History

of the

U. S. Food and Drug Administration

Interviewee: E. Pitt Smith

Interviewer: Robert A. Tucker

Date: June 3, 1997

Place: Williamsville, New York

DEED OF GIFT

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E. Pitt Smith

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INTRODUCTION

This is a transcript of a taped oral history interview, one of a series conducted by the Food and Drug Administration's History Office. The transcript is prepared following the *Chicago Manual of Style* (references to names and terms are capitalized, or not, accordingly.)

The interviews are with persons, whose recollections may serve to augment the written record. It is hoped that these narratives of things past will serve as one source, along with written and pictorial source materials, for present and future researchers. The tapes and transcripts are a part of the collection of the National Library of Medicine.

DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Food and Drug Administration
Rockville MD 20857

CASSETTE NUMBER(S) 1, 2, 3

GENERAL TOPIC OF INTERVIEW: History of the Food & Drug Administration

DATE: June 3, 1997 PLACE: Williamsville, NY LENGTH: 150 minutes

INTERVIEWEE	INTERVIEWER
NAME: E. Pitt Smith	NAME: Robert A. Tucker (FDA)
ADDRESS: [redacted]	ADDRESS: 5600 Fishers Lane
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FDA SERVICE DATES: FROM: July 2, 1956 TO: January 3, 1997

TITLE: Director, Buffalo District
(Last FDA position)

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RT: This is another in a series of FDA oral history interviews. Today, June 3, 1997, the interview is being conducted with E. Pitt Smith, retired director, FDA Buffalo District. The interview is taking place at Mr. Smith's home at 59 Kings Trail, Williamsville, New York, and is being conducted by Robert Tucker.

Pitt, when we conduct these interviews, we usually like to start with a brief autobiography, such as where you were born, your early education, colleges attended and degrees earned and early work experience, if any, prior to your joining the Food and Drug Administration. So if we can look at your career track, where you served, and what you did, let's proceed that way.

PS: Well, I was born in Dallas, Texas, and I lived there with my parents and sisters and brothers until . . . Oh, I don't even remember when we moved. But I do remember starting school. My father worked in the cotton business, and we later moved to Houston. When my mother became very ill with cancer, why, I went to Fort Worth and lived with my grandmother and aunts. I graduated from high school there, and that's where, I guess, my work experience started. I worked in a hospital pharmacy and later at the Fort Worth stockyards.

RT: What were the years of the graduation and your entering the work force?

PS: Well, if you mean the grown-up work force, that was in '56 when I joined Food and Drug Administration. Because before that, I was either in high school or college or between, you know, between schools or something like that. I entered the full-time work force July 2, 1956, in the New Orleans District.

RT: All right. I've kind of jumped ahead--your college work was where and what was your major area of study?

PS: OK. In '48-'49 and '49-'50, I enrolled in Texas Tech, Texas Technological College in Lubbock, Texas, and spent two years there. Then I transferred to Sul Ross University in Alpine, Texas. I graduated from there in '52 with a bachelor of arts degree in range animal husbandry and business administration. I went into the service then for two years. I spent thirteen months in Korea in early '53, and . . . Well, all through '53, as a matter of fact, and then a little into '54. So I was there during the war and also during the truce.

I had graduated, of course, from college, and when I came back, I used my G.I. Bill to get a master's degree from Sul Ross University. I graduated from there in the spring of 1956 with a master's of education degree, again majoring in range animal husbandry and education.

I didn't have a job when I got out, although I was offered one at top wages teaching. It was three hundred dollars a month. (Laughter)

RT: In those days that was a good salary.

PS: But I declined. I didn't think teaching was what I was cut out for. Actually, it didn't sound very interesting or exciting to me, so I began looking for a job. I took the first FSEE (Federal Service Entrance Examination) that was given, and I think I made an eighty-eight or a ninety-two or something like that on it. Anyway, I passed it, and I began getting a lot of job offers, but they were all as personnel classifiers or position classifiers or something like that. So finally one came along from the Food and Drug Administration, and by that time I was beginning to feel guilty because I didn't have a full-time job, and my wife was working at the bank. During my service time and my master's work, she had risen to head bookkeeper at this bank in Alpine, Texas.

RT: Was the offer to join FDA at a Texas location?

PS: No, it was at New Orleans, and this was kind of traumatic for us, because we had never been that far east. Also, New Orleans was below sea level, and we lived at a mile high level in our hometown there in Texas, but we decided we'd do it and give it a try. So we loaded up a U-Haul trailer and dragged it down to New Orleans. We got in there the weekend before the Fourth of July, and I went to work July 2 at New Orleans District in the old Custom House there at the foot of Canal Street.

RT: And I suppose, since he was such a long-time head of that unit, that it was Mr. Boudreaux who was the director at the time?

PS: Mr. Boudreaux was director. I remember calling him on a Sunday. I guess it was July 1, and, you know, I didn't know the protocol or anything. I called Mr. Boudreaux and said, "I'm here." And he said, "OK. Come down tomorrow." I had one wool suit, so I wore that. Pretty hot. *(Laughter)*

RT: Were you the only new recruit reporting at that particular time at New Orleans?

PS: No, there was one other. A fellow by the name of Don Paschal. I don't know where he is now, and I don't know if he stayed with Food and Drug. I think not, though, because I haven't heard of him or from him in years and years and years. I didn't like the work at first very much.

RT: Were you first placed in food work?

PS: Well, there was no separation at the time. In those days, a well-rounded inspector did everything. In New Orleans, almost always one started their training in food work. I was very fortunate there because my trainers were people like Taylor

Quinn, and Lee Strait, and Walter Moses in Houston. He was the Houston resident at that time. It was a one-man post. Then later, when Bill Prillmayer in Dallas transferred to Buffalo, I believe, why, Gene Spivak came down from Denver into Dallas, so I got some really good training from him. I got some good drug training and food training from Bud Loftus. What those guys afforded me was not just training in the technical aspects, but I got a really good education in FDA history and philosophy and purpose.

Mr. Boudreaux had risen to district director, by default I think. He was a chemist there, and came up through the ranks. But he left Brian Eggerton, who was the chief inspector at the time, and Reo Duggan, the chief chemist, pretty much alone. They ran their own shops, and got along well enough together, and the units under them got along well enough. A gentleman by the name of Bill Hayes was the food and drug officer, and he handled the legal aspects as a compliance officer does now. But those three guys ran a wonderful district. We didn't always think so at the time, but the district really was pretty well run, outside of the fact that Mr. Boudreaux always asked for more money than he could possibly use; Allen Rayfield knew this, and so he never gave that much. But we did do pretty well there.

