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# FERNALD LIVING HISTORY PROJECT
## Transcript

Name: Stan Chesley
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### Tape FLHP0199

07:01:07
Q:
Okay uh, we'll make this quick. If you could just tell us first of all, um, sort of the story of the, the community law suit that happened.

A:
Yeah, simple. Lisa Crawford and the FRESH group came to me about the problems at Fernald. Up to that time, the PR at Fernald had been mostly secretive. A lot of people seen the checkerboard chimneys, thought it was part, part of Ralston Purina, or that they made feed materials for animals.

07:01:41
A:
Uh, also was during the period of the tail end of the Cold War, so it was very unpopular uh, to take on a nuclear weapons facility because it looked like you were anti-American, and part of a con-, you know, a conspiracy. When I looked at the facts and the information, I was astounded, because it's been my belief that there's nothing like a lawsuit to make an even playing field.

07:02:06
A:
And it was clear to me that there had been incredible abuses (coughs) and the part that was one o' the most phenomenal to me was not only was their waste materials from the production facility, but by virtue of Fernald being in the middle of the country. The fear apparently had been that if you had materials that are radioactive, you don't want 'em near either the west coast or the east coast because that could be close to bombing.

07:02:31
A:
So you put 'em in the middle of a country in a small farming community. So they had tons and tons of debris that was radioactive, that was never generated from Fernald. For example, you saw, it looked like erector sets out there. It was, it was quite phenomenal. And they were metal materials, it was a junkyard. A, think in terms of a giant radioactive junkyard. Over and above the barrels and the containers and so forth.

07:02:56
A:
But they were for example, storing thorium in a Quonset hut that was leaking. And most of that thorium had never been used at, had never been used at Fernald. Uh, the K-65 Silos is another example. They were stor-, they were acting as a storage facility. I was always reminded when we were in court, they kept saying, "Well, we can't move it 'cause it's too dangerous."

07:03:21
A:
And I said, "Well, it was just as dangerous as when you brought it." It did not get there by metamorphous. You know, it didn't just all of a sudden appear, it wasn't placed in those tanks. And the way they were curing the problem was they were building earth, an earthen dam around the tanks. Well, so it was leaking into the dirt. For example, think in terms of these erector sets, sitting out there in the open.

07:03:44
A:
Every time it rained, it rained on the radioactive metal and it went right into the water stream. So what no one realizes, they were using Fernald not only as a facility to machine ah, uranium, they were also using it as a giant dumpsite. I mean, right in everybody's backyard. And so when the FRESH group complained, nobody was paying attention. I got into the suit originally, and I couldn't get the local media interested.

07:04:13
A:
I went out and after we filed the suit, and took a tour. They mandated that I was entitled to a tour. And I'll never forget, I got in, and, and they had a very slanky looking reception area, and the media was, said, "Well, boy they look great." And people in white coats, they looked terrific. And hard hats and they walked around very efficient. And they had new Dodge van, mini-vans to take you around.

07:04:36
A:
I think this was when Westinghouse had first taken it over. So they put me in one of the vans to take a tour, and I see all of this turned out to be uranium. Just all over, just like a giant junkyard. And the first thing the man said who was driving the van, he said, "We cannot move this van until you buckle your seatbelt for safety." And I said, "Are you kidding?"

07:04:57
A:
So what happens, then the national media came in, New York Times, Newsweek, Time Magazine, and all of a sudden, the local media said, "Gee, there must be something here." And low and behold, it was one o' the best-hidden secrets. The other thing that was very unique in the lawsuit was, I didn't sue the Department of Energy.

07:05:17
A:
My view was, I sued the contractor because if I sued the Department of Energy, they would claim immunity. So they said, "Why don't you sue the Department?" I said, "You want a third party?", that's a legal term. "You want to bring 'em into the suit? Fine." They never did. And I said, My suit is against you."

07:05:33

A:
And it turns out, under the contract, no one would believe this. In the '50s, nobody would run a nuclear weapons plant if you were a manufacturer, unless you were totally indemnified. So usually, you get an indemnity for, ordinary day to day activities.

07:05:53
A:
(Chuckling) They, the federal government, gave NLO, which was a subsidiary of National Lead, not only an indemnity for day to day activities of the dangerous nature, but for any negligence. Have you ever heard of the government giving a indemnity for negligence and for punitive conduct? And what that was, was a license to National Lead, not to worry.

