

FILE NAME: Westinghouse (WH)

DATE: 1993 July 15

DOC#: WH090

DOCUMENT DESCRIPTION: Legal - Deposition of Dr. Markowitz with Barry Castleman Notes

notes on
back of
transcript

DR. MARKOWITZ

2233

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK : I.A.S. TERM : PART 17
----- x

IN RE:

N.Y.C. ASBESTOS LITIGATION AS RELATES TO:
MARIO MALTESE, ET AL,
----- x

July 15, 1993

B E F O R E:

HON. WALTER M. SCHACKMAN,
Justice, and a Jury

(APPEARANCES AS HERETOFORE NOTED.)

* * *

Proceedings

1
2 First thing I want to tell you is
3 before the Bickerstaff deposition, I told
4 you that it was being offered only in the
5 cases of Mario Maltese and Savino Stallone
6 against Westinghouse. Westinghouse is not
7 the only defendant in those two cases,
8 they are one of a number of several other
9 defendants in those cases, so bear that in
10 mind, they are not the only one.

11 And at the same time let me tell you
12 that this morning we have a witness about
13 to testify in the same two cases, this is
14 Maltese and Stallone against
15 Westinghouse.

16 The testimony of Dr. Markowitz that
17 he is going to testify to is only against
18 Westinghouse and not against any other
19 defendant in the case.

20 All right, you may call your
21 witness.

22 MR. PLACITELLA: Jerry Markowitz.

23 G E R A L D M A R K O W I T Z,

24 called as a witness on behalf of the
25 Plaintiff, having first been duly sworn, was

1 Markowitz - by Plaintiff - Direct
2 examined and testified as follows:

3 THE CLERK: May I please have your
4 full name?

5 THE WITNESS: Gerald, G-e-r-a-l-d, E.
6 Markowitz, M-a-r-k-o-w-i-t-z.

7 THE CLERK: Home address, please.

8 THE WITNESS: 160 West 97 Street, New
9 York, 10025.

10 DIRECT EXAMINATION

11 BY MR. PLACITELLA:

12 Q Good morning, Dr. Markowitz, how are you?

13 A Good morning.

14 Q I'll ask you to keep your voice up because
15 of the air conditioners. I dare not approach you
16 because I've been subject to mishaps in the last
17 couple of days, so I'm going to stand right here and
18 just ask that you speak as loudly as you can.

19 Now, you currently live in New York
20 City?

21 A Yes, I do.

22 Q Are you a lifelong resident of New York?

23 A No, I am not.

24 Q Where did you grow up?

25 A I grew up in the Bronx and --

1 Markowitz - by Plaintiff - Direct

2 THE COURT: That's part of New York
3 State.

4 THE WITNESS: But then I moved out of
5 New York.

6 Q You moved out of New York for a time?

7 A I moved out of New York to go to college
8 and graduate school, and then I lived in New Jersey
9 for approximately 18 years or so.

10 Q And now you've come back.

11 A Now I've come back.

12 Q And where do you currently work?

13 A I work at John Jay College of Criminal
14 Justice, which is part of the City University of New
15 York.

16 Q How long have you worked there?

17 A I've worked there for 23 years.

18 Q And what do you do at John Jay College,
19 what's your job?

20 A I am a professor of history at John Jay
21 College.

22 Q How long have you taught history at John
23 Jay College?

24 A For the same 23 years.

25 Q Do you have any other appointments at any

1 Markowitz - by Plaintiff - Direct
2 other universities currently?

3 A I am also part of the faculty of the
4 Graduate Center of the City University of New York.

5 Q Are you currently teaching at the --

6 A No, I am not currently teaching.

7 Q What's an appointment?

8 A It means I am considered to be of
9 scholarly worth to be able to teach at -- to teach
10 graduate students.

11 Q It is good for them to have you on their
12 rolls, is that basically it?

13 A Yes.

14 Q Could you tell the jury what your
15 educational background is?

16 A I have a bachelor's degree from Earlham
17 College, which is in Indiana, and a masters degree
18 and a Ph.D. from the University of Wisconsin.

19 Q What is your bachelor's degree in?

20 A History.

21 Q What is your masters and your Ph.D. in?

22 A Both of those are in history as well.

23 Q And what was your thesis in?

24 A My thesis was in American foreign policy.

25 Q I call you Dr. Markowitz out of respect

1 Markowitz - by Plaintiff - Direct
2 because you're a Ph.D. You are not a medical
3 doctor, is that true?

4 A I am not a medical doctor.

5 Q Now, have you ever conducted any
6 historical research yourself?

7 A Yes. For the entire time that I have been
8 working at John Jay College, I have been conducting
9 historical research.

10 Q And what kind of historical research have
11 you done?

12 A Over the past 8 to 10 years I have been
13 working on the history of occupational safety and
14 health.

15 Q And have you done any other work other
16 than that in the area of your specialty, history?

17 A Yes. Prior to that I worked for
18 approximately 10 years on various federal mural and
19 sculpture projects that were sponsored during the
20 great depression.

21 Q In fact, one of the projects had to do
22 with the mural right downstairs.

23 A That's correct.

24 Q Now, the last 10 years you've concentrated
25 on the history of occupational safety and health, is

1 Markowitz - by Plaintiff - Direct
2 that correct?

3 A That's correct.

4 Q Have you ever received any grants for
5 historical research?

6 A Yes. The National Endowment for
7 Humanities has --

8 Q What's a grant, before we start?

9 A A grant is money that is given to my
10 institution, to John Jay College, to hire
11 replacements for me so that I could spend the time
12 doing research and not do my teaching.

13 Q Who has given grants so you could go out
14 and do historical research, what organization?

15 A The federal government gave me grants,
16 which is the National Endowment for Humanities. In
17 addition, the university has given grants to support
18 travel for research and xeroxing.

19 Q Now, have you ever published any articles
20 as a result of the historical research that you've
21 done?

22 A Yes. I've published several articles.

23 Q And could you give us an approximate idea
24 of what they deal with?

25 Did any of the articles that you've

1 Markowitz - by Plaintiff - Direct
2 published deal with the history of occupational
3 safety and health?

4 A Yes, several of the articles deal with the
5 history of occupational safety and health.

6 Q Have you ever published any books relating
7 to occupational safety and health?

8 A I've published three books relating to the
9 history of occupational safety and health.

10 Q All right. I see Mr. Cairns has gone
11 through the trouble of going to the library and
12 getting a couple of your books. Is this one of your
13 books, Dying For Work?

