

1 Bauer.

2 Q. Do you know any members of the
3 President's Science Advisory Committee?

4 A. I'm not sure that I do or not or if these are
5 the people here, I don't know them.

6 Q. No, these are not the members of the
7 President's Science Advisory Committee. Do you know
8 John Buckley?

9 A. No, I do not.

10 Q. Do you know James Watson?

11 A. No, I don't know him.

12 Q. Did you--

13 MR. YANNACONE: Stan does.

14 Q. Are you familiar with the Limited War
15 Panel of the President's Science Advisory Committee?

16 A. Yes, I was familiar with that, yes.

17 Q. Did you ever participate in any way in
18 any activities related to that?

19 A. No, I didn't.

20 Q. Do you know if Dr. McNamara made
21 presentations to a Limited War Panel?

22 A. I don't know.

23 Q. May I ask you to examine the document
24 turning past the first pages until you reach a
25 handwritten portion beginning with, I wish to

1 discuss.

2 MR. PARR: Can we go off the record a
3 minute?

4 (Discussion off the record.)

5 BY MR. PIERCE:

6 Q. Do you recognize the handwriting there?

7 A. Yes, I do.

8 Q. And whose handwriting is that?

9 A. Dr. McNamara's.

10 Q. Now, on that first page is a statement,
11 it's the second sentence. I have difficulty making
12 out the first word, but then it says "special
13 interest is in the butyl esters of 2,4-D and 2,4,5-T."

14 And why would that be?

15 MR. YANNAZONE: You haven't established
16 the witness knows.

17 MR. PIERCE: If he doesn't know, he'll
18 say so.

19 A. I think he's really -- I think he's alluding
20 back to his first sentence.

21 Q. Which is?

22 A. Which is, "I wish to discuss information
23 concerning the possible hazards of phenoxyacetates
24 to man and his domestic... and his domestic animals."

25 Q. Do you have any idea as to why the statement

1 you saw that study?

2 A. Last night.

3 Q. Were you aware, in 19 -- any time in the
4 late '60s that the National Cancer Institute was
5 having such a study performed?

6 MR. TAYLOR: Objection to form.

7 A. No, I don't think so.

8 Q. Doctor, have you ever heard or read about
9 any incidents concerning chloracne connected with
10 the manufacture of trichlorophenol or 2,4,5-T?

11 MR. TAYLOR: I'm sorry. Would you read
12 that back?

13 A. No.

14 MR. TAYLOR: I'm sorry.

15 (The record is read back as requested.)

16 Q. Did you answer no, doctor?

17 (Discussion off the record.)

18 Q. I'll ask again the question, doctor, have
19 you ever heard or read about any incidents
20 concerning chloracne connected with the manufacture
21 of trichlorophenol or 2,4,5-T?

22 MR. TAYLOR: Objection to form.

23 A. Yes.

24 Q. When did you first read or hear about
25 such incidents?

1 A. Well, trichlorophenol would go back probably to
2 the early fifties.

3 Q. What do you recall reading about or
4 hearing about in the early fifties concerning
5 chloracne in the manufacture of trichlorophenol?

6 MR. TAYLOR: Objection to form. I think
7 that assumes --

8 MR. MARIANI: Just object as to form,
9 please.

10 MR. TAYLOR: I think you might want me to
11 state my full objection so that you can rearrange
12 your question.

13 MR. MARIANI: I'll rephrase the question,
14 in any event.

15 Q. What were the circumstances, doctor,
16 surrounding your hearing or reading about that
17 incident in the early fifties?

18 MR. TAYLOR: Objection to form. The
19 reason I'm objecting is I think it's unclear whether
20 he's saying he heard about chloracne and TCP or
21 2,4,5-T in the early fifties or whether as his
22 testimony states, he heard TCP goes back to 1950.

23 MR. MARIANI: I don't think -- that might
24 be unclear in your mind but I don't think it's
25 unclear in anybody else's mind.