RT: Well, Mr. Boudreaux was rather a unique career servant, in that, as I recall, he served more than forty years all at New Orleans, which was the exception in those days that you would stay in one place so long.

PS: That's true, and people nowadays, they're kind of disparaging about people who rise in the ranks in one district without ever moving, and except for Washington--except for headquarters at the time--that was not . . . It wasn't the usual thing, but it was by no means rare, I don't believe. Mr. Boudreaux did that, and I think Reo Duggan went

to chief chemist in the same district. Of course, he went to headquarters later. It's not like it hadn't ever happened before.

RT: Mr. Eggerton, he was the chief inspector then?

PS: Yes, he was the chief inspector. We traveled usually two weeks in and two weeks out, except if you went to Texas. At that time, New Orleans covered Alabama, Mississippi, Louisiana, and two-thirds of Texas, all the way out as far as Del Rio, Texas. So when you went to the Rio Grande Valley down to Harlingen and around there in Texas on a trip, you usually went for three weeks, especially if we used the trailer laboratory, which we had at the time.

When the Pesticide Amendment, the Miller Amendment, was passed in 1954, I was not yet in, of course, but we started working on it in '56. Jimmy Hyndeman was the microbiologist. Helen Barry and Jean Gaul, who later became Jean Arnand after her marriage, would go out in the trailer lab to the Rio Grande Valley of Texas, and the inspectors would do our inspectional field work. We'd go to farms and collect samples from the four corners and center of the fields and from shipping sheds, and things like that, and bring them in. The laboratory would run screening tests on them, and then we'd go back and report that to the farmer.

I guess politics first began coming in then, because we thought we would get-- and we did later get-- much better cooperation from the farmers when they all learned we would come back and give them the results on the screening samples, rather than just never tell them anything. That's also when the agency, as I recall, developed the policy of sending pesticide results letters--not 704 letters, but the letters furnishing pesticide results.

RT: The 704 letters. What's the nature of those letters?

PS: On the back of a Notice of Inspection or on the back of a sample receipt, that portion of the law is quoted stating if a sample is collected from a firm manufacturing a food that the results of those samples will be sent to the firm. Of course, that didn't apply to the pesticide things, but the pesticide letters were an extension of that, I think, for good will and other reasons.

Anyway, I mentioned Jimmy Hyndeman's name. Jimmy Hyndeman he caught a lot of flack in his later years after Dallas was established, but when I worked with him, he was a good microbiologist, and we would take the trailer lab to places like Bayou La Batre below Mobile, Alabama, and do crab meat work. And we did crab meat work in Texas on the Gulf Coast also, and Jimmy Hyndeman, then, would be running his micro work in the trailer lab.

I remember, Jimmy always kept his little refrigerator full of media, and one day we knew that his media was beginning to run low, and he hadn't made any new lot. On the way down to do a crab meat plant, real early, early morning, we passed several fields that were watermelon fields. On the way back after a crab meat inspection, it was getting late. We pulled over, and jumped through the wire fence and got us a watermelon, and brought it back and put it in Jimmy's refrigerator. He nearly had a litter of kittens when he found it in there. But he sure ate part of it. (Laughter)

RT: He examined that organoleptically.

PS: Yes, he did. There are a lot of things like that that made the job much more bearable, and by this time I had begun to kind of like it because I was a journeyman . . . Let's see, I started doing crab meat work when I was a GS-7, and I really did like it. I took great interest in it because of the microbiological aspect of it, and the way inspections could be conducted and things like that. You got up early, and you got there before the plant was even open. I can remember down in Palacios, Texas, we

were doing one, and I got out there, and the plant was not open. It was on a turning basin where the boats came in, unload, and then turned around and go back out on the Gulf. I just would stand there and watch porpoise fishing. A lot of mullet down there, and they'd chase and catch mullet. The mullet would jump out and the porpoise was right behind them. Passed the time that way. But, at any rate, by that time, I was a GS-9, so I was beginning to know what I was doing, and . . .

RT: You came in at what level?

PS: A GS-5. Yes, it was $3,670 a year. I remember that when we moved to New Orleans, television was new; we didn't even have it in Alpine. There was no television out there because of the mountains and things. We knew right away we weren't going to be able to have much entertainment, so we bought a television set and paid ten dollars a month on it. That was our first for Hazel and me.

But, at any rate, you know, I give Walt Moses and Taylor Quinn and some of those guys a lot of the credit for any success I've had, because they didn't just teach techniques and technical things. They taught you all the good things about FDA and what you were doing for other people in the country and things like that. As I say, I was to the point now that I kind of liked the job, especially when I was given assignments to do things where I knew what I was doing.

RT: Now some of these folks that were already there, like Mr. Quinn and Mr. Moses, those folks had come in as seafood inspectors in the seafood program. Was that pretty well established then by the time you came in?

PS: When I came in, the seafood program was almost over. Let's see. Taylor had just come back. He had just been reassigned as a regulatory inspector from the seafood

program. And there was only one left; his name was Nevis Stubbs. Nevis was a great individual, a good guy, and he knew seafood backwards and forwards. Well, let's see, when I came in in '56, he finally came out of it in 1959, so I think that's about when the seafood program ended. If any place it was ever needed it was in Louisiana, because the shrimp industry there was surly, and it was anti-FDA, pretty much anti-government.

I remember the first complaint I ever got was in a seafood plant. I was like a GS-7, I guess, or a GS-5, and I went down with an inspector named Willis Lightfoot, Tucker Lightfoot. Tucker and I have always gotten along and everything. But old Tucker went in the plant and took me with him. We went in; we were going to get some records. We were standing in front of this guy's desk, and he didn't want to give us any records on shipments of shrimp. It was the manager or owner, the guy who's running the shrimp plant. I don't remember whether we got what we wanted or not, but, anyway, we turned around and left. I think we did, but we left. When we got back to the office, why, Brian Eggerton called both of us in. He said, "Well, you must be learning something. You got your first complaint today." This guy had already called back up there and complained about this young fellow that was with Inspector Lightfoot; he was memorizing invoices. And he said, "Not only that, but they were upside down. He was reading them and trying to memorize them. I saw him doing it." (Laughter)

RT: Well, that was kind of a compliment.