07:06:16
A:
That the government would indemnify, and the government would hold them harmless. And that, the problem was, National Lead and all of these companies that took over these nuclear weapons plants, had absolutely new, no expertise in nuclear energy, it was the '50s. Had no idea what was about, how to do it, how to do it, safety was not a factor. Nobody understood it.

07:06:38
A:
So what you had if you could envision, you had a giant foundry, (moves fists palms up and together from side to side) all hand operations with people on lathes, pushing this material, with ch-, chisels while it goes around. Think in terms of pottery, or a, or a wood lathe. And that's what it was, was a giant foundry.

07:07:00
A:
And the technology, even in the '50s, in my opinion, was not modern. It was no real technological breakthrough. But as time wore on, there was never any improvements in their operation, particularly for safety. Uh, the whole medical approach was they wanted to have safe days at work. And we had uh, evidence of a worker who was literally not allowed to go home but kept in, in isolation.

07:07:29
A:
Because he had been, and they did not want anybody to know, that he had been injured. We have countless numbers of examples. Oh, you know, they would have broken bones, and they would talk about you know, "Oh, somebody had a broken leg." But the way they were doing the medical monitoring, and the way they were uh, monitoring these people was so derelict, they had no idea of the escape.

07:07:48
A:
They could not build together the dose levels that were out there. There was no way to reconstruct it. We tried to reconstruct it, and they were off by thousands and thousands of pounds. So you were

contaminating the air, you were contaminating the water. I mean, one o' the things that was the most

uh, frustrating was to try and look at their records and their documents.

07:08:11
A:
Because they kept hiding under the concept of classified, it was classified information. And one of the things that was the most insulting was worker's comp, is paid for by the state. You pay a premium, they were not self-insured in Ohio. They paid a premium, and then the state would defend. But usually, payments were paid.

07:08:34
A:
But whenever there was a radioactive incident, or claimed radioactive incident, NLO would fight that case. They didn't owe any duty to fight. They would bring their lawyers in and fight that case. And they would bring in their scientists to show, and here's a poor worker. He doesn't have the ability to raise the money to, to, to assess how damaged he was, or what the radioactive levels were.

07:09:02
A:
And here's a battery of experts, not on the part of the state of Ohio who's paying it, but on behalf of NLO, who would not be out of pocket. Their premiums would not have gone up. So one has to wonder, what were they doing? And what they were doing, for example in one case, when we did discovery, we found out that NLO spent $300,000 in legal fees, to fight, to fight one worker's comp case.

07:09:31
A:
When they didn't even have to, it's a State of Ohio or Attorney General and they went in and they had contract which they agreed to back in 1958 or 1959 where they would defend, no consideration, any and all workers comp claims for anybody who had radioactive. So then they were able to report, you know, nobody got any radioactive.

07:09:51
A:
And then they used that as an attempt to say, well how could the residents have been impacted. The other thing that fascinated me that during the 1980's there was a whole new move to revitalize our nuclear energy, cold war, new administration were going to come and we're going to really lay it on the Russians.

07:10:16
A:
So they started running this plant 16, 18, 20 hours a day, so they took this old dilapidated lack of technology plan which was really bare bones of the 50s and had already approached the envelope, and passed the envelope as far as technology or innovation and made little or no improvements in and just and just ran the heck out of it.

07:10:44

A:
And the only word that meant anything there in the 1980s was like back in the 50s was production, everything was under the word production, production, production, and nothing having to do with Safety. And we were able to take this to a summary jury which was non-bounding and the results were incredible. I mean there was no question and we got medical monitoring which has been very, very helpful.

07:11:08
A:
And it was probably one of the pilot programs of medical monitoring. But none of this could have taken place but for the support of FRESH. They were right and they were on the cutting edge for example as we got into the case they blamed lawyers and FRESH for creating panic.

07:11:25
A:
There was no panic. This was just a real situation and nobody understood, bare in mind as compared to Hanford this was only 1000 acres plus or minus, maybe a 1000 employees, which is a small facility and the estimates to clean it up were about $20 billion to clean up a 1000 acre site. And then the question is, on the one hand their saying, gee, it's not dirty nothings been contaminated.

07:11:51
A:
But on the other hand they're saying to get it straight it's $20 billion. Now, you know, common sense would say that there's something missing here and the $20 billion may have been on the low side and the reality is and there's no consequence there has been little or no building or construction in Crosby Township.

07:12:17
A:
In other words, I drew a map a on the board in front of a jury, 18 miles from downtown Cincinnati and I drew a circle and showed the developments since 1959, 1960-65, 1970 (interviewer is coughing).