14 A Yes, that is one of my books.

15 Q What's this book about?

16 A This book is a collection of essays by
17 myself and other historians dealing with various
18 aspects of the history of occupational safety and
19 health.

20 Q This says that it came from the New York
21 Public Library. Then another book is called Deadly
22 Dust. Did you author this book as well?

23 A Yes, co-authored that book.

24 Q What does this book deal with, Deadly
25 Dust?

1 Markowitz - by Plaintiff - Direct

2 A That book deals with the history of
3 silicosis, which is an occupational disease, and it
4 covers the period from the late 19th century to the
5 present.

6 MR. PLACITELLA: For the record, it
7 is from the Science Department of the
8 Mid-Manhattan Library.

9 Q So if anyone wanted to find the things you
10 published they need only go to the library.

11 A That's correct.

12 Q Now, in your book -- both of your books,
13 you have a coauthor, David Rosner. Who is David
14 Rosner?

15 A David Rosner is also a professor at the
16 City University of New York. He teaches at Baruch
17 College and also at the Graduate Center.

18 Q What is his educational background, if you
19 know?

20 A He has a masters in public health from the
21 University of Massachusetts, and a Ph.D. in the
22 history of science from Harvard University.

23 Q And why is it that you and Dr. Rosner
24 collaborated in these publications?

25 A Dr. Rosner's specialty is in the history

1 Markowitz - by Plaintiff - Direct
2 of public health and history of medicine; my
3 specialty is in the history -- social history and
4 intellectual history, so it's a combination. We're
5 looking at the history of occupational health not
6 simply in medical terms, but also how it relates to
7 workers and industry and insurance companies, a wide
8 view of these areas.

9 Q Now, what -- in putting together these
10 books, Deadly Dust, and your articles, the book,
11 Dying For Work, and the articles, what historical
12 methods do you employ? What do you do? How do you
13 get to the final product?

14 A Well, we begin by reading books that have
15 already been published and articles that have
16 already been published about the subject matter that
17 we're interested in, for instance occupational lung
18 diseases.

19 We would also then go to libraries
20 that have what historians call primary sources, the
21 documents themselves that are generated by either
22 the insurance companies or unions or industry about
23 these subject matters, and we go through those
24 document collections, which are often quite
25 extensive, and select the relevant documents, and

1 Markowitz - by Plaintiff - Direct
2 then collect all of those documents and tell a
3 coherent story about the subject matter that we're
4 concerned with.

5 Q You say insurance. You mean the
6 Metropolitan Life Insurance Company is one?

7 A That's right.

8 Q That's a life insurance company.

9 A Right.

10 Q Now, are you familiar with an organization
11 known as The Industrial Hygiene Foundation or
12 Industrial Health Foundation?

13 A Yes, I am.

14 Q And when is the first time that you came
15 into contact with any information concerning The
16 Industrial Hygiene Foundation?

17 A I would say probably about six or seven
18 years ago in the course of our research about
19 silicosis we found references to the Industrial
20 Hygiene Foundation and it's prior name, The Air
21 Hygiene Foundation, and attempted to find out more
22 about it because it seemed to be very important in
23 the history of occupational health.

24 Q And have you in fact commented on The
25 Industrial Hygiene Foundation in any of your prior

1 Markowitz - by Plaintiff - Direct
2 publications?

3 A Yes. In Deadly Dust we have quite a bit
4 of analysis and discussion of the Industrial Health
5 Foundation and The Industrial Hygiene Foundation.

6 Q At some point in time in the not too
7 recent past, did I come to visit you to ask you to
8 do research, further research concerning the history
9 of the Industrial Hygiene Foundation?

10 A Yes, you did.

11 Q And did you do that research at my
12 request?

13 A Yes, you did.

14 Q And did you use the same historical
15 methods of conducting that research or extensive
16 research that you used in putting together the
17 various books and articles that you published in the
18 past?

19 A Yes, we did.

20 Q Could you tell the jury, in conducting
21 your research did I also ask you to research the
22 history of something known as The Konicide Club.

23 A Yes, you did.

24 Q Can you tell the jury what sources, what
25 did you do, where did you go, what did you look at

1 Markowitz - by Plaintiff - Direct
2 in conducting your historical research concerning
3 The Industrial Hygiene Foundation and/or The
4 Konicide Club?

5 A We went to first libraries that were in
6 New York, went to the New York Public Library, we
7 went to the Columbia University library, we went to
8 a specialized engineering library on 47 Street, and
9 then in addition, we went to the national archives
10 and looked through the records of the United States
11 Public Health Service and the United States Bureau
12 of Mines where we had seen some reference to it
13 being involved in the Industrial Hygiene Foundation,
14 and we also went to Pittsburgh, which was the --
15 headquarters for The Industrial Hygiene Foundation,
16 and examined their records at both the University of
17 Pittsburgh and at the Mellon Institute.

18 Q Is it fair to say you reviewed numerous
19 documents, doctor?

20 A Very, very many documents.

21 Q Far too many to bring with you today?

22 A Yes, hundreds if not thousands of
23 documents.

24 Q Now, the national archives, that's in
25 Washington, correct?

1 Markowitz - by Plaintiff - Direct

2 A That's correct.

3 Q And during the -- is the information that
4 you found and looked at the kind of information
5 relied upon by experts such as yourself in forming
6 historical opinions?

7 A Absolutely.

8 Q And you put a lot of time into this for me
9 over the last eight or nine months, true?

10 A That's correct.

11 Q And I compensated you for your research
12 time?

13 A Yes, you did.

14 Q And you are being compensated for your
15 testimony here in court.

16 A That's correct.

17 Q And how did the income that you received
18 in terms of the last year compared to other years as
19 it relates to doing work for say lawyers? Have you
20 ever done work for lawyers before that?

21 A Never had done work for lawyers before.

22 Q It wasn't that unpleasant an experience,
23 was it, doctor?

24 A No, research is research.

25 Q And did you reach opinions about how the

1 Markowitz - by Plaintiff - Direct

2 IHF and The Konicide Club came about and what its
3 purposes and goals were?

4 A Yes, I did.

5 Q And, doctor, when you testify here before
6 the jury, I would ask that you state all your
7 opinions within a reasonable degree of certainty
8 within the confines of your disciplines. Do you
9 understand that?

10 A Yes.

11 Q Now, doctor, you're not here to give any
12 expert testimony about the history of asbestos
13 disease or the historical literature on asbestos
14 disease, are you?