PS: Yes. I thought well, maybe it's going to be all right.

RT: Well, pesticide and seafood work, certainly were principal activities in New Orleans. Were there any other major industries in terms of regulatory problems?

PS: Yes, there were rice mills, cottonseed oil mills. Most of those were in western Louisiana, the rice mills. Cottonseed mills in the south part of Texas, southern part of Texas, and canning. There was a huge canning industry all across Louisiana and all through Texas, down into the Rio Grande Valley.

RT: What was the nature of the violation problem with regard to the oils?

PS: Most of it was filth. In fact, all of it was filth. But it was very, very difficult to ever make a case on that kind of thing, because most of the filth wound up as the soluble filth in the oil, and there were no adequate analytical methods at the time.

New Orleans was enforcement-minded. The district was very enforcement-minded, but it was not into 402(a)(4) cases. That's the section of the law that says something is violative if it is adulterated. But with respect to the rice mills and the flour mills, why, that was just good solid filth work and all of the filth elements, insects primarily and rodents to some degree, could be established. Gene Spivak was an outstanding flour mill investigator. Of course, at that time, that was a big deal.

RT: Now, when you were out on two-week tours, were you expected to get most of the report writing and sample collections and perhaps mailing done while you were on the road, or could you do some of that back in the office?

PS: Well, that's not just a good question, it's very apropos, because I've used the answer for years as a supervisor and a district director. We were expected to not come back with any work other than maybe the last inspection we had made, and the samples that go with it. You were expected to make your inspections and write your reports out on the field and send your samples in. When you got back, why, you know you might spend three or four days doing your last report, getting the samples, the INV samples,

the filth samples, and exhibits and everything together to turn it all in, but that was all expected. You were taught that. Your trainers taught you that. Brian Eggerton depended upon those guys that I've mentioned before to teach the new people those kinds of things, and it was just expected.

RT: So in that period of the agency's history, as far as overtime was concerned, that was expected rather than being a compensatory thing to follow. Is that correct?

PS: In New Orleans District, you grew up not knowing the meaning of overtime, other than, you know, you showed it on your time and production cards, your T & P cards, because you always put in the amount of time you spent doing whatever you did officially. But no one got paid for it. As a matter of fact, the first time I think anyone in New Orleans, to my knowledge, got--at least while I was there--got any overtime pay was during the cranberry episode in 1959, and everybody across the country did. That was mandated from headquarters.

But, you know, a lot of the things about overtime depend upon the way you were raised and where you learned to work. I worked in high school on the Fort Worth stockyards, and you didn't go to work at 8:00 and get off at 4:00. You went to work, and you were there . . . On Mondays, which was a huge day, you were there by 6:00 in the morning, and you didn't leave until you were through for the day. And when I worked in Lubbock, going to college at Texas Tech, why, you got paid by the hour, but working part time. But you went to work whenever your time started, you know, after classes, and you worked until you got through with whatever your job was. In the summers, I worked on ranches, and you get up and go to work, and when you get through you come in. So, anyway, my point is that when I went into the Food and Drug Administration, I thought that was the way it was, and so I just did it, and that was

an easy thing to learn for me, working out on the road. I just grew up in the agency doing that thing.

RT: Let's see. You were married before you had taken the FDA assignment at New Orleans.

PS: Yes.

RT: Was that a problem? Some wives were somewhat distressed by travel absences. Was that a factor for you, being away from home so long?

PS: Well, Hazel didn't like me being gone so long. And moving to a huge town the size of New Orleans and living in an apartment complex, yes, it bothered her. We made a lot of friends there, some of whom we still see and correspond with. In our case, Hazel didn't like me being gone for so long, but she knew that's the way it had to be, and I did too, so we just made the best of it.

RT: How long were you in New Orleans? You apparently advanced to what, a GS-9 there?

PS: I went to a nine. I was there three and a half years. One day, Mr. Boudreaux and Brian Eggerton called me in, and . . . I don't know if Reo Duggan was there or not. Incidentally, I really did like Reo, and . . . Hazel and I both. He was a great guy. I'm sure you didn't get to interview him, because he died before all this started, but . . .

RT: I knew Mr. Duggan, and he was a nice person.

PS: He grew orchids, and he had a greenhouse and everything. I've got all sorts of little things like that.

Oh, in 1959, late, it was like in December, Boudreaux and some of his cohorts, whoever they were, they called me in, and he said, "Look, Mr. Lennington and Mr. Rayfield have finally convinced Walt Moses to move to headquarters, and so . . ." I hope I've got these dates right. Walt will remember them exactly, but I think they're right. And . . .

(Interruption)

PS: Anyway, they said, you know, "Walt's agreed to move to Washington, and we would like to know if you would be willing to move to Houston, transfer to Houston." Well, this was like a thunderbolt to me, you know. First of all, I'd be going back to Texas, even if it wasn't but a few feet above sea level. (Laughter) But second of all, it meant that I'd get a raise. I didn't know that at the time though, and I just looked at them, and then I said, "Yes, sir." When I got home, Hazel said, "Will we get a raise?" I said, "I don't know. I didn't ask him." But I did. At that time, GS-9 was a journeyman, and all residents were GS-11s. So we moved there in 1960 in early January. In fact, my recollection is that we moved, that we drove out of town on New Year's Day, but I think Hazel's differs. She's probably right.

RT: Well, at least down there you didn't drive out in a blizzard.

PS: No, we went through a couple of hurricanes there and in New Orleans. But we went there in January of 1960.

RT: That was a one-man post?

PS: It was a one-man post. It was probably the best . . . Certainly one of the best jobs I ever had in FDA.

It gives you pause to stop and think, when you're following a guy like Walt Moses into a post. You think about what's expected of you, you think about the quality of performance he gave. You know, the guy has forgotten more about FDA and FDA work than most people will ever know. All you can say to yourself is, "Well, hell, they asked me, so I'm going to give it a shot." And I really did like it.

At that time, it was almost unheard of for someone to go to a single-man resident post--as most of them were--in three and a half years. When you first come in, they tell you, "Hey, it's going to be five years before you can even think about getting an eleven, and, you know, five or ten before you go to a resident post," and here I made it in three and a half years. And so you say, "Well, I've got to live up to this some way or another." So you just work at it.

