13 practice during that period from 1941 to '45?

14 A. That's right.

15 Q. And you didn't have anything to do with
16 the drafting of legislation for changes of workmen's
17 compensation laws in New Jersey. Is that correct?

18 A. Not at all.

19 Q. And in terms of even dealing with this
20 problem, that you, yourself, didn't have
21 communication with Union Asbestos and Rubber
22 Company about the compensation laws. Is that not
23 correct? Let me rephrase the question.

24 My recollection is you did not
25 specifically advise Union Asbestos and Rubber

1 Company about what the compensation laws of New
2 Jersey were during this period of time.

3 A. None whatsoever.

4 Q. And you were certainly not an expert in
5 those laws. Is that correct?

6 A. Absolutely not.

7 Q. Now, as a matter of fact, if I recall,
8 you previously told me that you were sure that the
9 Silicosis and Asbestos Act of New Jersey was in
10 effect at the time of these conversations that you
11 had on 40th street in New York with Manville. Is
12 that correct?

13 A. That's right.

14 Q. But you did not know specifically what
15 the contents of that act were.

16 A. Oh, yes. That I knew.

17 Q. You did.

18 A. Yes. I read it.

19 Q. All right, sir.

20 Now, I believe in your previous
21 testimony that you have indicated that the
22 conversation that you had in New York about
23 compensation was in the context of the Silicosis
24 and Asbestos Act of New Jersey. Is that not
25 correct?

1 A. That's right.

2 Q. And I believe that you previously
3 indicated that the content of that conversation
4 was actually in connection with the application of
5 the Act to the workers who were involved with
6 asbestosis.

7 A. That's correct.

8 Q. And to the ramifications of that Act.
9 Is that correct?

10 A. That's correct.

11 MR. BAGNI: Mr. Parnell, when you say
12 he previously told you, are you talking about a
13 prior deposition?

14 MR. PARNELL: Absolutely.

15 MR. BAGNI: And I take it that that is
16 the deposition under seal in the bankruptcy court.

17 MR. PARNELL: That's correct.

18 MR. BAGNI: Do you happen to have a
19 copy of the deposition, since I do not have a copy
20 and you are asking questions?

21 MR. BAGNI: I don't have a copy and I'm
22 calling on my recollection of the one time --

23 Q. I've never had any type of private
24 conversation with you at any time, have I?

25 A. No.

1 Q. And in 1982, I believe, I came to a
2 place with about a hundred -- about a hundred
3 lawyers and that was the first time I ever saw you.
4 Is that right?

5 MR. BAGNI: Mr. Parnell, I object to
6 your reference to any of his prior reference as I
7 believe it relates to the sealed order, and more-
8 over, I'm not privy to it and, therefore, I cannot
9 test those areas that you are inquiring into.

10 Q. How about if I do it this way? Because
11 of Mr. Bagni's objection, I'll ask the series of
12 questions and I'll see if we can re-cover the same
13 ground and avoid the type of objection that Mr.
14 Bagni suggested.

15 Is it not true that when you went to
16 Manville's offices, as you have related, and had
17 conversations with the people that you've related
18 about, that it is your best judgment that the
19 Asbestos and Silicosis Act of New Jersey was in
20 place at that time. Isn't that correct?

21 A. That's my recollection.

22 Q. And in the context of your
23 conversations with those individuals, you all were
24 talking about the application of that Act and how
25 you were going to approach the applications of

1 that Act. Isn't that correct?

2 A. Yes.

3 Q. And it was in the context of those
4 discussions, those discussions that your
5 conversations were, isn't that correct?

6 A. Well, we both agreed that we were both
7 governed by the compensation act, that is
8 Johns-Manville and our own company, but what we
9 wanted to do was not so much to have a discussion
10 about the Asbestos and Silicosis Act as to find
11 out whether their treatment of the -- of the
12 situations that arose was any different than ours
13 and from which we might learn some lessons.

14 Q. Of course. Now, in connection with
15 that, though, -- strike that. I'll ask it again.

16 Did I understand, in response to a
17 question from Mr. Bagni, that this entire
18 conversation amenities, et cetera, lasted
19 approximately an hour?