15 A No, I am not.

16 Q And you've never primarily published in
17 the area of asbestosis or other asbestos lung
18 disease?

19 A No, I have not.

20 Q Now, you understand that your testimony is
21 limited to historical origin and purposes of The
22 Konicide Club and The Industrial Hygiene Foundation
23 and its predecessors?

24 A Yes, I understand that.

25 Q That's why I ask you focus your attention

1 Markowitz - by Plaintiff - Direct
2 on that. Now, what is The Konicide Club?

3 A The Konicide Club was a group of
4 researchers, scientists, who were concerned about
5 dust and dust diseases in the early 1930s.

6 Q And in the course of your research, was
7 there a lot of information available about The
8 Konicide Club?

9 A There is very little information available
10 about The Konicide Club.

11 Q What did you find in doing your research,
12 which kind of information?

13 A There was an article that was published I
14 think in 1972 by two of the participants in the
15 Konicide Club that gave a brief history of The
16 Konicide Club. That was the major piece of
17 information that we used.

18 Q And did I also supply you with a couple of
19 documents that I obtained from the national archives
20 that also referenced The Konicide Club?

21 A Yes, you did.

22 Q Would that be the kind of information that
23 a historian would rely upon even if it was given to
24 him by a lawyer?

25 A Yes, it is.

1 Markowitz - by Plaintiff - Direct

2 Q And could you tell the jury when The
3 Konicide Club was founded?

4 A The Konicide Club was founded in 1932.

5 Q Could you explain to the jury what the
6 word Konicide stands for?

7 A Konicide is a word that's made of a Greek
8 and a Latin word. The Greek word is the Koni part
9 of it, which is Greek, the Greek word is konia,
10 which is dust, and cide comes from the Latin, like
11 homicide, meaning killer or killing, so the
12 combination together would be killer dust club.

13 Q So the killer dust club, that's the
14 translation of this organization that was founded in
15 1932?

16 A Yes.

17 Q Do you know who any of the members were of
18 the killer dust club from your research?

19 A Yes. There were approximately 20, 25
20 members of the club.

21 Q Do you know whether or not Westinghouse
22 was ever a member of the killer dust club?

23 A Westinghouse was a member of The Konicide
24 Club, yes.

25 Q And were there other members from industry

1 Markowitz - by Plaintiff - Direct
2 also, doctor?

3 A Yes. There were members from the -- a
4 member from The Norton Company, which was an
5 equipment manufacturer. There were members from
6 insurance companies like Metropolitan Life, and
7 another insurance company.

8 Q Were there people there from academia?

9 A Yes, there were a couple of people from
10 Harvard University.

11 Q Were there any people who worked in
12 government at the time?

13 A Yes, there were members of the club who
14 were part of the United States Public Health Service
15 and the United States Bureau of Mines.

16 Q Now, in other parts of the trial we heard
17 about the Saranac Laboratory. Were any members of
18 the Saranac Laboratory a member of this club?

19 A Yes, there were I think several members of
20 Saranac that were members.

21 Q Now, could you just give the jury a brief
22 description of what the purpose of the club was
23 based upon your research.

24 A The purpose of the club was to share
25 information by these people who were studying dust

•

1 Markowitz - by Plaintiff - Direct
2 diseases to try and learn more from each other about
3 these dust diseases, and in one case they gave a
4 talk to an industry group to try and tell that
5 industry group about dust diseases.

6 Q Now, doctor, there is nothing wrong with
7 what The Konicide Club was about, is there?

8 A Absolutely not.

9 Q They sat and discussed dust diseases.

10 A That's correct.

11 Q There is nothing nefarious or anything
12 like that.

13 A No.

14 Q Now, is one of the killer dusts that were
15 discussed at The Konicide Club asbestos?

16 A Yes, that was one of the dusts that was
17 discussed at the club.

18 Q How do you know that?

19 A There is a document in which they list
20 what the various panels discussed at one of the
21 meetings in 1939, and all of the papers on that day
22 or two days related to asbestos.

23 Q Is this the document that you are talking
24 about, this 1938 document?

25 A Yes, that's correct.

1 Markowitz - by Plaintiff - Direct

2 Q And it's sent to all members of The
3 Konicide Club?

4 A It seems to have been.

5 Q It says, "Sent to all members of The
6 Konicide Club."

7 A Yes.

8 Q And it lists the agenda for the meeting,
9 correct?

10 A That's right.

11 Q December 27, 1938. And it lists a number
12 of articles that are going to be discussed and by
13 who, true?

14 A That's correct.

15 Q General Survey of the Asbestos Industry,
16 Experimental Pathology Concerning Asbestosis by
17 Gardner, Clinical Survey of the Asbestos Industry by
18 Sayers and Dreesen, Discussion of Pathology in
19 Patients Dying with Asbestosis, etc..

20 Now, you are not familiar with the
21 underlying articles, are you, doctor?

22 A No, I am not.

23 Q You've never read them?

24 A I have never read them.

25 Q That's not your function here.

1 Markowitz - by Plaintiff - Direct

2 A That's correct.

3 Q Is there any doubt in your mind, doctor,
4 having done the research, that the members of The
5 Konicide Club -- I'm not saying there was anything
6 wrong -- including Westinghouse, knew that asbestos
7 was a killer dust?

8 MR. CAIRNS: Objection, your Honor,
9 to what any individual participant may
10 have known at that time. I don't think
11 this witness can comment on that.

12 THE COURT: Overruled.

13 A They certainly -- the name of the club was
14 the-killer dust club, and one of the articles I
15 think near the bottom talks about dying, pathology
16 of dying patients from asbestos disease.

17 Q Just to satisfy Mr. Cairns, number six
18 says Discussion of the Pathology of Patients Dying
19 with Asbestosis.

20 A That's the one.

21 MR. PLACITELLA: I'll have that
22 marked and offered at a separate time.

23 Q Now, let's move away from the Konicide
24 Club.

25 You're familiar with an organization

1 Markowitz - by Plaintiff - Direct
2 known as The Air Hygiene Foundation.

3 A Yes, I am.

4 Q What is The Air Hygiene Foundation?

5 A The Air Hygiene Foundation was a group of
6 primarily industrial -- industry sponsored that was
7 also dealing with the problem of dust diseases in
8 the 1930s.