RT: Well, it was obvious that you'd been working at it pretty well, or you wouldn't have progressed that well.

PS: You don't know. You're just doing your job all along, and you don't think about those kinds . . . Or at least I didn't. I didn't think about that kind of stuff.

Anyway, I remember . . . To give you a good idea of how New Orleans worked at the time: You know, you got a job, and they expected you to go out and do it. Remember now, supervisors had not been invented yet, and guys would, like Bill Hayes have some follow-up work on a case or something. *He'd tell you what he wanted.*

But what I was getting around to is . . . I remember as well as if it were yesterday. It was in April of 1960. I had Bill Hayes on the telephone. I asked him what I needed to ask him, and we got everything settled, and I said, "OK, Bill." He said, "Pitt, before we go I need to tell you something." He said, "Look, you've called

over here two or three times this month. You shouldn't be calling so much. You know what you're supposed to do, you know what your work is, and you've got it all laid out. Just go out and do it and don't be calling so much."

RT: Well, you were trying to . . .

PS: That's why I say it was a great job.

RT: No micro-management there.

PS: Not at all. Of course, sometimes when you did something that you . . . When you didn't do something you should have . . . I remember I made one inspection; I didn't collect samples of all the raw materials, and nobody ever told me that I should have. I found out from another investigator. It was John Gomilla, as a matter of fact.

But New Orleans was . . . They were enforcement minded, but you had to really bring them a good case. I remember I got a prosecution out of a food storage warehouse in Baton Rouge, Louisiana, and I had to go back three times. I had to make three inspections of the firm over a period of a couple of years to satisfy Bill Hayes.

We made a lot of OTC cases. A big chunk of the workload at the time was the illicit sales of drugs subject to abuse like amphetamines, barbiturates, things like that. Truck stops and renegade pharmacists were our main targets. We made a lot of those cases. That was still going on when I went to Houston too. I was in Houston for eighteen months and was the lead inspector on ten prosecutions we brought against truck stops, and pharmacies, and one doctor.

Dr. Lester lived in Conroe, Texas. By this time, you know, FDA was gaining some employees and everything. They had hired a couple of guys, one in particular named Loy Barber in New Orleans not long before I left there. Loy was part Indian

from Anadarko, Oklahoma. If I saw him today, we would still be friends. I haven't seen him since the twenty-fifth anniversary celebration of Dallas District, but . . . I'm diverging.

Loy came in and was on duty only one week, and he called me one Sunday. Remember, he barely knew me; he'd known me for a week. And he says, "Pitt, I'm in the reserves, and I've been called up. I have to go. I'll be back in about two weeks. I've already told Eggerton, but I don't have any money. Can you loan me fifty bucks?" So I don't know where I got fifty dollars in those days. But I drove down on a Sunday, met him in front of the Custom House, and gave him fifty bucks. And when he came back, he paid me. But, I mean, it's like the story about pulling a thorn from a paw of a lion. We were good friends ever after that.

He went to BDAC (Bureau of Drug Abuse Control) when it was created, and now he's some big wheel, if he hasn't retired. Last time I saw him in the eighties in Dallas, he was some kind of big deal guy. But he was a very good agent.

The story I wanted to tell about him was one night he was in Houston, and I had been told by New Orleans, "Give the guy some training on OTC work." So I said, "OK." I said, "Hey, Loy, they want you to get some training." Here's this kind of dark-complected guy, you know, and baldish head, and looks kind of old for his age, and doesn't dress the best at all, you know. So he said, "All right." You know, he's got this twang from Oklahoma. So I said, "Hey, Hazel, do you want to come with us? We're going to go up to Dr. Lester's," because that gives a guy confidence. Dr. Lestor lived in Conroe, Texas, and you can just walk in and buy from the man. He didn't even get up out of bed. He was almost bedridden, this physician. So Hazel says, "Yes, it will be a nice ride." Conroe's about thirty miles north of Houston.

So we took off up there, the three of us, and we pulled up in front of Doc Lester's little old shack there. I said, "OK, Loy. Now, all you've got to do is go in, tell the guy what you want. He won't ask any questions. If he does, tell him you're

driving a rig, and you've got to get to San Antonio or something." "OK." So I go in, and I make a buy, and I come back out. I said, "OK, Loy, you go." He says, "Oh, God, I can't do that. I just can't lie. I can't lie." So we argued a little bit about it. Finally, I said, "OK," and I start the car up, and I start pulling away, and Hazel says, "Wait a minute. Now, we drove all this way." She says, "Loy, you go back in there. You're going to go in there. That's why we came up. How are you ever going to get ahead?" So Loy finally says, "All right. All right." And he goes in, and he makes a buy, and he comes back out, and he says, "He reminds me of my granddaddy." (Laughter) So this guy becomes a top agent for BDAC.

RT: He must have gotten over some of that hesitancy.

PS: Sure he did.

Anyway, Houston was a great . . . I remember two really, really nice cases there. One was against a counterfeit drug distributor, Tex Palmer. William L. Palmer--I believe that was his middle initial. This guy distributed all over the central United States. He drove a big white Cadillac, he lived out in a beautiful part of town, and we'd never been able to make a case against him.

What Herschel Howell and I did . . . Herschel was an inspector from New Orleans, and Herschel came over, and we rented a pickup, and we put signs on saying . . . You know, buy these signs, have them made, and put them on the side. I don't know where we're getting the money, because Brian Eggerton didn't turn loose of much dough at the time.

But, anyway, we put a sign that says "Howell Trash Company" or something, and we'd wait till the garbage truck was coming by Palmer's place, and he put his garbage out, and we'd wait till the municipal garbage truck was almost to the corner, going to turn the corner and come down a busy street, and we'd go by and jump out and

empty the garbage in the back of the pickup and take off, you know, and then take it home and sit at the kitchen table. Hazel didn't like this, you know, but we'd sit there, and we'd put letters together, notes, etc. You know, we were able to map out his trips through Iowa, Oklahoma, Arkansas, Indiana, and all like that. He was buying these things from a guy named Howard Press, who was in Jersey at the time and had somehow come across some old Dexedrine and Dexamyl punches from Smith, Kline, & French. Anyway, we made a good case against that guy.