07:12:30
A:
Construction and development in the Hamilton County, Clermont, 18 mile radius, it's incredible. New communities, Blue Ash, Springdale, Tri-County, all these communities Colerain Township, Greene Township, Clermont County, Milford, West Chester, all within 18 miles but no building in Crosby Township. And in my opinion that was not a coincidence.

07:13:05
A:
And there won't be any serious building or expansion in that part of the community until it's cleaned up. And I admire the cleanup and the fact and it reminds me of alcoholics anonymous, bad analogy, the biggest problem that they tell me about an alcoholic is if you can get the alcoholic to admit there's a problem, that's 50 to 60 percent of the cure.

07:13:32

A:
The problem that we _____, up until about 5 or 10 years ago, even after the lawsuit, is that the government and who ever was running the plant continued to deny, continued to deny the reality. And you could get nothing done when you had governmental agencies and contractors saying "gee, there's no problem. It's perfect. Everything's great."

07:13:55
A:
"Nobody's getting sick. There's nothing going on out here." Once there was a recognized that there was a problem, and it had to be cleaned up then you could move to positive business. And ah, you know, Fluor Daniel's and I, we had our problems, and ah, but they recognized that there's a problem and there has to be a clean up.

07"14:19
A:
You can't just ignore the K-65 silos. God forbid if we had a tornado or a major, major weather front at that K-20, K-65 silo. We could have one of the great catastrophes in this community (Interviewer coughing) and you just can't have degraded it by covering it with dirt. I mean, it's, it confounds me that anybody would think of that or a thorium storage.

A:
Thorium is so dangerous, I think it was thorium-235. I saw it leaking out of buckets. And they, the way they had it, they hid it because it was in a Quonset hut, you know, that's just, you just can't run a, I mean we were in a, the federal government was in the middle of inditing polluters. All over the United States, super-fund cases and so forth. There's nothing more dangerous than radioactive materials.

07:15:15
A:
I remember as a kid I used to, you're too young you don't remember. You used to go in and get your feet fluoroscoped to see if your shoes fit. The outlawed all those machines. They outlawed that machine, you know, before you got your little Paul Parrot shoes you would go in and they'd see your feet. They out, outlawed it.

A:
And, so radioactivity is very, very serious. And I think the United States, their experts weren't near as far as advanced on the realities of this situation. Ah, because the Department of Energy had had some many of them on their team ah, that they really weren't nearly as ah, profound as to being objective as the European scientist were. And we used some of them. That's a long answer to your question.

07:16:05
Q:
Yeah, but it's very good. Everything in there was very good except my coughing fit. Um, if you could also tell us (coughing) just a little bit about the differences to and ah, how you got involved with the workers.

07:16:19

A:
The workers unfortunately came later. They, from hindsight they should have come early, because they had ah, and by coming in later and I can tell you why they came in later; they had violated some statue of limitations. So it was a real up hill battle. And the reason they didn't came in earlier was they had jobs to protect and they were afraid that if the unions took a concerted effort and filed lawsuits they could lose jobs.

A:
And as they were cutting down the number of people that worked there, some of these unions were greatly impacted and they thought that there was a fear, there can be retaliation in jobs and that's why they were hesitant. So they were busy protecting the myth.

07:17:01
A:
The other part of this that we learned, many, many primarily men that worked there were afraid to tell anybody because they had been told when they got a job that if you tell anybody what your doing, your subject to the FBI coming and having yourself indicted and going to jail. And you know, many of them weren't even high school graduates.

07:17:25
A:
They were factory workers. Wonderful people, salt of the earth, they were afraid. They were intimidated. They would go home with radioactive materials all over their clothes and not be allowed to tell their wife and kids. They tramp it into the house. For example we had one incident beyond belief.

07:17:45
A:
Where in a very radioactive environment, they had limited air-conditioning so all the windows in the dinning room were open. So people were eating their lunch in the dinning room in the areas where you're suppose to eat, and all this stuff is blowing in the windows. I mean, it's something that no one can believe. I mean, I have video tapes of some it that are, ah, that we put together showing the plant and so forth that ah, maybe would be good for the archives.

A:
But it's incredible. You'd see uranium everywhere. I mean, it you know, if you think in terms of a modern facility an auto mak-, an auto making manufacturing place with a lot of robots doing the dangerous painting and so forth. And you can contrast that to a machine shop with just a couple people working, that's literally what, what you had at Fernald. It was like an old fashion machine shop.

