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Date: 1/21/33
Title: Letter
Author: Harbaugh
Receiver: Cummings
Comments:
"I am asked to advise you that the Board feels that nothing could be published that is so potentially damaging to the lead and zinc mine operators of this district. The possibilities of its very damaging use in the hands of some unscrupulous lawyers or others who might be interested in stirring up damage suits against the mining companies is extremely great at this time. In many states in the union there are now pending suits for hundreds of claims for total disability from occupational diseases. The mining companies now in existence here would have to bear the burden of paying for disabilities to which they were very minor contributors, if such suits were ever filed here."

THE SARANAC LABORATORY FOR THE STUDY OF TUBERCULOSIS
OF
THE EDWARD L. TRUDEAU FOUNDATION

SARANAC LAKE, N.Y.

January 24, 1933

A

Dr. Anthony J. Lanza
Metropolitan Life Insurance Co.
New York City

Dear Tony:

I am enclosing a copy of a letter which I have received this morning from Harbaugh relative to the publication of the paper which I recently submitted to you for criticism.

Obviously the situation which confronts the Association in Picher is a real one and I can appreciate their reluctance to have any such data placed in the hands of unscrupulous lawyers or others who might use the information against the mine companies.

There is, however, another aspect to the situation which is equally difficult. I have actually spent nearly two years of time and several thousands of dollars in accumulating the data which has gone into these papers. The first paper, which is the one under consideration, really constitutes the introduction to the series and without this evidence the following papers are more or less valueless. In other words, the following papers demand statistical proof of the conditions brought forth in the study and without this statistical proof little or no value can be attributed to them.

We had proposed publishing these papers in the American Review of Tuberculosis, which as you know has a small circulation and would not reach the hands of any except those interested in the more or less technical aspects of this disease. Moreover, it will require at least a year before the paper can be placed in print and with the elapse of much more time the study will lose considerable value.

Frankly, I believe that your own publications and those of Sayers and Meriwether disclose exactly the same conditions as I have pointed out in my paper. The method of analysis varies in each instance, but the facts are almost identical. We cannot help but feel some resentment over this work, for one reason

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No secrecy has been maintained in gathering the data and everyone concerned has known of the work in progress. If we had contemplated this action we could have literally saved ourselves years of time and thousands of dollars in expenditure. We feel that to have allowed the work to be completed and then to have refused its final publication has been most unfair and somewhat discriminating.

I am therefore appealing to you for your advice in this situation. I have offered to incorporate in the paper every possible extenuating circumstance with regard to the district itself and I have pointed out that the basic facts in 1930 do not differ materially from those previously published. Does it not seem fair that this series be allowed to be published in the American Review of Tuberculosis?

You understand, of course, that we did not appreciate when we entered upon this investigation the fact that it must be approved by the Industry as well as by the Metropolitan Life Insurance Company and the U. S. Bureau of Mines. We were altogether satisfied with the necessity of complying with both your wishes and Dr. Sayers' suggestions, but had we known that it must also be approved by the Association itself, I am quite confident that the work would never have been undertaken.

As a matter of fact I did not appreciate this restriction when I was in Chicago since it was not until my return that Dr. Sayers informed me of this necessary approval. I therefore submitted part of this evidence in Chicago and it is being incorporated in the report of that conference. I shall write today in an attempt to delete this information from the record, but I suppose that it is already too late and that I shall find myself investigating silicosis in the rock piles in the Federal Penitentiary in Atlanta within the course of the next few months. Such a study would probably be interesting but I am afraid my family would object to my undertaking it at the present time.

With my very best regards, I am,

Yours truly,

DONALD E. CUMMINGS
ASST. DIRECTOR

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