To tell you how times have changed, Hazel and I used to go down to Railway Express. They called . . . I had a deal with Railway Express. I showed them my badge and everything, and they'd call me when a shipment came in for Palmer Drug Company. We'd go down, and we'd open a couple of cases, check what they were. If they were counterfeit orange hearts, you know, why, we sampled them, closed everything back up, seal it back up, and let it get shipped to him. Of course, you can't do that now. But we made a good case against him.

RT: Your investigation was over how long a period of time? A while, I take it.

PS: Oh, yes. It was the full eighteen . . . I'd say a year, sixteen months, while I was there, and we didn't bring the case till after I left.

RT: So, did you get called back then to testify?

PS: I got called back on it and other cases. One of them was tried there. It was a crab meat case that I had built earlier while in Houston. Texas Crab Company of Palacios, Texas, and I got called back from San Francisco on that, and on a Tex Palmer, and a Cal-Tex appeal.

But my favorite case . . . Excuse me. Let me tell you this or I'll forget it. My favorite case in Houston was an injunction action that never got filed, but it got to the hands of the U.S. attorney. This was after Dallas District was invented. The case was against the City of Galveston. It owned a couple of terminal elevators at the Port of Galveston, and I built a filth case against one. It was the largest one in, I'm sure, the south. They did like sixty million bushels a year of business through there. At that time, all the wheat in the country that wasn't being consumed in the United States was going to India, and most of this was. I had heard Sam Fine, the district director, was pretty enforcement-minded, and I knew that Jim Anderson, the chief inspector in Dallas, was pretty good, and I got along with them fine, especially Anderson. And I thought, you know, "I've made three inspections, and one with Walt Moses, of this elevator B, and I could never get New Orleans to take an action against them. I wonder what Sam would do."

So I went down and started another inspection and made it. I even got a photograph of a guy urinating on the wheat as it was going into the hold of a ship. I got a bunch of good evidence. And sure enough, Sam Fine hand-carried an injunction action into headquarters, got it approved, came back, gave it to the U.S. attorney. Part of the procedure in this kind of thing is that you have notify the targets. So the City of Galveston was notified, and, of course, they said, "Oh, my God. What are we going to do?"

Bob Maley, and I, the assistant U.S. attorney (by this time we were very good friends, because we'd gone through the Cal Tex Citrus Juice case together), handled the case. The strategy the U.S. attorney worked out with Mr. Fine was to go down and deal with the City of Galveston, and that's what happened. We made a couple of inspections, the assistant U.S. attorney and I, of the plant, and we got everything corrected, but I was very proud of getting an action against a city, you know.

The other "fun" thing about that is that Bob Maley, the assistant, was down there one time, and we were talking with the principals in the case in Galveston after an inspection, around towards the end of the conversation. We had told them all of the problems, and how we were dealing with them, and what they were going to have to do. They said, "OK." He said, "Well, it's lunchtime. Would you like to go to lunch? We'd like to take you to lunch at the Pelican Club." Now this was a ritzy joint there in Galveston. I said, "Oh, well . . ." You know, and Maley says, "OK. That will be all fine." I looked at him, and I thought, geez, you know, I can't let them take me to lunch. Bob looks at me, and he says, "It's OK." So I thought, well, the assistant says it's OK. So we did it.

RT: . Yes, that's, like you're suggesting, something that's usually really avoided, isn't it?

PS: Oh, yes, even today. You know, I've had lunch with people, and had them . . . It's always Dutch, you know. But I figured if this top-notch assistant U.S. attorney . . . He'd won the Cal Tex Citrus Juice case, which was the biggest in the country. Billy Goodrich, the general counsel for FDA, had given it a lot of personal attention and everything. Anyway, Maley had tried that case before Judge Ben Connally in Houston; the government had prevailed. So I figured well, if he can take a lunch, I guess I'll go with him. I don't want to make a scene.

RT: This is an aside, the name Connally. That's not the same person who was governor was it?

PS: No, no. I don't know that they were even any kin. Connally was a nice judge. I had a seizure there of canned tuna in Houston, and the company wanted to relabel it,

but they found it much too expensive. So they relabeled as much as they could, and then the rest was going to be destroyed. One day I was in the court and somebody called me. Maybe Maley or one of the assistants called me and said, "Judge Connally wants to see you in his chambers." So I went down there, and all he said was, "Mr. Smith, FDA has control over this kind of thing, but I just have too much Scotch in me to see all of this tuna thrown away. I have a very good friend who manages a home for wayward pets, and I would like to give this to him, and I would like your agreement on that." And I said, "Certainly, sir." (Laughter)

So I turn around, and I leave, and I'm walking down the halls on the ground floor--I remember--of the courthouse there in Houston, and I hear this woman hollering, "Pitt! Pitt! Mr. Smith!" And I turn around, and it's a *Houston Post* reporter who covered the federal beat at the time. Her name was Isabel Brown. I think it was Isabel Brown. She was a daughter of the Brown of Brown & Root Construction, you know. Anyway, she runs up, and she says, "What's this I hear about Judge Connally and you giving a lot of that tuna to a cathouse?" I said, "Don't print that, Isabel! Come on! Stop!" She didn't. The story was not bad at all. It had a nice picture in it, too, of the cats eating the canned tuna, you know. But at that time, you know, reporters to me, I was not used to dealing with them, and I had no idea she wouldn't just go ahead and say something like that.

RT: Yes, usually inspectors kind of kept a distance from those people.

PS: That's the best way, yes.

RT: Well, with all that early grooming in enforcement work established a reputation that I think you carried through all your career of being a good enforcement official, a regulatory minded official.

PS: Well, if that's the case, and I know I've had people say, you know, you're very enforcement minded and all that kind of thing. That's the way I was reared in FDA. It's not something I invented. That was the way I was reared. And when I left Houston and went to San Francisco, it was just the natural thing that even though I wasn't out every day doing regulatory work, that was the way things were to be done, because that's the way FDA did out in the field. And so I guess if it's continued, it's because of the staff that I've had.

RT: Now you transferred over to San Francisco at what year?