07:18:38
A:
Even 'til the time it closed down. Well you've been out there, you've seen it. Can you believe how, how, I mean the technology is beyond belief. It boggled my mind. And the amount of hand operation, I'm doing this dangerous work, and these people were never warned. And the materials they were

given the boots, the safety equipment, and the masks; they didn't fit, they didn't work, they weren't

used, they weren't mandated to be used.

07:19:02
A:
They were old, they were obsolete. It was, safety was the last word, it was production, production, production. So then the workers came on board, and we went after them. We now have a medical monitoring where they're examined yearly and we're finding some incredible material. I mean, they've found active cancers in residents and in, and in ah, employees that they'd have never found.

07:19:27
Q:
Wow.

A:
If I look back in my history of practicing 38 years it's one of the most satisfying cases that I ever had. And I was terrible unpopular, I mean, they looked at me with, very jaundice look. Oh, he's out to make money. No, all we were out to do was try to get justice in our community. Nobody could believe that this was housed 18 miles from downtown Cincinnati.

07:19:50
Q:
And how did um, how did these lawsuits sort of open the door to other sites?

A:
What it did is it opened the door, and when I met with some government people, I said, you know, "Can't we work this out? You know, you got Hanford, you got Rocky." They said, "We got a problem, we got 60 of these plants." Six zero. There were 60 of these facilities in the same type thing. For example, they would put water, contaminated water, in a pond. Think in terms of a pond.

07:20:21
A:
And they would put a plasticized liner under it. But the plasticized liner, with weather and time would tear, so all of the radioactive water would go right down in, then go into Paddy Run Creek and into the Little Miami River, or the Miami River. Uh, and so what happened is it spread, because it turned out that other places were just the same.

07:20:43
A:
In other words, it wasn't just Fernald, that in my opinion was poorly managed and poorly monitored by the government. It was all. And I think the logical reaction or reason was there was no downside risk on the part of the corporation since the government was indemnified. For example, there was more oversight at a meatpacking plant.

07:21:07

A:
In other words, I can't make hot dogs without having a federal advisor, pardon me, a federal person from the FDA watching the cleanup, the sterilization. I mean, that's our problem today. We don't have that for fish. We only have it, and we don't have it for chicken as we do for meat. You know, particularly have no regulation for fish. They're starting to look to it.

07:21:28
A:
So you can't run a hot dog plant without having federal inspectors. But do you know there was no on site monitoring by the, uh, by the, back then it was the uh, the DOE, but before that it was the NEA. Was it the NEA?

07:21:45
Q:
The AEC.

A:
Pardon me?

Q:
AEC.

A:
Before the AEC, there was another group.

07:21:48
Q:
Oh, yeah. It probably was the NEA back then.

A:
NEA. Nobody there. There was a period of time, three years, where nobody came. You can't do one day in a meat-packing plant. So they're making nuclear weaponry, with nobody there inspecting. No monitoring. They would rely totally on their records, and their records were bogus.

07:22:13
A:
For example, they had things which were monitoring that hadn't worked in months. They hadn't even changed the filters on 'em. The monitoring equipment, it was a disaster.

07:22:26
Q:
Have you ever toured any of the other sites?

A:
A piece of Hanford, uh, no, I have not toured. The other thing, Hanford is so large, it's hard to get a grasp on it. One of the nifty things about Fernald, it was small enough that you could understand it. You could understand it. We did a videotape, of the various buildings and the various activities and

how the buildings all inter-related with each other.

07:22:48
A:
But the one thing that never added up was the storage facilities. Because there was no reason to store the materials. And I, I think everybody was amazed at how much material was there literally for storage, and not part of the manufacturing process. I don't think the public still understands it. I bet you were shocked when you found out it was just a giant dumpsite.

07:23:09
A:
I forgot the percentages, but only a small amount was literally used at Fernald. And how that was ever permitted, I don't know. Nobody, they never cleared it with any state people, and any state EPA people. The federal government, they just did it, they just shipped it in. Can you imagine all the railroad cars, and tractors, and trucks that were contaminated? Hopeful.

Q:
I was, I'm sorry, go ahead.

07:23:36
A:
Hopefully obsolescence has taken those off the road. But we, we saw examples of, they had a dump truck that was donated to a school, and it was contaminated. I mean, you know. You know, they were trying to be good citizens so they donated it to a school board or whatever it was, or to the county. It was bazaar. I mean, was just going through some recollections.