20 A. Well, that is the luncheon period must
21 have consumed an hour.

22 Q. Let me come back. I want to make it
23 clear. Let's exclude the luncheon for just a
24 moment.

25 A. Yes.

1 Q. I thought that in response to Mr. Bagni's
2 question, and you correct me if I'm wrong, I
3 thought that the meeting that you all had with the
4 officers, or whoever it was that was actually
5 there, took about an hour. Is that correct or
6 incorrect?

7 A. I would say about an hour, more or less.
8 You know, it may be an hour and a quarter or
9 something of that sort. I didn't pull a stop
10 watch on the thing.

11 Q. And you certainly don't have a
12 transcript of all that you all talked about at
13 that time.

14 A. Absolutely not, and none was made.

15 Q. And didn't -- obviously you have recounted
16 to us here today, at least to the extent that Mr.
17 Bagni has asked you questions about it, your
18 recollection of what took place. Is that correct?

19 A. That's correct.

20 Q. And for the most part, that is not a
21 verbatim transcript or recollection of all the
22 things that took place during that hour meeting,
23 is it?

24 A. No. Not necessarily, but the -- I just
25 wanted to give you the purpose of the meeting and

1 the --

2 Q. And the sense of the discussions?

3 A. Yes. And, in a way the meeting ended
4 as early as it did because we weren't going to
5 learn anything at the meeting.

6 Q. All right, sir.

7 A. From the meeting.

8 Q. Now, let me ask you this: During your
9 discussions with Dr. Lanza and Dr. Gardner, did
10 you inquire or learn from them whether or not they
11 spent any time in '42, when you talked with them,
12 with government hygenists in teaching courses with
13 them?

14 A. No discussions. No.

15 Q. Do you know the name of the company
16 that acted as a claims' service for you in the
17 compensation claims?

18 A. No, I do not, except that the attorney
19 that handled the matter was Arthur Meade of Newark.

20 Q. You indicated to me that someone -- or
21 indicated that someone came, I believe Kuhn or
22 Cabot-Lodge, to your office, and you were the
23 first one to be informed of the E Flag Award. Is
24 that correct?

25 A. That's right.

1 Q. Now, was all of the ceremony on the
2 same day or did these government representatives
3 make more than one trip to Paterson?

4 A. Well, they came to Paterson to confer
5 with me at my office about the thing originally,
6 then they returned the day of the ceremony.

7 Q. So that was two separate trips?

8 A. Yes.

9 Q. Did Mr. Kuhn and Mr. Cabot-Lodge come
10 on both occasions?

11 A. Yes.

12 Q. And do you recall Mr. Cabot-Lodge's
13 position at the time that he came to see you, that
14 is, his capacity in the government?

15 A. I think he was a commander in the Navy.

16 Q. I see. And, now, did you undertake to
17 get the newspapers there?

18 A. That's right.

19 Q. And how did we go about doing that?

20 A. Well, I went to the owners of both
21 papers, the owners, and we have two papers -- we
22 had two papers in Paterson at the time. Mr.
23 Haynes of the Paterson News and Mr. Williams,
24 Henry A. Williams, of the Morning Call.

25 Q. Do you know under what authority these

1 E Flag Awards were granted? That is, do you have
2 any idea what statutory authority?

3 A. No. I know that this plant was the
4 only plant that got the award. The Wright
5 Aeronautical Company, which was an employing
6 45,000 people in Paterson, also received the E
7 Flag Award. We were very happy to have those
8 things happen.

9 Q. Now, prior to the Asbestos and
10 Silicosis Act of New Jersey, there was a prior
11 worker's compensation act --

12 A. That is correct.

13 Q. -- that was in place. Is that correct?

14 A. That is right.

15 Q. And as I recall, the distinction -- one
16 of the distinctions between the two was that the
17 Asbestos and Silicosis Act did not make a
18 distinction between degrees of injury. Is that
19 correct?

20 A. That's right. That was the big thing.
21 Not only that, but the original act passed during
22 the administration of Governor Wilson in New
23 Jersey required that there be some sort of a --
24 oh, my goodness. Words don't -- isn't that awful?

25 Q. Take your time, Mr. Roemer. We have

1 all day, or as long as your lawyer lets us be.

2 A. Trauma. In other words, the original
3 act provided that there could be no recovery in
4 workmen's compensation unless there was a trauma.
5 The Silicosis Act was the first recognition of
6 industrial disease. You see?