9 Q And when was The Air Hygiene Foundation
10 formed, what year?

11 A It was formed -- it was incorporated in
12 1935 and was in the process of formation from 1934
13 through 1935.

14 Q And do you know whether or not
15 Westinghouse was a founding member of the Industrial
16 Hygiene or Air Hygiene Foundation?

17 A It appears in their first list of members,
18 yes.

19 Q And am I correct -- and I'm not sure I
20 heard you say this -- the name changed over time?

21 A Yes.

22 Q What did the name change to and when?

23 A In 1941 the name became The Industrial
24 Hygiene Foundation, and in 1968 the name became The
25 Industrial Health Foundation.

1 Markowitz - by Plaintiff - Direct

2 Q Now, from your research, can you tell what
3 the motivating force was behind the original
4 formation of The Air Hygiene Foundation?

5 A Yes, I can.

6 Q And what was that?

7 A In the early 1930s, dust diseases were
8 considered the major industrial problem in the
9 United States. They were a big problem both because
10 they caused a lot of sickness to people, and because
11 the people who were getting sick were suing the
12 companies that they worked for, and those companies
13 were threatened with bankruptcy, and the insurance
14 companies that insured them were also being
15 threatened financially, so many of these industries
16 believed that they needed to come together to
17 develop a way of dealing with what they called a
18 liability crisis. They believed that this was a
19 crisis for industry.

20 Q And you say there were dust diseases.
21 What were the dust diseases specifically if you know
22 what they were concerned about.

23 A The most important dust disease in the
24 early 1930s was silicosis, and next to that was
25 asbestosis, but there was a lot of fear that other

1 Markowitz - by Plaintiff - Direct
2 dusts would also cause disease, although there
3 wasn't as much research about whether other dusts
4 would cause disease or not.

5 Q Now, I'm going to show you a document
6 entitled The Problem, by Alfred C. Hirth. Could you
7 tell me what that is?

8 A Alfred Hirth gave an address called The
9 Problem at an organizing meeting of what became The
10 Air Hygiene Foundation in -- on January 15, 1935.

11 Q Where did you get this document from,
12 doctor?

13 A This document I got from a colleague at
14 Carnegie Mellon University, and he got it from the
15 archives of Carnegie Mellon.

16 Q It says on the side Carnegie Mellon
17 archives?

18 A Yes, it does.

19 Q Is this the kind of document you would
20 normally rely upon in conducting historical
21 research?

22 A Yes, it is.

23 Q Who was Mr. Hirth, who did he work for?

24 A Mr. Hirth was an attorney who worked for
25 Owens-Illinois Glass Company, and he describes being

1 Markowitz - by Plaintiff - Direct
2 faced with many lawsuits around the issue of dust
3 diseases.

4 Q Essentially what we've just discussed
5 here.

6 A Yes.

7 MR. PLACITELLA: And I'll publish
8 this at some point in time later for the
9 jury, your Honor.

10 THE COURT: All right.

11 Q Now, after The Industrial Hygiene
12 Foundation was formed -- not the original formation
13 but afterwards -- what was the stated purpose it
14 gave to the public about what it was about?

15 A The industrial -- at this time The Air
16 Hygiene Foundation talked about its concern for
17 conserving worker health, for advancing the field of
18 industrial hygiene, for just generally cooperating
19 among industry to deal with the problems of dust
20 diseases.

21 Q I'm going to show you what I have marked
22 as P-IHF 574, a document entitled What, Why and
23 Where. Is that a document that you found in the
24 course of your research?

25 A Yes, it is.

1 Markowitz - by Plaintiff - Direct

2 Q And does this discuss what The Industrial
3 Hygiene or Air Hygiene Foundation's public face was,
4 so to speak?

5 A Yes, it does.

6 Q Now, you said that one of the things was
7 to conduct scientific studies and investigations and
8 to find ways to prevent occupational diseases, and
9 that's reflected in that document.

10 A That's correct.

11 Q Now, you're not saying to this jury there
12 is anything wrong with that, is there, doctor?

13 A Absolutely not.

14 Q That's a good thing.

15 A Yes.

16 Q And did they in fact do that from what you
17 could tell?

18 A They did in fact do research into dust
19 diseases. They did research in terms of preventing
20 dust diseases. They were definitely involved in
21 that activity.

22 Q And, doctor, internally to the IHF and the
23 Air Hygiene Foundation, were there additional
24 purposes or agenda that were not emphasized to the
25 public?

1 Markowitz - by Plaintiff - Direct

2 A Yes, there were.

3 Q And what were they?

4 A They were purposes that were not so much
5 emphasized because they were very concerned about
6 who was doing the research. They wanted to have
7 some kind of control over who was doing research
8 because who was doing research had an effect on what
9 was getting out, what was being publicized and the
10 discussion of the whole subject of dust diseases.

11 They were also very -- the part that
12 wasn't emphasized so much was their concern about
13 legislation that would remove the danger of
14 liability suits for the industry.

15 Q One of the functions internally was to
16 help fight claims?

17 A One of the the functions was to help to --
18 for industry to ban together to fight claims, yes.

19 Q But they still did these good things
20 publicly, true?

21 A They still did these good things, yes.

22 Q Now, I want to show you what's been marked
23 P-IHF 588 and 551. Could you tell me what these two
24 documents are and where you got them from?

25 A Yes.

1 Markowitz - by Plaintiff - Direct

2 MR. PLACITELLA: I'll remark them
3 with the Court's stickers later.

4 THE COURT: You want to mark them
5 into evidence later?

6 MR. PLACITELLA: Yes, just to move
7 things along.

8 THE COURT: These will be deemed
9 marked.

10 A These are documents that were mailed to
11 prospective members of The Air Hygiene Foundation,,
12 and we found these in the national archives in the
13 records of the United States Public Health Service.

14 Q And they are the documents that -- some of
15 the documents you relied upon for statements about
16 what was emphasized internally?

17 A That's correct.

18 Q And lastly, I want to show you a document
19 with my marking, P-IHF 540, and if you can tell me
20 what that is.

21 A This is a letter urging a company to join
22 The Air Hygiene Foundation. At this time it may
23 have been either The Air Hygiene Foundation or the
24 Industrial Hygiene Foundation because it's 1941, but
25 again urging membership.

1 Markowitz - by Plaintiff - Direct

2 Q Now, I want to talk to you about
3 Westinghouse's role specifically in terms of your
4 research, okay? What was -- we know they were a
5 member, correct? You said that before.