07:23:57
A:
Going through the documents was, was strange. I mean, some of the documents were contaminated. The other thing that was bazaar, before we could go in and see the documents, we had to have all kind of security clearances. There was no security. There were no secrets out there. That was the big way, in my opinion, that they continued to cover up those, keep talking as though it was classified as secret.

Q:
And that was in the mid '80s.

A:
Yeah.

07:24:26
Q:
How did you feel the day that they said, in 1989 that they were closing the plant for good? What was your reaction?

A:

Well, I felt bad for the workers, but I was afraid that if they closed the plant for good, and just evacuated the premises, you, you would, it would go to fallow, and nothing would be done to clean it up. And so as far as I was concerned, there had to be remedial action, because there was nobody caring any more, if it just went into a vacant field.

07:25:00
A:
I mean, had frankly, had there not been this lawsuit, they might have sold the land and people could've built houses on it. Nobody knew. Nobody knew we knew. You know, people criticize the litiga-, the legal system, but the legal system brought it out.

07:25:13
A:
But for the legal suit, but for the litigation, you would not have aroused Congress's ire, the uh, administration, it went through different administration's ire. The Department of Energy, all of a sudden saying, answering questions. I mean, it was, the environment was so much different, after the media picked up on the lawsuit.

07:25:34
A:
And the lawsuit really drove, in my opinion, a lot of what we now see as far as cleanup. Because had they just walked out of there, and uh, you know, it was like leaving Vietnam and calling it victory. And it was a serious concern.

Q:
Now was there sort of a second half of the fight there to get them to clean up the site?

A:
Absolutely, absolutely.

Q:
Tell us a little bit about that.

07:26:59
A:
Well they went through various contractors and various ah, I still feel that the Center for Disease Control should have been more involved, more actively involved. They had indicated they would be involved. We've not see a lot ah, and the other part of it is very subtle.

07:26:15
A:
For example, radioactivity, a lot of people die and it's very hard to trace it to that, because people die of cancers that aren't close to radioactive. It's not like a broken leg in an auto accident, where you see it. Before you even drove you car you didn't have the broken leg, you have the auto accident, you see the broken leg, you have an x-ray.

07:26:32

A:
So radioactivity and radioactive injuries are much more subtle and difficult and they're over a period of time. There's a huge delationcy period, you know, length in time until it's discovered. And a lot of people have died and a lot of people are older and it's an older population. I mean this plant opened in the '50s and ah, so that's, that's a very aging population that worked there and even the residents are older.

07:26:57
A:
And it was, I don't think that when they first started cleaning up they understood the enormity of the situation. They did not understand that we had, they had problems with the air, and the water, and in the ground. So you had contamination of three things. And I don't think there was ever enough money particularly in the early stages allocated for clean up. 'Cause no, to the best of my knowledge and the _____, no one wanted to except culpability.

07:27:26
A:
I wasn't really looking for someone to say "It's our fault." I was looking for them to say this was the situation, this is what we've got, we've got to fix it. For example, if somebody bought a facility and they went to build a plant or a building and they saw contamination they'd say, gee we should have know about it but we didn't, we've got to clean up it before we build.

07:27:47
A:
That wasn't what the government or the contractors were doing. A lot of 'em were looking for short cuts and easy fixes and there were no easy fixes. They, we have 40 some years of contamination with absolutely no regulation, no monitoring, haphazard approach to it. So it's cumulative and the bottom line is, it should take 40 years to fix it but you've got to get in there and you need the money and the time and the expertise to do it.

07:28:16
A:
In the early days of the clean up there was a lot of meetings and a lot of hand wrenching and wringing of hands; what do we do? But very few wanted to face it because it wasn't productive, it wasn't something the government needed, it was sort of like the *Building and Loans scandal*, it was over, you wanted to clean it up but there was no profit center.

07:28:37
A:
There was nothing, you weren't getting anything back in return, other than a clean environment, and safety. And you weren't producing anything, so when you stopped producing you didn't need the production facility. It lost it's importance and so therefore people like FRESH and the other groups out there continued to harp on it and we've got to continue to harp on it.

07:28:58

A:
I would tell you FRESH has been on Fluor Daniel's neck from the beginning and that's health. It really it. Plus congress and oversight but now ah, Fernald is a, is a household word. And I feel very, very proud that I was a part of making it a household word, from a negative standpoint, not a positive standpoint. I think it's more positive now but I think there still needs to be a lot of work.