7 Q. Unless they became totally and
8 permanently disabled from a trauma, they couldn't
9 recover any compensation for jury under the old
10 act?

11 A. Yes.

12 Q. And couldn't recover for partial if it
13 didn't come for trauma under the old act.

14 A. No. Now you're confusing me.

15 Q. I don't want to confuse you. Under the
16 old act, unless there was a trauma, right, there
17 could be no recovery at all.

18 A. That's right.

19 Q. So that in terms of Industrial
20 Commission-type accidents, unless there was a
21 trauma, an injury, a blow, you couldn't recover
22 any type of money on compensation, could you,
23 before the Silicosis and Asbestos Act?

24 A. That's right.

25 Q. And the former act did not provide any

1 partial, injury for partial disability unless
2 there was a trauma?

3 A. Of course.

4 Q. As a matter of fact, that was one of
5 the things -- strike that.

6 You said that a moment ago, when I
7 talked about the Silicosis and Asbestos Act, you
8 indicated that was one of the big things, and that
9 was one of the big things that the Browns and you
10 talked about at that meeting, wasn't it?

11 A. That's right.

12 Q. Now, let me ask you about Dr. Jacob
13 Roemer for just a moment, if I may.

14 A. Surely.

15 Q. Dr. Jacob Roemer was from Paterson. Is
16 that correct?

17 A. That's right.

18 Q. And he was a radiologist, I believe.
19 Is that right?

20 A. That's correct.

21 Q. I would ask you to be as precise as you
22 can and not make a guess in this instance.

23 Obviously if you have a reasonable judgment, you
24 may tell me. Originally he was asked to examine
25 new employees or prospective employees and then

1 reexamine them every six months. Is that correct?

2 A. If employed.

3 Q. If employed?

4 A. Yes.

5 Q. My understanding is, and I'm certainly
6 not trying to put words in your mouth, that he
7 became curious or interested and began to do
8 certain work on his own for which he was not
9 remunerated by the company. Is that correct?

10 A. Yes.

11 Q. Do I understand you do not know whether
12 he did that work on employees that had been
13 working at a plant for a period of time as opposed
14 to new employees, that you do not know that issue
15 or do you?

16 A. Oh, I do.

17 Q. Okay. Tell me about that.

18 A. In other words, if they were not
19 employed after the taking of the first x-ray, he
20 never met them again.

21 Q. I, perhaps, didn't ask the right kind
22 of question. Let me try it again.

23 - He obviously had to make x-ray
24 examinations of individuals who were employed by
25 Union Asbestos and Rubber Company. Of the six

1 that he found that you've indicated, though, you
2 do not know whether those were new employees who
3 had just come with the company or employees who
4 had been with the company for a period of time, or
5 do you?

6 A. Yes. In other words, he started to
7 take x-ray pictures of employees who he had
8 x-rayed previously.

9 Q. Do you know if those employees had had
10 any previous kind of exposure to any of the
11 fibrogenic dust or do you know the answer to that
12 question?

13 A. I don't understand the question.

14 Q. All right. Prior to the time that they
15 came into the employ of Unarco, or Union Asbestos
16 and Rubber Company, presumably these people would
17 have worked some other place in their lifetime.

18 A. I assume.

19 Q. And affirmatively you don't know what
20 their prior exposure history was, do you?

21 A. Roemer did.

22 Q. Dr. Jacob Roemer did?

23 A. Yes.

24 Q. And the Union Asbestos and Rubber
25 Company was not in itself a ship yard, was it?

1 A. No.

2 Q. No ships were there?

3 A. No.

4 Q. And there weren't shipyard-type workers
5 in your plant or anything like that.

6 A. No.

7 Q. Do you know anything about the
8 allocations of asbestos fibers, that is how much
9 the Union Asbestos and Rubber Company plant could
10 get from the government at any time? Do you know
11 anything about that?

12 A. No, I do not.

13 Q. The products that the Union Asbestos
14 and Rubber Company made for the government were
15 asbestos products?

16 A. Oh, yes.

17 Q. Do you know if they were made to
18 specification?

19 A. Oh, I'm positive they were.

20 Q. Did you have anything to do -- strike
21 that.

22 Do you know where the specifications
23 came from?

24 A. I assume they came from the government.

25 Q. To where were the products manufactured

1 at the Paterson yard shipped? Do you know where
2 they were shipped to when they made these asbestos
3 blankets? Where did they go in Paterson?