6 A Yes.

7 Q How long were they members?

8 A They were members from 1937, is the first
9 document we have, until 1970, which is the last
10 recorded document that I have of their membership.

11 Q You stopped your research in 1970?

12 A Yes.

13 Q What do you have to do to become a member?

14 A You have to pay dues to become a member.

15 Q So if you're a company and you pay dues
16 you can become a member?

17 A That's correct.

18 Q Now, in addition to just being a member,
19 did they have any other role with respect to The
20 Industrial Hygiene Foundation?

21 A Yes. A part of the -- of Westinghouse was
22 also on the board of trustees from 1937 to some
23 point, and then later a different member of
24 Westinghouse was also a member of the board of
25 trustees.

1 Markowitz - by Plaintiff - Direct

2 Q Did they have a medical committee?

3 A The Air Hygiene Foundation had several
4 committees and a medical committee was one of them,
5 yes.

6 Q Did Westinghouse have anybody on the
7 medical committee?

8 A Yes, Westinghouse also had a member of the
9 medical committee.

10 Q Did they have an engineering and
11 toxicology committee?

12 A Those are two separate committees. They
13 had an engineering committee and a chemical and
14 toxicological committee.

15 Q Was Westinghouse a member of anyone of
16 those committees?

17 A Yes, Westinghouse was a member of the
18 chemical and toxicological committee.

19 Q And, doctor, where did you get that
20 information about their committee membership?

21 A Going through the transactions of the
22 annual meetings, some of those transactions list the
23 membership of The Industrial Hygiene Foundation and
24 also the officers and the members of the committees.

25 Q Now, did you prepare a chart summarizing

1 Markowitz - by Plaintiff - Direct
2 the various Westinghouse people who served on these
3 committees from the records you have?

4 A Yes, I did.

5 Q Did you have every record and every
6 transaction?

7 A There were some -- I'm trying to remember
8 if any were missing from the library. I think we
9 had just about everyone.

10 Q There were a couple of holes here and
11 there?

12 A There were holes primarily because in some
13 of the transactions they didn't list the membership
14 in those years.

15 Q Do you have that chart with you today,
16 doctor?

17 A Yes, I do.

18 Q Could I see a copy of it, please?

19 MR. PLACITELLA: Could I have this
20 marked, please?

21 THE COURT: The next one is 141.

22 (Received and marked Plaintiff's
23 Exhibit 141 in Evidence.)

24 Q What's been marked Plaintiff's 141 for
25 identification, is that the chart that you prepared?

1 Markowitz - by Plaintiff - Direct

2 A That's correct.

3 Q This is. In the center it indicates that
4 Lyle Hazlett was on the medical committee?

5 A That's collect.

6 Q And Mr. Dilworth was on the board of
7 trustees?

8 A Yes, Joseph Dilworth.

9 Q They worked for Westinghouse?

10 A That's correct.

11 Q And you then track it, the changes and
12 everything, going through to the '40s and into the
13 '50s.

14 A That's correct.

15 Q And at some point Mr. Barnes from
16 Westinghouse starts to serve on the chemical and
17 toxicological committee?

18 A That's correct.

19 (Continued on next page.)

20

21

22

23

24

25

1 Dr. Markowitz - by Plaintiff - direct. 0071
2 THE COURT: Are you offering it in evidence?
3 MR. PLACITELLA: I am, your Honor, I just have
4 one more page.
5 THE COURT: Okay.
6 Q And again, this chart goes up to 1973, and that's
7 where you stop?
8 A That's correct.
9 MR. PLACITELLA: I'll offer the chart into
10 evidence at this time.
11 MR. CAIRNS: I have no objection.
12 THE COURT: Mark it in evidence, please.
13 (The reporter marked the exhibit.)
14 Q Now, in addition to Westinghouse, there were other
15 companies and other organizations that were members of this
16 organization, true?
17 A There were many, many hundred of companies that
18 were members.
19 Q And others served on the board of trustees and
20 other committees?
21 A That's correct.
22 Q For instance, was Johns Manville on the board of
23 trustees?
24 A Yes, it was.
25 Q Now about Owens Corning Fiberglass?

1 A I have to look it up.

2 Q Yes, it was.

3 A Were people from the Saranac laboratory on the
4 board of trustees or did they serve in an advisory capacity
5 on the Industrial Hygiene Foundation.
6

7 A A member was on the medical committee, I don't
8 think that they were on the board of trustees. At least not
9 in the first year.

10 Q There was nothing wrong with being active in the
11 management of this, was there, doctor?

12 A No.

13 Q And were there people who worked in government also
14 on the Industrial Hygiene Foundation?

15 A Yes, there were.

16 Q What, were the people from what agencies, let's
17 say?

18 A From the United States Public Health Services, and
19 from the United States Bureau of Mines.

20 Q Were they there in their personal capacity or their
21 government capacity?

22 A They were various, as individuals, they were not
23 representing the government.

24 Q Now, was anybody there from the Department of
25 Labor?

1 Dr. Markowitz - by Plaintiff - direct. 2273

2 A No, there was no one in from the Department of
3 Labor.

4 Q Well, this organization was partly about laborers,
5 wasn't it?

6 A It was about publicly conserving the health of
7 laborers, yes.

8 Q And why wasn't there anybody from the Department of
9 Labor?

10 A There was a real difference and split almost
11 between the Department, United States Department of Labor and
12 the United States Public Health Services. The United States
13 Department of Labor saw its role much more actively as
14 defending the rights of workers and protecting their health.
15 The United States Public Health Services saw itself as a
16 neutral scientific agency, and one that conducted a lot of
17 research, did a lot of studies, and it needed the
18 cooperation of industry in order to conduct those studies.
19 It couldn't just go into a plant and survey the workers or
20 survey conditions, it had to go to the management and ask
21 for their permission to go into the plant. And when they
22 did that, they then could get permission. So, it was really
23 in their interest to stay on good terms with industry.
24 Q They couldn't do their job without at least going
25 into the plant without industry's permission?

1 Dr. Markowitz - by Plaintiff - direct. 2274

2 A That's correct.

3 Q Now, could you tell the jury, I'm almost done,
4 could you tell the jury what services were provided by the
5 Air Hygiene Foundation in the industry, and then the
6 Industrial Hygiene Foundation to their members, what did it
7 do for its members?