1 MR. COHEN: I think you should not
2 clutter the record with comments. Simply object to
3 form in accordance with the Special Master's
4 directions. I, for one, would appreciate that.

5 MR. TAYLOR: I tend to agree with you.
6 Since I do it infrequently, I only do it this time
7 in the hopes that we would get this issue clarified.

8 A. Well, there were simply reports that chloracne
9 occurred in the workers.

10 Q. Did you read these reports in the early
11 fifties?

12 A. I think I saw some in the early fifties.

13 Q. Do you know whether trichlorophenol is an
14 intermediate in the production of 2,4,5-T?

15 MR. TAYLOR: Objection to form.

16 A. Yes.

17 Q. Did you know that in the 1950s?

18 MR. TAYLOR: Objection to form.

19 A. No, I don't think I did.

20 Q. When did you first know that
21 trichlorophenol is an intermediate in the production
22 of 2,4,5-T?

23 A. Probably -- I can't be certain, but it seems to
24 me that that was -- that the production of 2,4,5-T
25 was considered in this meeting that we talked about

1 earlier, '63 meeting.

2 Q. At Edgewood.

3 A. Um-hum.

4 Q. Is it your testimony that that is when
5 you learned that trichlorophenol was an intermediate
6 to 2,4,5-T?

7 MR. TAYLOR: Objection to form.

8 A. I think that's when I learned it. I'm not
9 certain of it.

10 MR. TAYLOR: Move to strike the
11 speculation.

12 MR. COHEN: To the contrary, it's the
13 witness' best recollection.

14 Q. Doctor, what was the substance of those --
15 was it more than one article that you read
16 concerning chloracne in the production of
17 trichlorophenol, if you recall?

18 A. Yes, I think there were two or three, at least.

19 Q. Do you recall the names of any of those
20 articles?

21 A. Not specifically, no.

22 Q. But you do recall that it was in the
23 early 1950s, is that correct?

24 MR. TAYLOR: Objection to form, asked and
25 answered.

1 significant fact?

2 MR. TAYLOR: Objection to form. You're
3 asking this witness to act as an expert when he's
4 not been qualified.

5 MR. MARIANI: That's not true, I'm asking
6 him for his opinion as Director --

7 MR. TAYLOR: Furthermore you're asking
8 him to speculate.

9 MR. MARIANI: -- of Physiology.

10 Q. You can answer the question, doctor, if
11 you can understand it. Can you read the question
12 back, please?

13 A. Yes, I think I understand it.

14 MS. ROBERTS: Do you want to hear the
15 question back?

16 THE WITNESS: No, I know what the
17 question was.

18 MS. ROBERTS: Okay.

19 MR. TAYLOR: I'd like to have that
20 question read back before you answer it.

21 (The record is read back as requested.)

22 Q. For the purposes of that meeting.

23 A. For the purposes of the meeting, it was not a
24 significant fact. It's a significant fact for the
25 manufacturer, but not for the Army.

1 Q. Why do you answer that way, doctor?

2 A. Well, the Army's purpose is to protect its own
3 personnel who would not be involved in the
4 manufacture.

5 MS. TUOHY: Could you read the doctor's
6 answer back, again?

7 (The record is read back as requested.)

8 MR. MARIANI: Doctor, thank you. At this
9 point, I don't think I have any more questions. I
10 appreciate your time, today.

11 MS. ROBERTS: You're not done yet.

12 MR. MARIANI: Maybe we could take a --
13 let's take a one-minute break, okay, and then some
14 of the other attorneys may have some questions for
15 you.

16 (Short recess.)

17 EXAMINATION

18 BY MR. MAROTHY:

19 Q. Dr. Wills, my name is Christopher Marothy,
20 I represent one of the Defendants in this action. I
21 believe you previously testified that in 1967, you
22 learned about dioxin and characterized it as a hot
23 topic. Would you please expand on what you mean by
24 hot topic?

25 A. Well, what I mean is that the question of