PS: While I was in Houston, I think in 1961 they invented supervisors, first level field supervisors. As well as I recall, it was in September 1961 that I was on the road with a couple of other guys, and we were still down in the valley doing seafood work. Sam Fine called and I answered the phone. Fortunately, he called late in the day, and I was in the motel room with a couple of these other guys, and we were getting our work together and everything. Sam just said, "Pitt, are you ready to move west, young man?" I thought he had some work he wanted me to do in Del Rio or somewhere like that, and I said, "Oh, yes, sir." He says, "OK. Well, you've been transferred to San Francisco as a supervisor." I was speechless. I didn't know what to do. So I said, "Yes, sir." That's what you said then.

I only had one cross word from Sam that I know of. He called me up . . . That's a long story too. I don't know if you want to get into all of this kind of stuff. He chewed me out, and it was over before I knew what he was doing, but all of a sudden I realized what he had done. He never had to do that again. It didn't take him thirty seconds.

RT: Well, Sam was a very efficient-type fellow.

PS: Very, yes. Yes, he . . .

RT: I remember in headquarters, when he was there, I used to go into his office when I was in legislation. One thing, his desk was always pretty clear. He got things dispatched quickly. As soon as the official aspects of the visit were over, Sam dropped his eyes to something else, and he didn't linger; he didn't waste time.

PS: That's right. He was the model of efficiency and I think effectiveness too. Yes.

Jim Anderson was much the same. Jim Anderson had a way of--the chief inspector in Dallas at the time--he had a way of just accruing loyalty and respect. It was really nice working for them.

RT: Now, when you went to San Francisco, was Gordon Wood in charge out there then?

PS: Gordon Wood was in Los Angeles. MacKay McKinnon was the director, and they had another supervisor, Johnny Cox. MacKay McKinnon was the director, and Monte Rentz was the chief inspector, and Bud Kerr was the deputy director. Now, that's the only place at the time where there was a deputy director. Bud Kerr had been director in Minneapolis for years, and he'd been all around the country, and he'd had a very, very bad heart attack, at least one. So Rayfield sent him out there, and he was essentially going to retire there, and he eventually did. He and McKinnon did not get along, you know. They had completely different philosophies. Bud was very, very enforcement minded. He was more towards the Sam Fine ilk. He wasn't like Fine, but he was busy, he did regulatory work, he did it well, he did it quickly, he got to the next thing; and MacKay McKinnon was not that way. But at any rate, that was the makeup out there at San Francisco. Who was the chief chemist out there?

RT: I don't recall.

PS: I don't either, but I think that was his name.

RT: Now, when you got out to San Francisco, of course, that was as a supervisor, so your duties were certainly different and more responsible. But what kinds of problems or issues did you encounter in that new position?

PS: Well, it was my first real contact with directing people, and as often happens, even nowadays, when a new supervisor or someone comes into a place, there's a usually a shuffling of people, and the new supervisor gets all the . . . Well, what would you call it? Not bad apples, but the . . .

RT: Difficult persons.

PS: The wild ones, yes, you know. So who did I inherit when I went out there but John Lupien and Jack Forbrag, you know, and Howard Pilson, and all sorts of guys. And we got along okay. Lupien . . . I don't know if you've interviewed him or not.

RT: No, we haven't.

PS: But he was one of the most brilliant guys I met in Food and Drug. He was not just intelligent; he was smart and sharp and quick.

Anyway, we did okay, and as time passed, there developed a competition between my group and Johnny Cox's group with respect to amount of work done, and the cases made, and things like that. We got a seizure on a carload of wine, if you can believe that, for filth, one of the first. There had been some back in the forties, I think,

but in the fifties and the sixties, that was the first one in a long time. And some things like that. Most of the work out there was food work. Drug work was beginning out there, and there was also some of the OTC, the illicit drug work.

RT: I think in more recent times, but certainly currently, there seems to be quite a medical device industry there.

PS: Yes.

RT: Had that evidenced itself when you were there?

PS: No, the Medical Device Acts, of course, were a couple of decades away yet. They were in the future. But the kind of devices we worked on in the field in those days were quack stuff usually, and there was some of that.

RT: I guess that's what I was thinking, because I know even the state people in California seemed to have been active with quackery enforcement.

PS: Yes.

RT: Let's see. What was one of the major cases? Was it the Drown case?

PS: Well, Arthur Dickerman worked on the . . . Oh, geez. Why can't I think of that?

RT: Wasn't there one out there that was something about analysis of blood samples or something for all kinds of diseases?

PS: I don't remember that. There was a Dr. (Ruth) Drown. She was in the Los Angeles area, and that . . . That's a real landmark case involving interstate commerce. She would sell to people . . . We brought a case against Dr. Drown--Ruth Drown. So she quit shipping the stuff in interstate commerce and would only give it to people who came to her clinic, and then they'd take it home. FDA made a case on that. That was the landmark part of it as I remember.

RT: Now her particular . . .

PS: But she was down in Los Angeles.

RT: What was the . . . ?

PS: *Relaxicisor* was the one that Arthur Dickerman worked on, and he was still working on that in the late sixties when I was in Denver, because he was our GC attorney in Denver also.

RT: And that particular . . .

(Interruption)

RT: Pitt, we're changing tapes here, but before we move on, I wanted to get on the record about Dr. Drown. What was her product? What was she dealing in?

PS: Well, as I recall, she dealt in a cancer cure. She may have rung in other diseases too, but I think that was the prime one. And as I recall, the landmark cases that came from our work on Drown involved interstate commerce, and the last one was the one

that established jurisdiction over interstate movement of drugs, which she sold intrastate to people who visited--patients who visited her--and then drove back to Ohio or from wherever they came. I think in the earlier cases that had been a stumbling block. I'm not really very familiar with her case; I read it years ago, and I do know that we have used it in the law courses, references to it. But I believe that's what it was. She was in Southern California.

RT: Well, as you point out, that precedent was important, because we've had other cases, particularly with cancer drugs, where that modus operandi has been followed by the promoter.

PS: Yes. Dr. Hoxey did it in Dallas, too, at the Hoxey Cancer Clinic. Gene Spivak used to, every morning on his way to work, drive by and get any new out-of-state license numbers. But that's what was going on there. Of course, Hoxey later moved to Tijuana or somewhere over in Mexico. But it was the same thing that Drown was doing. I don't even remember which one was first, but I think Hoxey came before Drown.

RT: Well, they're certainly two important cases in the regulatory history of FDA.

Well, let's see. We were still speaking about some of your experiences in San Francisco.