8 A Well, as a general service, it did research about
9 procedures, which they thought would be a benefit for all
10 the member members at a whole. In addition, they did
11 surveys of specific plants, told the management what was
12 wrong in those plants, and they said that those surveys
13 would be confidential, at least at first, and that the
14 owners of the plants could use them both to improve health,
15 as well as to be used in lawsuits in defending themselves
16 against lawsuits. They also published a digest of
17 industrial health in which they did summaries of hundred of
18 articles every year. They published this digest once a
19 month and sent that to all the members.

20 Q Doctor, before you continue, I want to have this
21 marked.

22 (The reporter marked the exhibits.)

23 MR. PLACITELLA: At this point I'd like to
24 publish or show to the jury, I think we have a
25 stipulation on this, this is a compendium of all

Dr. Markowitz - by Plaintiff - direct.

0075

one summaries sent out by the IUP to its members
on asbestos and disease from 1937 forward. I will
put up the front page so you can see.

I don't think it comes out. Could I just pass
it around, your Honor for one second, so they
could see what it looks like?

THE COURT: Yes.

(The exhibit number 142 is passed around to
the jurors.)

THE COURT: Are we ready?

THE OFFICER: Not quite, Judge.

THE COURT: Okay.

MR. PLACITELLA: Now, the other thing that
we've done for the jury's help, is because these
aren't necessarily in chronological order the way
they were produced from the Industrial Hygiene
Foundation, we created a chart and a key, which is
simply a retype of the year and the date of the
article, in case you need to look at it in the
juryroom.

I'll just put up a couple of pages. The chart
begins in the year 1912, and it details the year
the article was published, the name of the summary
and the specific page in this group where it can

Dr. Markowitz - by Plaintiff - direct. 2276

be found. You'll have that in the juryroom with you. It goes to 1932, all the way down, I'm up to page five, it goes up to page 33. So, I'll just stop. 33 the last date is 1977.

Q Now Dr. Markowitz, I only have a couple more questions. These abstraction, you never personally read the abstract, did you?

A No.

Q The abstracts that were published, how often would they be published for the members of the Industrial Hygiene Foundation beginning in 1937?

A They were published every month.

Q And for big companies, how many copies of these things would they get?

A The largest companies would get 20 copies of the digest each month.

Q Every month? Assume for instance, that from 1937 until 1984, Westinghouse was a member, they would get copies of the digest of medical articles, not necessarily only asbestos, from 1937 on a monthly basis right up to 1984?

A That's correct.

MR. PLACITELLA: That's all the questions I have. Thank you.

MR. CAIRNS: Your Honor.

1 Dr. Markowitz - by Plaintiff - direct. 1263

2 expect that the plaintiff's attorneys will have
3 cause to be placed in the file a stipulation of
4 discontinuance.

5 MR. PLACITELLA: Absolutely.

6 MR. BEEBE: And also, your Honor, Owens
7 Corning Fiberglass has pending a direct verdict
8 motion in the Smith and the Chiarenza cases.
9 Owens Corning Fiberglass realizes that this Court
10 has broad discretion as to those cases and weigh
11 the evidence in those cases, and therefore, in the
12 spirit of compromise, we have paid monies on those
13 cases and withdraw our motions. And would like to
14 thank the Court for its courtesies in these
15 matters.

16 THE COURT: Thank you. We'll mark them
17 withdrawn.

18 (In the courtroom.)

19 THE COURT: You can bring in the jury.

20 THE OFFICER: Jury entering.

21 THE COURT: All right members of the jury,
22 before the cross-examination, just a few things I
23 want to acquaint you with. These are things you
24 should know at this time. Owens Corning
25 Fiberglass is no longer a defendant in the five

cases, the five Wilentz cases, that is from Mr. Placitella, Mr. Ortiz' office. That is Maltese, Stalone, Jenkins, Smith and Chiarenza. The defendants in that case remain, Maltese and Stalone, Westinghouse, Keasby, Kene, Standard of New York. In the other three cases, Keasby, Keene and Jenkins, Keasby, Keene, Standard of New York, Smith, Keasby, Keene, Standard of New York, Chiarenza, Keasby and Mario and Di Bona.

So, Owens Corning Fiberglass is no longer in those cases. They are still involved in the cases of the four cases with Mr. Kristal's office, that is Tribulski, Parkinson, Lotker and Vazilely. Garivek is no longer a defendant in the cases that they were originally involved. They're out of the case.

Asbestospray, they were represented by Miss Evans, she's no longer here because she's no longer, her client is no longer a defendant in the case. That was in the Kelner case, represented by Weitz and Luxenberg.

MR. ROBERTS: We're Gregory, your Honor.

THE COURT: I'm sorry, one of the Gregories. So that in the five cases represented by Mr.

Roberts, the only defendant is the Keene Corporation. We'll give you this again of course in more detail. But, I want it to be known now if certain of the attorneys don't cross examine certain witnesses, it's, it may be because they're no longer involved in the defenses of the cases. You're not to speculate on the reason they're no longer involved in the cases.

All right, you may go ahead.

CROSS EXAMINATION

BY MR. CAIRNS

MR. CAIRNS: Thank you, your Honor.

Q Mr. Markowitz, I'm Scott Cairns and I represent Westinghouse. I don't think we've met or spoken before, have we?

A No, we haven't.

Q Although I took a break to try and pair down my cross-examination, so we should be out of here pretty quickly.

A Good.

Q I don't believe that either of the books that you've written, or I think this is a compilation of articles.

A Edited, right.

1 Dr. Markowitz - by Plaintiff - cross (Cairns) 0003

2 Q Doesn't mention Westinghouse, neither one?

3 A I don't recall that they do.

4 Q One thing I was worried about is whether my books
5 are overdue, and they are not.

6 THE COURT: What are you doing using the New
7 York Public Library?

8 A We gave him special permission.

9 MR. CAIRNS: I have friends in New York at
10 least.

11 Q You started off talking about Homicide Club, and I
12 want to start with that. How do you still Homicide. Okay.
13 I think you said that's a combination of a Latin word, and a
14 Greek word, Homicide, and the, refers to dust,
15 pneumoconiosis, that sort of thing.