07:39:22
(Cameraman: Joyce, we're at the end of the tape)

Q:
Okay.

**TAPE FLHP0200**

08:01:05
Q:
Out of the whole ordeal and how long did it last first of all?

A:
Feels like a century, I'd say 5 or 6 years plus all together.

Q:
What was the worst moment?

08:01:19
A:
The worst moment I think was the failure for anybody in the overall community to recognize the hazard and to try and explain it; how bad it really was. Because you were fighting this myth that you can't stop nuclear energy. One of the problems that I had was I had some of the anti-bomb groups calling me, anti-nuclear people; would I get on board.

08:01:49
A:
And I said, "wait a minute. I'm not into this relative anti-nuclear. I'm pro-nuclear, but I'm pro-safe-nuclear because the statistics are that more people who are injured from unsafe utilization of nuclear energy than were ever injured in a war. And if you take a look at Chernobyl and so forth and other incidents as what's going on with the environment.

A:
The environment was more hurt by, by the people that were making it than anybody that used it. So, the reality is that I did not want to be part of that group, I was never part of that group, and not part of that group. But I had a really tough time getting anybody to understand the safety issues.

08:02:31

A:
And the importance of the safety issues, and the jaundice approach to the government, the government was very bizarre in the early years, they were so protective and they all called it National Defense and so forth. That was very strange. My meetings in Washington, everything was incredible frustrating. They were very bureaucratic, and really not helpful.

Q:
Why was it so hard for the community to understand that it was a health hazard?

08:03:00
A:
I think they were embarrassed. It reminds me of Dallas after the Kennedy assassination, I think there was an embarrassment that this was going on in the community and they didn't want to believe that it could happen in this, in our wonderful community in the middle of America. How do we end up being this nuclear dump site. And I think that people thought it was being exaggerated and embellished.
08:03:18
A:
And you know, and when they started to see some frogs that had, you know, three legs they would, people started to think about it. And it's very hard, it doesn't have the objectivity of an explosion. For example, the explosion in Oklahoma City, that's now, it's instant, you can visualize it, you can see it; it happened.

08:03:37
A:
This is something that happened yesterday. This is something that happened over 40 some years and that's a problem, very hard to harper. Well you understand TV. How do you explain it on TV? You know, you could see the building in Oklahoma City, you could see the sights, the sounds, the tragedy all happening in a matter of moments. This isn't something that happened in a matter of moments. It's very hard to describe.

Q:
That leads me to a question too. How did the media help?

08:04:17
A:
Early stages local media did not, later stages they help a lot because they started to finally see that _____ something's going on. I think some of them were embarrassed that they let, let it go by and not pay attention. And of course it was all so secret, people couldn't get on the premises. It was all under national security and it was like ah, and so ah, the media originally was very jaundice until the national media got into it, and then I think the media was very helpful

08:04:42
A:
But, then of course they dropped it. It's very hard to keep the media's interest a lot. You've got to have something, some new, something new every day otherwise they're not interest. They, they are,

the media is the most fickled group in the world. You know, on any given day it's a big story, and

then what is it, then it's over, you know.

08:05:04
A:
Then they were, you know, they were interested in the lawsuit but then they weren't too interested, you know it would change. It was very _____. It would go up and down like a pendulum.

Q:
So did that (clears throat) when the national media did get involved was that one of the factors that ah, helped the surrounding population understand?

A:
Yeah, I think so. But I think the public, the public perception still is not that accurate. But ah, I think in the eyes of the public it's all cleaned up and it's okay and it's not.

08:05:35
Q:
What about the best moment?

A:
The what?

Q:
What was your best moment?

08:05:42
A:
Winning and getting a, besides winning the case, getting the court and the public to understand that we were right. And it was a good thing that we did. I mean a lot of people looked at me as some kind of trouble maker. Why are you making trouble? You know, stop this.

A:
There were editorials and letters to the editor, you know, why is, you know, this is America, and there were people wrapping themselves in the American Flag. And why are you causing this trouble? Why are you stirring this up? Stop it! The war is over, we're at peace. You know, leave it alone. And that, that really wasn't, and then we also started getting into the pro-business people that became very anti-environmental.

08:06:27
A:
Boy, if you're into the environment, you've got to be, you know, you're too liberal for me. And we've got to build and produce and stop worrying about the environment. And then all of the sudden the Iron Curtain came down and we saw some of the disaster in Eastern Europe because they have no controls on pollution and I mean, the fields are blackened in Poland and in Eastern Europe and even in East Germany.

