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**Report/Article Title** Memorandum with attachment: From Alvin L. Young, Office of Science and Technology Policy, to Jerry Jennings, regarding deposition for Agent Orange litigation, with letter from William F. Cavanaugh, Jr., Rivkin, Leff, Sherman and Radler, to Arvin Maskin, Department of Justice, regarding same disposition, dated April 10, 1984

**Journal/Book Title**

**Year** 1984

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**Description Notes**

**EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF SCIENCE AND TECHNOLOGY POLICY  
WASHINGTON, D.C. 20506**

April 10, 1984

MEMORANDUM FOR JERRY JENNINGS

FROM: <sup>R</sup> AL YOUNG

SUBJECT: Deposition: Agent Orange Litigation

On Friday, April 6, 1984, Arvin Maskin, Esq., Justice Department, lead Attorney on Agent Orange litigation actions, visited the office and informed me of a deposition required of me in the Product Liability Litigation. The court case begins May 7 and involves a class action pitting Vietnam Veterans (plaintiffs) against the Manufacturers of Agent Orange (defendants).

My deposition is to be taken April 11 and 13, at the Justice Department. Mr. Maskin will serve as my (the Government) attorney. The areas potentially covered by the deposition are noted in the attached letter. Mr. Maskin has notified Counsel to the President, Mr. Fred Fielding, of this deposition.

I am available to discuss this issue with you.

LAW OFFICES  
**RIVKIN, LEFF, SHERMAN & RADLER**  
 100 GARDEN CITY PLAZA  
 GARDEN CITY, NEW YORK 11530

TELEPHONE (516) 746-7500    TELEX 645-074    CABLE ADDRESS AT LAW GRCY    TELECOPIER (516) 747-2843    SUITE 3900 • 30 NORTH LABALLE STREET CHICAGO, ILLINOIS 60602 • (312) 782-5680

WRITERS DIRECT DIAL: (516) 228-4322

March 30, 1984

Arvin Maskin, Esq.  
 Department of Justice  
 Safeway Building  
 Room 904D  
 Washington, D.C. 20530

Re: Agent Orange Product Liability Litigation  
MDL No. 381

Dear Arvin:

I submit this letter on behalf of all defendants in response to the government's request for information required under the United States' "page 34 request" regarding the upcoming deposition of Lt. Col. Alvin Young who is presently assigned to the President's Office of Science and Technology. As you are well aware, Lt. Col. Young's study of the use of herbicides both in Southeast Asia and in this country and the ecological and human health effects, if any, from such use spans three decades. Consequently, defendants' anticipate that the deposition of Lt. Col. Young will cover a number of divergent areas, all of which may have a significant bearing on the issues in this litigation.

The following will outline generally the areas of factual and expert testimony that we intend to explore during the deposition of Lt. Col. Young. However, in light of his unique position with regard to the subject matter of this litigation, we do not represent the following to be an all-inclusive listing of potential areas of questioning.

As to factual testimony to be sought from the witness, Lt. Col. Young will be examined regarding any knowledge he possesses relevant to the three prongs of the government contract defense as set forth by Judge Pratt in Pre-trial Order No. 33. We will further examine him regarding the testing and destruction of surplus supplies of Agent Orange.

In addition, he will be examined concerning any factual knowledge

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which he possesses regarding both government and non-government sponsored studies (published/ongoing) relating to alleged health effects from exposure to Agent Orange, TCDD, 2,4,5-T, 2,4-D or any of their precursor chemicals and any of the alleged "contaminants" which plaintiffs' claim were present in the Agent Orange sold to the government. Defendants will also question the deponent regarding any factual knowledge he possesses on possible alternate causes for the many infirmities alleged by members of the plaintiffs' class.

Defendants will also seek expert testimony from Lt. Col. Young. This testimony will be sought from the witness in both his personal and professional capacity. With the same caveat noted above, the subject matter of this examination will be as follows:

1. The United States military's research, development and use of herbicides as defoliating chemicals since World War II.
2. The domestic production and use of herbicides as defoliants in this country.
3. The United States military's use of herbicides in Southeast Asia during the Vietnam war.
4. The testing, stockpiling and destruction of surplus supplies of Agent Orange.
5. The likelihood of exposure among United States servicemen in Vietnam to Agent Orange and/or TCDD.
6. The environmental fate of Agent Orange, TCDD, 2,4,5-T and/or 2,4-D.
7. The association between exposure to Agent Orange and/or TCDD and health effects among Vietnam veterans.
8. The association between service in Vietnam and health effects.
9. The association between exposure among civilian populations to 2,4,5-T, 2,4-D or any of the precursor chemicals, TCDD or any of the alleged "contaminants" which plaintiffs claim were present in the Agent Orange sold to the government and health effects.