16 A That's right.

17 Q And the side part is the, is where you get killed,
18 is that correct?

19 A That's correct.

20 Q We see that, in other words, that we use every day.
21 Like insecticide, is that the same sort of thing?

22 A Right.

23 Q Let's see if I can spell this. Insecticide. I
24 used to be a teacher, that means that means I have really
25 bad handwriting. How about matricide, would that be the

1 Dr. Markowitz - by Plaintiff - cross (Cairns) 1224
2 some sort of thing where you combine some words?
3 A Or homicide.
4 Q Now about herbicide, is that another one of those
5 words that is a combination, does the same ending?
6 A I assume, I have not looked up those words
7 specifically, I looked up Monicide.
8 Q Okay. Insecticide means something that kills
9 insects, doesn't it?
10 A That is the general understanding of that word,
11 right.
12 Q It's not killer insects, is it?
13 A No, it is not.
14 Q Matricide is somebody is where you kill your
15 mother, right?
16 A That's right.
17 Q That's not killer mothers, is it?
18 A That's correct.
19 Q Herbicide is something you put on plants to kill
20 them, right?
21 A That's correct.
22 Q It's not killer plants, is it?
23 A No, it is not.
24 Q So, wouldn't you agree with me that consistent with
25 these 3 etologies, that what Monicide means is kill the

1 dust or get rid of the dust, not killer dust?

2 A Yes, I don't think that from the, from the history of
3 the studies, as well as my understanding in looking at the
4 etiology of Monicide, that that is the interpretation that I
5 would give to that word.

6 Q You never interviewed anyone from the Monicide
7 Club, did you?

8 A No, I did not.

9 Q And in doing your research, you never interviewed
10 anyone from the Industrial Hygiene Foundation or the
11 Industrial Health Foundation, did you?

12 A No, I did not.

13 Q Okay. Killer plants, right? Okay. Now, the
14 individual who started the Monicide Club or got everything
15 organized, was Philip Drinker; isn't that correct.

16 A He was the organizer, yes.

17 Q And who was Philip Drinker.

18 A Philip Drinker was a professor of engineering at
19 Harvard University.

20 Q And are you familiar with a study called the
21 Fiber-Drinker study?

22 A No, I'm sorry, I'm not.

23 Q And in fact, as part of the Monicide Club, there
24 were members of the Bureau of Mines, as well; is that right?
25

1 Dr. Markowitz - by Plaintiff - cross (Cairns) 2286
2 A In the Konicide Club, yes, there were.
3 Q That's a governmental organization.
4 A Yes, it is.
5 Q And members of the Public Health Services; is that
6 right?
7 A That's correct.
8 Q Now, around the 1935 time frame we transitioned
9 from the Konicide Club over into the Industrial Hygiene
10 Foundation or the Air Hygiene Foundation; is that right?
11 A Well the Konicide Club continues to exist, the
12 Konicide Club continues until 1939 and simultaneously the
13 Air Hygiene Foundation is formed.
14 Q Okay. One of the events that sort of end this
15 transition period was in 1935 Silicosis Conference, are you
16 familiar with that?
17 A Yes, it was called the National Silicosis
18 Conference.
19 Q And I think you mentioned that you relied on this
20 article of the Konicide Club in your research?
21 A That's correct.
22 Q And this article indicates that that conference was
23 in fact sponsored by Miss Perkins who was the Secretary of
24 Labor; isn't that correct?
25 A She was formally, yes, as the Secretary of Labor,

1 Dr. Markowitz - by Plaintiff - cross (Cairns) 1287
2 she was formerly the the convener of the conference.
3 Q Now, once we get --
4 Let me back up to another subject. You're now
5 talking about the Industrial Hygiene Foundation, you showed
6 us the chart indicating that Westinghouse became a member in
7 1937; isn't that right?
8 A That's correct.
9 MR. PLACITELLA: Not a member, they were on
10 the board of trustees, we didn't do membership.
11 THE COURT: Pardon?
12 MR. PLACITELLA: We didn't show membership
13 charts yet.
14 MR. CAIRNS: All right, I'll back up.
15 Q In fact, Westinghouse became a member in 1937,
16 didn't they?
17 A I think it did, yes.
18 Q Right. So they would not have been a founding
19 member since this organization started in 1935, correct?
20 A I, the earliest membership list that I have, their
21 list members is in 1937, April 1, 1937.
22 Q Well, among the documents that you reviewed were
23 annual reports of the Industrial Hygiene Foundation, weren't
24 they.
25 A That's correct.

1 Dr. Markowicz - by Plaintiff - cross (Cairns) 1280
2 Q And some of those had membership lists, right?
3 A Yes, many of them have membership lists.
4 Q And some of them indicated when they joined, didn't
5 they?
6 A You mean is there-- I'm sorry, there are a few
7 lists that are from 1968, '69, '70, around then in which
8 they give a list of when companies joined, that's correct.
9 Q Right. And in fact you're very familiar with
10 these, obviously, because there is a 1969 annual report I'm
11 looking at.
12 A Yes.
13 Q And this indicates that Westinghouse Electric
14 Corporation joined the Industrial Hygiene Foundation in
15 1937. You don't quarrel with that, do you?
16 A I have no way of knowing if that's true or not. I
17 just, the earliest document I had was from 1937.
18 Q Now, we talked a little bit about the membership of
19 the Air Hygiene Foundation, which was the earliest name of
20 this organization?
21 A That's correct.
22 Q And there were, in one of the documents you looked
23 at was, the document A74, I H F. On this documents on way,
24 where, when; is that right?
25 A Right.

1 Dr. Markowitz - by Plaintiff - cross (Cairns) 2289

2 Q And that indicates that, for example, that U.S.
3 Steel Corporation was a member, right?

4 A I would have to look at the document to refresh my
5 memory.

6 MR. BEEBE: May I approach the witness?

7 THE COURT: Yes.

8 MR. PLACITELLA: Judge, if it will move
9 things along, I'll stipulate whoever is on that
10 membership list is a member, it's hundreds or two
11 thousand members.

12 Q In fact, they're the board of trustees, right?

13 A That's correct.

14 Q And someone from the U.S. Bureau of Mines is on the
15 board of trustees as well?

16 A That's correct.

17 Q You mentioned they were there personally, not in
18 their official capacity. You never spoke to them to find
19 that out, did you?

20 A No.

21 Q You just made that assumption, haven't you.

22 A Yes. As far as I know, there was no official
23 government participation in terms of dues paying members
24 until the 1940's. So, in the 1940's the government began to
25 participate officially. There was a category of associate

1 Dr. Markowitz - by Plaintiff - cross (Cairns) 2290
2 members. It was some category like that of associate
3 members.

4 Q Now, you mentioned on the medical committee
5 Westinghouse served throughout on different years; is that
6 correct?

7 A As far as I remember, it wasn't throughout.

8 Q Occasionally? On and off?

9 A For many of those years, yes.

10 Q And other members included a doctor from Bell
11 Telephone Company, right? Is that what that is?

12 A Yes, R. R. Jones, yes.

13 Q Okay. And also a doctor from the U.S. Public
14 Health Services was on the medical committee; is that
15 correct?

16 A That's correct.

17 Q And the U.S. Public Health Services is the
18 organization that's headed by the Surgeon General of the
19 United States?