08:06:47

A:
And it's a disaster because it was production, production, production with nothing forsaken. I mean their waters and so forth and people forget that we were like that in the '50s and '60s. And it would not have changed but for the environmentalist people moving in the environment and caring about the environment.

08:07:14
A:
And I'm concerned that now with the economy becoming so glorified that the environmentalist and the people that care about the environment are having to take a back seat. It's very concerning. It's almost like a cycle repeating itself. It's very hard to try an environmental case now.

Q:
How did you feel about the government kind of settling out of court.

A:
It was fine, I mean, I think it was time to get it going and it, it had to be done. I think they should settle Hanford rather than talking the talk. I think they should settle Rocky Flats. I think, we're still on the Mounds case, we're still on Piketon case and they've hired outside council just to fight, fight, fight, fight, fight, you know. So we have to keep fighting it.

08:07:51
Q:
And overall do you think the settlements were fair?

A:
Yup, because they, the door's still open for people to bring personal injury cases and make their worker's comp cases so the therapeutics' of the medical monitoring and so forth was very important. You know, there was no since in trying to bankrupt the United States, that's, that's. The other problem was selling a jury that every dollar you give us is gonna have to be paid by you as the tax payer, couple things there. But yeah, I think it was fair.

08:08:24
A:
It was good, I thought it was good work. I was very proud of it. If I look back that's one of the cases that I'm very proud of, 'cause we took a lot of risks and we were there with the people.

Q:
And that's kind of something that I don't think a lot of people know, I've been interviewing a lot of workers and a lot of community members, and I'm not sure that a lot of people know that that is available to them. That further lawsuits (Comment – yeah, because) could you explain that a little bit?

08:08:48
A:
Sure, because when we settled we only settled the emotional distress and medical monitoring for the workers so if they have a claim they can go forward with worker's comp and make their claim from the day they discover their injury. Ah, ah, there's statue of limitation problems on the death cases and that

they have to establish an injury.

08:09:10
A:
And then they have a right, and there's a panel of doctors to look at it so there's much more fairness rather than having it all stacked against you. And what caused that to come about was the fight, they used to fight every workers comp case when they didn't have to fight it. Now they can't it anymore. If they're there, if the injury is there, the person is entitled to be compensated.

08:09:27
Q:
Is that true also of relatives?

A:
Well that's the death cases, that's a problem. The, the only workers, workers compensation only applies to the worker or their heirs if there's a death case. But the death cases have to have been filed within 2 years because that's by Ohio statue so that's a problem – can't change the statue.

08:09:52
Q:
If you could go back 30, 40 years and ah, tell the NEC or the AEC anything, what would you tell them?

A:
Remember our citizens. You know, we had a lot of factories during the war that made tanks, made guns and they were done in a safe manner. And there should have been much more expertise put out there. They needed to have doctors that knew their business and they needed to better protect the workers.

08:10:24
A:
They knew about radioactive, you know, back in the turn of the century. They understood radioactive, this wasn't brand new. It was Pasteur or ah, who ah, understood radioactivity. Not Pasteur, who was the beginning of radiology, radioactive.

Q:
Ah, Mary, Murray, Marie Curie.

A:
Marie Curie, I'm positive. Strike that about Pasteur, that's not, that's pasteurization. They've know about this for 50 years and nothing was done. And they got, they brought in contractors what were terribly inexperienced. They were all on a cost plus basis so, the contractors had no risk. Whatever it cost they added up a factor of overhead and profit and with no liability.

08:11:07

A:
You let anybody, whenever you, whenever you hear companies that what to have amenity and limited liability remember there's a reason. Because the lawsuit is one of the greatest social deterrents for a safer society. And people criticize the lawyer and criticize the litigation but the court house's is the great equalizer and the jury system's the great equalizer.

08:11:30
A:
And a jury is nothing more than a mirror of public opinion. And the reality is when a manufacture has no responsibility, they're not gonna take any responsibility. And that was part of the problem. It's one thing to day to day activities, you know, give them some license, but not on, not when they're negligent or purposely negligent.

Q:
Great, um, how was the legal action that was taken, how is that a part of Fernald's history?

08:12:05
A:
I think it's a, it's, a integral part because, I think, it sets some precedents, some standards. I think the government will never make another contract like this. Ya know, they learn from their mistakes. And I think they know that somebody is going to watch them or the courts are going to watch them. And they're going to be put up to serious questions about how they do business.