4 A. I assume they were to ship to the
5 Brooklyn Navy Yard or Camden or -- or Camden, yes.
6 The Philadelphia Navy Yard.

7 Q. Did you have any discussions with
8 either Mr. Cryor or Shuman about who ultimately
9 got the products? Was it the government who got
10 the products?

11 A. They had no other customer except the
12 government.

13 Q. I see.

14 Q. Now, you mentioned that Mr. Kuhn and
15 Mr. Cabot-Lodge came. Do you recall, or in your
16 discussions with Mr. Cryor and Mr. Shuman, did
17 they mention whether government people were there
18 from time to time at the plant or came to visit
19 the plant or did you meet any of them or can you
20 give us any information about how regularly, if at
21 all, the government came to the plant and what
22 they did there?

23 A. I must say that I know that -- I know
24 we had this Wright Aeronautical plant in Paterson
25 and other defense plants in Paterson. I know of

1 no defense plant that didn't have inspection by
2 the government.

3 Q. And this would include --

4 A. Would include Union Asbestos.

5 Q. Do you know anything about emergency
6 price controls as they might have affected the
7 production at the Union and Asbestos Rubber
8 Company?

9 A. I don't know anything about that.

10 Q. When Mr. Cabot-Lodge was there with you,
11 do you know if he was a representative of the War
12 Department at that time?

13 A. No. He was a representative of the
14 Department of Defense.

15 Q. The Department of Defense?

16 A. Yes.

17 Q. In his capacity as the commander of the
18 United States Navy?

19 A. Yes.

20 Q. Do you know whether this production
21 award was for great accomplishment for production
22 of war equipment?

23 A. That was one of the items.

24 Q. In the E Flag Award?

25 A. In the E Flag Award.

1 Q. And this was an award bestowed as a
2 highest honor for men and women in American
3 industry?

4 A. That's right.

5 Q. Now, you mentioned insurance. Were the
6 rates high for insurance at that time?

7 A. For --

8 Q. For the Union Asbestos and Rubber
9 Company. You said they had become self-insured?

10 A. Yes.

11 Q. Were the rates high?

12 A. The company didn't insure us. All we
13 paid them was the cost of processing the workmen's
14 compensation cases.

15 Q. I'm sorry?

16 A. In other words, they handled these
17 cases as if they were the insurers, but they
18 weren't the insurers.

19 Q. Did you try to obtain insurance?

20 A. Oh, yes. No question about that. We
21 were finally compelled to become self-insurers.

22 Q. And I assume that the rates were too
23 high or you would have obtained insurance. Is
24 that correct?

25 A. No. The rate had nothing to do with

1 it.

2 Q. Now, Union Asbestos and Rubber Company
3 was not a supporter, a monetary supporter of
4 Saranac Lake. Is that correct?

5 A. To the best of my knowledge, no.

6 Q. When you went there, you were not a
7 part of the Saranac Lake Foundation?

8 A. No. So far as I know.

9 Q. I'm just asking for your best
10 information.

11 And you had not participated in the
12 Saranac McIntyre seminars or Saranac seminars?

13 A. I didn't participate in any.

14 Q. You were not a member of their
15 supporting group. Is that correct?

16 A. I had no contact with them at all prior
17 to this incident.

18 Q. Now, you mentioned the asbestos blanket
19 that was made at that plant. Is that correct?

20 A. Yes.

21 Q. Do you know if they ever made any
22 molded pipe covering at that plant during the war
23 years?

24 A. To the best of my knowledge, no.

25 MR. PAR'ELL: I would like a five-minute

1 break, if I may.

2 MR. BAGNI: Certainly.

3 (Recess was taken.)

4 MR. PARNELL: I have no further
5 questions.

6 MR. BAGNI: I have a couple of
7 questions.

8 REDIRECT EXAMINATION BY MR. BAGNI:

9 Q. Mr. Parnell asked you a question about
10 specifications for the asbestos products that were
11 produced in the Paterson plant. Do you know how
12 those particular specifications were developed?

13 A. No. I had nothing to do with it.

14 Q. Do you know whether Unarco solicited or
15 sought out the business of the government for the
16 production of asbestos-bearing products during
17 World War II?