20 A That's correct.

21 Q And are you familiar that that is actually a, the
22 first uniformed branch of the services?

23 A I have heard that.

24 Q Okay. I had never known that until recently. It's
25 kind of interesting.

1 Dr. Markowitz - by Plaintiff - cross (Cairns) 2291

2 Okay then, we've got on there preventive
3 engineering committee, again Philip Drinker from the Harvard
4 School of Public Health; is that right?

5 A That's correct.

6 Q And a member of the the U.S. Public Health
7 Services, right here; is that right?

8 A Yes, that's correct.

9 Q And now this is, Mr., Mr. or Ms. Hatch?

10 A Right. Mr. Hatch.

11 Q From the Division of Industrial Hygiene of the
12 State department of labor; is that right?

13 A I think for a short time he was, he worked for the
14 New York State Department of Labor, he had been at Harvard
15 prior to that, and shortly he joined the staff of the Air
16 Hygiene Foundation of America.

17 Q All right. But at this point in 1938, he is a
18 member of the Department of Labor? Is that correct?

19 A That's correct.

20 Q And then down on the membership committee we have
21 people like someone from the Chamber of Commerce in Los
22 Angeles; is that right?

23 A That's correct.

24 Q And over in the-- Let's see what else if we've got
25 anything different here. Among the members, you have people

1 Dr. Markowitz - by Plaintiff - cross (Cairns) 2292
2 like the American Automobile Manufacturers Association? Is
3 that right?

4 A Yes.

5 Q We see U.S. Steel again. Okay. So, there are a
6 lot of different groups represented on this foundation,
7 wouldn't you agree?

8 A That's correct.

9 Q Now you mentioned that members of the Industrial
10 Hygiene or Health Foundation or the Air Hygiene Foundation
11 got copies of these materials, right?

12 A That's correct.

13 Q Okay. And companies like OCF or Westinghouse would
14 have gotten copies of these each month, right?

15 A I'm sorry, I don't know what OCF means.

16 Q It doesn't matter, Westinghouse.

17 A Yes.

18 Q We would have gotten copies of these articles?

19 A That's correct.

20 Q That would include, for example, in 1946 a document
21 called abstract for a health survey of pipe covering which
22 appears on page 69?

23 A I would presume so. I don't have any direct
24 knowledge of that article.

25 Q But you have as much knowledge about that as you do

1 Dr. Markowitz - by Plaintiff - cross (Cairns) 2293
2 any of the others, right? You just would assume they would
3 receive it?

4 A That's correct.

5 Q All right. As part of the normal course?

6 A That's correct. I mean I haven't prepared this
7 list, so I don't know what you know, if there were mistakes
8 made or whatever.

9 MR. PLACITELLA: Judge, I think the proper
10 question is has he ever seen the document before.

11 Q Is it likely he would receive that, that anyone
12 would receive any one of these as any other, correct?

13 A Presuming the titles of all those are correct, yes.

14 Q And Mr. Placitella asked you whether you're being
15 paid to be here today, and I assume that you are?

16 A Yes, I am.

17 Q And as I understand it, your rate is \$250 an hour?

18 A That's right.

19 Q Or a minimum of \$2,000 an hour, excuse me, \$2,000 a
20 day?

21 A No, that is not correct. If I work eight hours, I
22 would get \$2,000.

23 Q Okay. But you normally have a minimum fee, don't
24 you? That would involve coming for the whole day?

25 A No, I do not.

MR. PLACITELLA: I have a few questions.

REDIRECT EXAMINATION

BY MR. PLACITELLA:

Q There is nothing wrong with being a member of the Industrial Hygiene Foundation, is there doctor?

A No, there is nothing wrong with being a member.

Q There were some good companies in there too, right?

A I, there were like, individuals, good, bad, indifferent.

Q If you join an organization to learn about the dangers of a specific disease, that's a good thing, right?

A Absolutely.

Q Okay. Now, Mr. Cairns asked you about the medical committee, I'm on that same year, are you aware in the committees that same year was the Saranac Laboratories?

A This is 19--

Q 1937. The year they joined.

A 1937?

Q Right, the year they joined.

A The medical committee, yes. Saranac Laboratories, Leroy Gardener is on.

(Transcript continued on the next page.)

1 Mr. Markowitz - by Plaintiff - cross (Cairns) 2294

2 MR. PLACITELLA: Can we clarify what we mean
3 by minimum fee. I don't know what he's talking
4 about.

5 THE COURT: Excuse me?

6 MR. PLACITELLA: Can he clarify what he means
7 by minimum fee.

8 THE COURT: For coming to court, you're
9 talking about?

10 Q So, your fee would be \$250 an hour or \$2,000 if
11 you're here for the whole day?

12 A That's correct.

13 Q All right. And you also charge for the research
14 services you do, right?

15 A Half that amount for research.

16 Q Or for going to depositions?

17 A It's the same as trial.

18 Q Same as trial? I think you've been working with
19 Mr. Placitella for about 18 months now; is that right?

20 A Neo, I think--

21 Q A year and a half?

22 A I think it's. I'm trying to remember whether, I
23 don't think it's that long, I don't recall. Precisely.

24 Q Thank you.

25 MR. CAIRNS: I don't have any other questions.

2256 Homicide Club
incl where
panels on asb.

2257

2258

2259

"Sent to all members of the K-Club"
12-27-38 Articles to be discussed
include one on exper. path. (Gardner)
Clinical survey asb ind. (Sayers & Driscoll)
Pathol of HB. Dying w/A 516

2260

2262

2267

2270

2285

AHF process of forming began in 1934, & name
to Ind. Health Found. in 1968
"The Problem" by McHirth of O-I 1/15/35
Whose member IHF from 1937-1970
Two periods, one starting 1937, whose was on Bd. Trustees
Whose had members on med. comm. & Chem/Tox Comm.
Bd Trustees: Joseph Dilworth
Med Comm: Lyle Hazlett
Chem & Tox Comm: - Barnes
Whose lawyer suggests Homicide means Kill the dust