PS: San Francisco. Well, I was only there sixteen months. I do remember one experience I had there, though, that tracks back to Houston.

It was after lunch time, and a bunch of my group had gone out and maybe some of John Cox's group, too, had gone out to eat lunch, and I had stayed in. Well, about 12:30 or so, in walk three or four guys, and they're all holding these magazines up in

front of their faces. The magazine was . . . Well, they were copies, the most recent copies of *Stag Magazine*. And I said, "All right, you guys, what's going on? What are you doing?" They said, "You haven't seen this yet?" I said, "No." "You don't buy *Stag*?" "No." Well, to make a long story longer, there was an article in there, in *Stag Magazine*, about the Cal Tex Citrus Juice case and me and Walt Moses and Herschel Howell. And it was the first story after "Evening With a Redhead," and the following story was "Call Girls on Wheels." (Laughter) And, oh, man, you know it was a big joke. So I went out and bought about five copies, and I still have one of them. (Laughter)

But the first . . . It opened up, and it says "E. Pitt Smith," you know, and that's the way it went on. It told how Walt started at the case and directed it and everything. It went all through it, how we rented the apartment. Herschel and I rented a garage apartment right behind the plant and watched them. We took movies of them, and Hazel brought us watermelon. This was July in Houston, you know. Hazel brought us watermelon in the afternoon. We had no air conditioning in this place. Anyway, all of this was in the *Stag Magazine* article.

RT: That was your first national publicity.

PS: Yes, I guess so. Mine and Walt's and Herschel's.

RT: Now, from San Francisco, where did you go next?

PS: Well, I went to, of all places, Kansas City. Al Barnard was director there, and he had been in San Francisco as a chief inspector. He and MacKay McKinnon were good friends.

Anyway, we were only in San Francisco sixteen months when I got transferred to Kansas City. Now by this time, more changes had come in FDA. We were still regulatory-oriented and still going that way, you know. It was still a really hot organization. But administrative influences were beginning to take hold, because all of a sudden headquarters invented another level of supervisors. So in every district there would be a chief inspector, a GS-13 supervisor, and then however many GS-12 supervisors they needed. So there would be three levels. Well, I went to Kansas City as the GS-13 there. My chief inspector there was just the very nicest gentleman, Ted Benjamin. Al Barnard was the director, and Andy Allison was the chief chemist. That was a little different, because Kansas City was in a hiring mode, and before I was there . . . I was there three years, and before I had been there a year, we had hired more people.

RT: Was that Project Hire at that time?

PS: *Well, no. It was before Project Hire.* FDA had been given authority to give the FSEE or the test that followed that, and there were some people in each district that had been sort of deputized by the Civil Service Commission to do that, like a plan B or something. Warren Howard was the inspector in Kansas City that had been going around the country giving these tests and things.

The whole point of what I started was that we were hiring, in a hiring mode, and by the time I had been there a year or a year and a half, Kansas City had seventy-two inspectors. We were in one of the new buildings, one of the Rayfield buildings. It was really a nice place. It was well taken care of and well built.

RT: And that building I think now is no longer used. Hasn't that district relocated?

PS: The district now has moved out to Lenexa, Kansas.

RT: Those buildings, there were a number of similar designed buildings for field headquarters offices. Was that an initiative under Allen Rayfield?

PS: Yes, Allen Rayfield and . . . It started with Commissioner Larrick, and then Allen Rayfield . . . Allen was, of course, the driving force on that. The first one was in Detroit. Detroit got the first new building, and I remember some of the . . . At least one guy from New Orleans transferred up there, Doyle Smith. Doyle and I used to travel together, and around the district we were called "Big Smith" and "Little Smith," because he was a great, huge guy. He had been a prison guard before he came to work for Food and Drug.

That was in '59 when Detroit was built. After that, I think Dallas may have been the second one that was built, because Dallas was invented in '60, late '60, in October, November, but the building was built then. And after that, Minneapolis, and Kansas City, and I think L.A. was in a new building. Los Angeles had one of the Rayfield buildings. Baltimore did. I don't know about any of the others, but . . .

RT: Quite a few.

PS: Yes, a number of them.

Anyway, Kansas City was a different experience. Here we are in the heart of America, you know, and hot and muggy in the summer and cold and nasty in the winter time. But it was nice, and enforcement was still going on. We had a great program on wheat in Kansas City.

RT: Didn't Kansas City eventually kind of specialize in pesticide work for the total diet program?

PS: We had a lot of pesticide work there. In fact, one of my guys was responsible for grounding a Frontier Airlines airplane. He had collected a pesticide sample of silage and put it on an airplane to come back, and I guess one of the cases or something had broken open in the cargo section of the airliner. I got a call from Frontier Airlines that said, "Hey, what do you want me to do with this?" Because he had to land the airplane, and he called me, the pilot did, and he says, "You know, it's stinking up the air conditioning, the passengers are gagging, and everything." I said, "Throw it off. Get rid of it." So he did. Yes, we did a lot of pesticide work.

A lot on potatoes. We did a lot of flour mills. Veterinary drugs were beginning to grow then, and we were beginning to do a lot of, a considerable amount of veterinary drug work. There was a huge medicated feed industry there, and we did a lot of work on that.

We had one great big case there that was interesting. It was called . . . It was the Allerjoy case. It was imitation milk product for babies, and we made a case on that. It wasn't my group. It wasn't in my group, because all I had were trainees. There were three other supervisors there, and they had all the working guys, and I had a couple of working guys and all the trainees. So . . . But, anyway, we made this Allerjoy case, and the company fought it. But to begin with, when it was recommended, Norm Cramer was the Food and Drug officer assigned to handle it by Al Barnard. Barnard did not like this case, and when it got all developed, written up, it was sent in, but he said, "Here's the case, but I don't think we ought to bring it."

At that time, when Larrick was still . . . What was his deputy's name? He was an attorney.

RT: John Harvey.

PS: John Harvey. Harvey said, "Yes. Yes, you will bring this. This is a good case. It involves infants. It's a milk substitute that is ineffective, not nutritious. Bring the case." And he said, "No." Barnard said, "No, I don't want to. I don't think this is good." So Harvey writes back, and he probably called a time or two, also. He said, "Yes, you will." So the case was brought there in Kansas City. The defendants hired the former governor of Georgia as their attorney.