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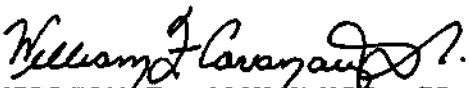
Lt. Col. Young will be asked his opinions in the above areas and, specifically, with regard to any relevant scientific study.

I am presently compiling a list of the documents which defendants may wish to use at the deposition of Lt. Col. Young. This list will be forwarded to you within a few days. As we discussed, I will not be forwarding to you copies of these documents since the witness undoubtedly already has copies in his possession.

Should you have any questions concerning the above, please do not hesitate to contact me.

Very truly yours,

RIVKIN, LEFF, SHERMAN & RADLER

  
WILLIAM F. CAVANAUGH, JR.

WFC:cc

cc: See Attached Service List

**RIVKIN, LEFF, SHERMAN & RADLER**

TO:

Morton B. Silberman, Esq.  
Clark, Gagliardi & Miller  
The Inns of Court  
99 Court Street  
White Plains, New York 10601

Wendell B. Alcorn, Jr., Esq.  
Cadwalader, Wickersham & Taft  
One Wall Street  
New York, New York 10005

John Sabetta, Esq.  
Townley & Updike  
405 Lexington Avenue  
New York, New York 10174

William Krohley, Esq.  
Kelley, Drye & Warren  
101 Park Avenue  
New York, New York 10178

David R. Gross, Esq.  
Budd, Larner, Kent, Gross, Picillo  
& Rosenbaum  
33 Washington Avenue  
Newark, New Jersey 07102

Thomas A. Beck, Esq.  
Arthur, Dry & Kalish, P.C.  
1230 Avenue of the Americas  
New York, New York 10020

Arvin Maskin, Esq.  
Department of Justice  
Safeway Building  
Room 904 D  
Washington, D.C. 20530

Judy Spanier, Esq.  
Shea & Gould  
330 Madison Avenue  
15th Floor  
New York, New York 10017

Paul Esposito, Esq.  
Lewis, Overbeck & Furman  
135 South LaSalle Street  
Suite 1060  
Chicago, Illinois 60603

Agent Orange Plaintiffs'  
Management Committee  
26 Court Street, Suite 905  
Brooklyn, New York 11242

Howard Lester, Esq.  
Lester, Schwab, Katz & Dwyer  
120 Broadway  
New York, New York 10271

Stephen J. Schlegel, Esq.  
Schlegel & Trafelet, Ltd.  
One North LaSalle Street  
Suite 3900  
Chicago, Illinois 60602

Benton Musslewhite, Esq.  
Law Offices of Benton Musselwhite, Inc  
Suite 517  
609 Fannin  
Houston, Texas 77002

Thomas Henderson, Esq.  
Henderson & Goldberg  
1612 Frick Building  
Pittsburg, Pennsylvania 15219

Victor J. Yannacone, Jr., Esq.  
Yannacone & Yannacone  
P.O. Box 109  
Patchogue, New York 11772

David Dean, Esq.  
Dean and Falanga  
One Old Country Road  
Carle Place, New York 11514

Sol Schreiber, Esq.  
Milberg, Weiss, Bershad & Specthrie  
One Pennsylvania Plaza  
Room 4915, 49th Floor  
New York, New York 10019

Clerk of the Panel  
Judicial Panel on Multidistrict  
Litigation  
1120 Vermont Avenue, N.W.  
Suite 1002  
Washington, D.C. 20005

Magistrate Shira A. Scheindlin  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**RIVKIN, LEFF, SHERMAN & RADLER**

Phillip E. Brown, Esq.  
Hoberg, Finger, Brown, Cox & Molliga  
703 Market Street  
18th Floor  
San Francisco, California 94103

Stanley Chesley, Esq.  
Waite, Schneider, Bayless & Chesley  
1513 Central Trust Tower  
Cincinnati, Ohio 45202

John Q. O'Quinn, Esq.  
O'Quinn, Hagans & Wettman  
3200 Texas Commerce Tower  
Houston, Texas 77002

Neal R. Peterson, Esq. and  
Gene Locks, Esq.  
Greitzer & Locks  
1500 Walnut Street  
22nd Floor  
Philadelphia, Pennsylvania 19102

Newton B. Schwartz, Esq.  
Houston Bar Center Building  
723 Main  
Suite 325  
Houston, Texas 77002