

November 30, 1938

Mr. A. G. Stone
Rummel, Blagg and Stone
Charleston, West Virginia

Dear Mr. Stone:-

I have examined the contents of your letter of November 23rd concerning the case of [REDACTED] v. Standard Oil Company of New Jersey. I have also received a letter from Mr. Scholl of the Legal Department of the Standard Oil Company concerning this same case.

There are certain phases of the case which make it questionable in my mind as to whether we should examine [REDACTED] at this time. My judgment on this matter will depend in large measure on whether or not I am able to obtain information from the Mayo Clinic and also on the nature of the information which I may obtain. I have written to Dr. Wilder of the Mayo Clinic in such a way that I believe I shall get most of the information I need from his reply. However I must recognize that I may not be able to obtain any information at all. I shall let you know just as soon as I hear from Dr. Wilder.

Regardless of whether or not [REDACTED] should be examined now, I think it will be necessary for me to confer with you over the details of this case. I shall be able to supply you with the available scientific information, and I shall doubtless be able to assist you in a variety of ways in the preparation of the case. Perhaps you are in some doubt as to why I offer to do this without having precise information as to the nature of the man's illness. My answer to this is that I am wholly convinced both from experimental evidence and from my clinical experience of the past fifteen years in this field, that exposure to lead in the handling of leaded gasoline is of such an entirely negligible proportion that it is quite impossible, in my opinion, for lead poisoning to occur as a consequence of such exposure. So far as I have been able to discover, both from experimental and clinical evidence, no cases of lead poisoning have ever occurred from this cause, nor are any cases likely to occur. Consequently, in my opinion, if the Mayo Clinic group of physicians, or any other group, made a diagnosis of lead poisoning on the assumption that lead was absorbed in the case of the filling station

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operator's occupation, they were almost certainly in error in their assumption and they were probably entirely wrong in their conclusions, although I consider it very improbable that any such diagnosis was made. The reasons for the above point of view will appear more clearly when I familiarize you with the extensive investigative work that has been done on this subject not only by myself and my associates in this laboratory, but also by representatives of the United States Public Health Service and the British Ministry of Health.

The great difficulty in this case is likely to arise from the fact that Mr. Capps was apparently ill in 1937 whereas he may not be ill in any way at the present time. The strategy of examining him at this time might, therefore, be unwise in that it might be quite impossible to make any diagnosis as to what was wrong with him in 1937. If we were unable to find anything wrong with him at present, we might be in the position of finding it quite difficult to interpret properly his illness of 1937. On the other hand if he is ill at present and if a diagnosis could be made, and could be linked to his earlier illness, this would be useful information. In any case my comments will serve to let you know that I do not consider it necessarily advisable to have this man examined at once and I will wish to confer with you further on this point before it is definitely decided.

Very truly yours,

RAK:is

Robert A. Kehoe, M.D.

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