Q:
And, why do you think it is important to preserve Fernald's history?

08:12:28
A:
I think it's, I think history is so we don't repeat it again. Yeah. History is our best lesson and I think there is a great adage, uh, " It is bad to repeat bad history." But that's not how the adage goes. How does that adage go?

Q:
Umm, I've heard it put that way.

08:12:47
A:
Yeah, and so history is the great teacher. Yeah, and this is a historical perspective and, I think, you gotta frame it all including the litigation 'cause the litigation is the centerpiece. Not because I was the lawyer, but because it was the centerpiece of where the only place these people could get justice. Knocking on the doors of Washington wasn't going to give it to them. Knocking at the doors of National Lead wasn't going to do it.

Q:
How much did you know about Fernald before you started the lawsuit?

08:13:17

A:
Nothing. Nothing. Absolutely nothing. I knew they weren't making feed for animals. That part I knew. But I had no idea. None. It was like opening a curtain. I cannot believe it. I do not believe it. It boggled my mind. And we learned a lot about it. I learned an awful lot. Ya know, my view is that I believe a lawyer in order to present a case has got to know the facts.

08:13:39
A:
Ya know everybody knows the law, but they gotta learn the facts. The facts are just as important or more important than the law. And the facts on this were incredible. Cause they violated their own pollution standards. Federal government pollution standards were violated. The water, Safe Water Act, Safe Air Act, every, everyone of them was violated. Across the board.

08:13:58
A:
Some of these going back 15, 80 years. Some of these rules and laws. An, purification, water purification act. Everyone of 'em was violated. And nobody cared. And nobody to enforce 'em. There was no Pollution police against the federal government or their contractor. And the contractors, they wore a badge of immunity. They could do anything cause they were there operating on behalf of the government.

Q:
Something a community member told me that I thought was kind of interesting. Her take on it was that, um, science got ahead of technology. And that there wasn't really the technology to deal with the waste as they were processing. Do you think that's true?

08:14:37
A:
I think (crackling) wouldn't spend the money. The bottom line, it was an issue of money. If, uh, and I'm not sure I agree with her. I think that if you go to the word that I use, pro-, production. Production was key and no one ever really thought about what to do with the waste. I think the technology was there.

08:14:55
A:
I just don't think they wanted to spend the money on it. Cause you didn't get profit out of it. You didn't make money on taking care of the waste. And we have this today in our country. Ya know we got all these dump sites, refuge places. Got the landfills out here. What's gonna happen in ten years? Where they gonna go, what're we gonna do with garbage? And nobody spending the real money on technology as to get rid of it.

Q:
Do you think that there is an environmentally safe way to deal with nuclear waste?

08:15:22

A:
Gotta be. I'm sure there are scientists and people that know, but they gotta be funded. There has to be research grants. There're research grants on how to make a bigger and better bomb, or nuclear power or nuclear energy. The question is, is there an equal amount of research on how to get rid of safely, rather than hiding it. And that's what they wanna do, they wanna put it in caves. And you know, what state wants it?

08:15:49
Q:
Yucca Mountain.

A:
Huh?

Q:
Yucca Mountain.

A:
Yeah. Nobody wants it.

08:15:54
Q:
Uh, one last question. They're tearing buildings down pretty quickly, and um, sort of flattening the site. What would you like to see done with that land?

A:
I'd like to see a natur-, nature preserve. You know, they took away from nature, they stole nature, destroyed nature. Some waterways, some animal, should be planted, and I think it should be a nature preserve, if they could be safe, for the park. (Chuckling) And I also think there oughta be a plaque, uh, to the, to the honor of the people, that uh, the citizens.

08:16:336
A:
Not, not the lawyers and not the, not the manufacturers or the corporations, but the citizens that made a difference. I really think they should be, so that we can always remember, lest the people die. I don't want my name on the plaque, I don't want any company's name on the plan, but the citizens out there who rose up and said, "Stop this." They're the ones that made the difference, they're the heroes. I always think of them as the Lawrence of Arabia, and I was the camel.

Q:
Great. Is there anything that we didn't cover that you wanna cover?

A:
(Begins removing his microphone) No, you did a good, you do good work.

Q:

Thank you very much. Oh, yeah, nat sound.

A:
What do you need to do?

08:17:18
Q:
Oh, we just need quiet on the set for about 10 seconds. Are you rolling? This is nat sound.