

Comments of Connecticut Trial Lawyers on Repose
for Victims of Asbestos.

I am Stephen Embry, an asbestos lawyer from Groton, Connecticut. I have represented the families of those killed and injured by asbestos for 35 years. When I met with my first asbestos clients in 1975 I did not know that it was to be a life long relationship that would span the generations. I did not imagine that the epidemic would last so long, or claim so many.

Most lawyers have cases, and when the cases are done the files are put away and all too often the memories of the clients fade. That is not the way it is with asbestos and its victims. The white hand of death we call asbestos reaches across the decades and continues to steal our loved ones. It produces lingering death and disability. It is sometimes handed down to the wives and children of the workers who only error was in hugging their husbands and fathers when they came home from work, with clothes covered in white powder.

Many of my clients contact with asbestos occurred when they built our submarines in World War two or in the 1950's when they built our nuclear navy to provide the walls of steel that kept us safe during the cold war, and during the Cuban missile crises in 1963. Others raised palaces of nuclear energy at Millstone in the early 1960's that continue to provide our electricity today.

Some worked in our office buildings built in the 1950's filled with asbestos insulation

Cases I am working today include:

A worker with severe asbestosis who worked during World War II at a shipyard in Quincy, Massachusetts during World War II.

A victim of mesothelioma who started at the Electric Boat Corp. in 1940.

The son of a pipe layer whose father worked with asbestos in the 1960's and brought contaminated clothes home to his family.

A women who died of mesothelioma from working in asbestos polluted buildings at the Department of Health in the 1950's.

Every week the widows of clients I first represented in the 1970's come to me because their husbands are now dying of the dust that first made them sick almost 40 years ago, and kept them sick across the decades.

When the Doctor's look into my client's shrunken and scarred lungs on the autopsy table they find the asbestos dust that the workers breathed as young men, proudly serving their country, building its ships and

factories. The asbestos lingers and stays. Hidden but not forgotten.

The Doctors find this deadly dust lingering in the bellows of life because it was made from rock, and rock lasts. It turns out that it lasts longer than its victims.

Asbestos, the rock of ages, not only lingers in the lungs of those who breathed it 60 years ago, but continues to hide in our schools, offices, boilers and buildings today and continues to produce clouds of dust which can sicken and kill. It is a rock and rock lasts.

It was sold and installed because it lasts. That is the message the purveyors of death used to sell and market their deadly products. "Buy our asbestos it will last as long as your ships, your buildings or your power plants." Certainly it will last a lifetime, as shortened as that may be. Certainly it will last 60 years and more.

Lasting product, lasting illness, illness for generations yet unborn. But the sellers told only part of this story. They told the part that would put money in their pockets, not the part about the death and illness that would last even longer, unto this day, and even until tomorrow.

Seventy-four years ago scientists in the employ of the asbestos industry agreed to withhold information from

the public that asbestos causes cancer.

Sixty three years ago Owens Illinois medical studies showed asbestos inhalation scars the human lung, and but kept this from the workers using their products.

More than 70 years ago Vandiver Brown of Johns Manville wrote to Sumner Simpson of Raybestos Manhattan saying he agreed, "Our interests are best served by having asbestosis receive the minimum of publicity"

As a result of this conspiracy asbestos was sold, and asbestos sickened, and it continues to sicken and kill. Conspiracy entered into more than 60 years ago, and a legacy that has lasted more than 60 years.

What do these events have in common? Many of the events, and the sales of asbestos occurred more than 60 years ago. But as Shakespeare said, the good that men do is oft interned with their bones, but their evil lives after them. Our law enshrines the evil, and buries the good. Under our law the manufacturers of asbestos, the malefactors of lasting death are granted repose after sixty years. Not so the costs of their product which we continue to pay for today.

After sixty years they are no longer held responsible for the costs of the disease they sowed. Those costs must

instead be borne by the heroes who built the country. Borne by the greatest generations who stood duty at Midway and the Cuban crisis, and by taxpayers of today who must pay for the hospital and funeral bills for diseases arising today from the conspiracies of the past.

There is no justice in a statue of repose that gives repose only to the sowers of death, and not to those who bear the wounds of asbestos today.

You can right the wrong by writing a law that says justice should be a way of life, not a reward for carelessness and evil. Repose should only come when the final victim of the asbestos conspiracy is laid to rest.