18 A. I don't know how anything was initiated.
19 All Mr. Cohen told me was that he had been ordered
20 by the government to establish a plant either near
21 by the Philadelphia Navy Yard or the Brooklyn Navy
22 Yard.

23 Q. You don't know how the business
24 relationship between the United States and Unarco
25 was initiated.

1 A. No, I do not.

2 Q. Do you know whether for a fact, or in
3 fact, the government ever inspected the Unarco
4 Paterson plant during World War II?

5 A. I don't know exactly, except it was
6 common knowledge because I had to assist the --
7 especially in the case of Wright Aeronautical, I
8 had to go to another branch of the city government
9 to get a street vacated, because they wanted to
10 make sure you couldn't get into the plant unless
11 you went through a gate. You see? And the main
12 entrance was on the street in Paterson, and the
13 City of Paterson is an old city. It's founded in
14 1791, so the streets aren't all that wide, so that
15 vacating even a narrow street is a very serious
16 matter in Paterson, so Wright Aeronautical were
17 complaining that the government had ordered them
18 to put an iron gate across the street, and they
19 said we can't do it because it's a public street,
20 so we had it vacated. It was only upon my urging
21 that the City of Paterson consented to the
22 vacation of the street.

23 Q. Is it fair to say you are merely
24 inferring from that particular situation of the
25 government with that particular company that the

1 government inspected the Paterson Unarco plant?

2 A. I know that, for example, that even the
3 Russian government, who were having engines made
4 at Wright Aeronautical in Paterson, they had
5 Russian inspectors there. They weren't depending
6 on Wright Aeronautical exclusively. It was common
7 knowledge. Russian inspectors lived in Paterson
8 so long their children went to public school with
9 my children.

10 Q. I have one last question. You mention
11 in your direct examination, and also in response
12 to a question by Mr. Parnell that Unarco -- or
13 that you on Unarco's behalf had a difficult time
14 obtaining worker's compensation insurance.

15 A. That's right.

16 Q. And I believe Mr. Parnell asked you if
17 that was because the rates were too high, and I
18 believe your answer was no.

19 A. That's right.

20 Q. Could you tell us why you were unable?

21 A. They refused to insure the workers
22 within the plant. Every company that they
23 approached.

24 Q. Do you know why they refused to insure
25 the company?

1 A. I have no -- I really must answer that
2 no.

3 MR. BAGNI: Thank you, sir. I don't
4 have anything further.

5 MR. HOLLINGSWORTH: Thank you, Mr.
6 Roemer.

7 MR. PARNELL: I don't have anything
8 further.

9 (Whereupon the proceedings were
10 concluded at 11:45 a.m.)

CERTIFICATE

I, CAROL ANN BRUMETT, a Notary Public and Certified Shorthand Reporter of the State of New Jersey, do hereby certify that prior to the commencement of the examination CHARLES H. ROEMER was duly sworn by me to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

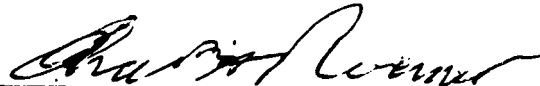
I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.



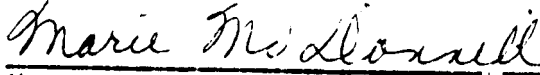
Notary Public of the State of New Jersey

My Commission expires November 30, 1986
Dated: 4/26/84

1
2
3
4 I, Charles H. Roemer, do hereby certify
5 that I have read the foregoing transcript and it is
6 a true and accurate transcript of my testimony in
7 the above matter.

8
9 
10 Charles H. Roemer

11 Sworn and subscribed to
12 before me this 30th day of May, 1984.

13
14 
15 Notary Public

16 MARIE A. McDONNELL
17 Notary Public of New Jersey
My Commission Expires Feb. 27, 1988

LAWYER'S NOTES

Page	Line	
4	1	Verdan should be Barden
5	10	Bar should be Term
6	2	charges should be changes
7	4	editorially should be advertisements
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11	8	was should be was -
11	10	Chisgo should be Cicero + Cicero should be Chicago - They were should be their plant
16	1	Selger should be Silger.
22	22	as should be crossed.
34	19	it should be then
36	15	eliminate from
37	9	their should be there
29	15	Senator should be Governor
"	16	U.S Senator should be United Nations.
52	5	an should be then.
53	9	just should be injury
"	13	for should be from a