RT: Governor, who was that?

PS: I don't know. I don't remember what his name was. He was former governor of Georgia.

RT: Oh, of Georgia, I see.

PS: I knew his name, I just don't remember it. But, anyway, we lost that case. At one point the district's legal clerk had gone undercover and gone to grocery stores with the inspector. They had taped spiels about the effectiveness of this thing, how great it was, and all this. Anyway, she did fine as a witness. Glen . . . I don't remember his last name, but Glen did not. He was practically impeached on the stand. Of course, he quit not long thereafter we lost the case. It was . . . For a long time, it was held up as how not to do something, and Al Barnard had been right to begin with.

RT: Where was the firm?

PS: It was in Kansas. It was in Kansas City District. I don't remember exactly where . . . I don't even remember the name of the firm. The product was Allerjoy.

We also had . . . At the time, we had two . . . We had one of the best undercover operatives in the country. His name . . . Everybody called him "Pappy," because he was older than most of us. Pappy Leap. I don't remember what his first name, real name was. But we had other guys working with him. One named Waldo and Ronnie Wentz. Waldo was crazy, I mean crazy. Dark complected, tall, lanky, skinny guy, a wonderful fellow and very good at what he did.

But these guys, they didn't bother with truck stops or anything. They were buying off the street. They were getting back into companies like Richland Labs and things like that. They were going all over the country. They would buy in tens of thousands. And I remember, Leap, at one time had to go and meet a contact in California, and he was in a motel room. He had a bug on the bottom of a table. As a matter of fact, Cliff Shane was in the next room trying to listen. I guess he had a glass against the wall. (Laughter) But, anyway, he can verify. He can tell probably more accurately what it was all about.

But the story I got was that there was a woman and a man or two men, and they were waiting for a payoff or for delivery of the drugs or something, and they were drinking like crazy, and getting drunk, and the started having an ice fight, you know, and throwing ice cubes. They'd jump under the table to get it and Leap was sitting there. They were all armed. Sitting there worrying they'd look up and see the mike. I don't know how it all came out, except Leap didn't get killed. He got out of there. But he was good. We did a lot of that kind of work there.

RT: And then you next went where?

PS: From there . . . I don't know whether you want to seal this or not, but I know it's a fact. By this time, Lee Strait was in headquarters, and Monte Rentz was too. And Lennington, I think, had retired. Monte Rentz was doing what Lennington had done before in headquarters. This is a long way to work into what you just asked me about, my next transfer. Ted Benjamin was about to retire. At the same time, John Sanders down in Atlanta, my understanding is that he told Rayfield, "This chief inspector you've got down here, you get him out of here right now." Sanders, I guess, had a lot of clout. I got to tell you another story about Sandy. But it goes back to New Orleans.

But, anyway, so they move this guy, Leonard Blanton, up to Kansas City. He's going to be the next chief inspector. Well, I had been there for three years as a GS-13, like an understudy and everything, and I was hoping that I would get that job. But, you know, it didn't possess me or anything like that. I was just working. I had no idea Benny was going to retire, and when he did say he was going to retire, why, all of this happened so fast that you don't have time to think, well, gee, I wish I had or something.

Anyway, Hazel and I, we got along great in Kansas City with the city and everything. But it was not our favorite spot. So, anyway, all of a sudden Barnard gets this telephone call. And he comes out, and he puts me on this line. It's headquarters, and they say, "Blanton's coming up there as chief inspector, and we want to send you to Denver District." I found out later that Monte and Lee had just said, "You can't do that. You can't send Blanton up there. Pitt's been there." So Rayfield said, "OK. Move him out there."

Well, what they did essentially is invent the job of deputy director. Now Bud Kerr had had it in San Francisco, and there may have been another one around someplace, I don't know. But, anyway, that's what they did to me, and they sent me to Denver. So the people that tell you that the bosses don't give a damn about you and all that kind of stuff, they're wrong, because that was pure loyalty to me that Monte

Rentz and Lee Strait would stand up and say, "No, you can't do that. You've got to do something."

So, anyway, that's when I went to Denver. It was in January of '66. I know it was snowing, and storming, and blizzarding and everything when we drove out there.

RT: Were you deputy to Fred Lofsvold?

PS: Yes. Fred didn't know what to think either. Nothing much ever bothered him. He thought about it a lot, but he never let it show.

Anyway, I went out there in January of '66, and Fred said, "Well, the first thing I want you to do . . ." Barnard had started this. He had said, "You need to learn more about the law. It's the first thing you should do." And when I got out there, I guess he told Fred that, because Fred said, "OK. Well, I don't know what you're supposed to do, because there's not that much for two of us to do out here. But what I would like for you to do is to learn everything you can about the law," you know, "like a lawyer."

RT: Well, you'd been in training of new hires and so on for sometime. Was that sort of preparatory to you becoming an instructor in the law courses?

PS: Let me go back just a minute. While I was in Kansas City, I was doing what Al had told me to do, Barnard, you know. I'd take Kleinfeld & Dunn home and read it at night, and just read cases and stuff like that. In '65, I had made a formal suggestion through the suggestion process for a law course for field personnel and field investigators, but Monte Rentz had turned it down. Maybe Lennington was in on that too. I don't know.

So when I got out to Denver, I did what Fred said, and I was like a glorified Food and Drug officer. Don Taylor was the only Food and Drug officer out there.

And incidentally Johnny Cox was their chief inspector, see. So my old nemesis, you know. So, anyway, between Don and Fred, why, I started learning a whole lot. In 1970, I believe it was--that would be about four years . . . Sixty-nine maybe. I've got the paperwork downstairs. I made another suggestion for a law course, and this time it was accepted. What came out of that was the Goldhammer law course, and Gilbert Goldhammer came out and held the first one in Denver.

Now the Goldhammer courses went on for years. Then he retired or got too busy or something happened, and the courses evolved into the Dickerman-Gottleib law courses, and the first one of those was held out in Denver District too, at a place called Peaceful Valley.

RT: Now those courses ran extensively, and it was Gottleib you say who worked with Dickerman. Wasn't Gottleib in FDA's General Counsel's Office at that time?

PS: Yes. And at the time, he was deputy general counsel. Now, in '72, when . . . Let's see. In '66 or '67 was when . . . It was between '66 and '68 when Larrick retired and that hothead came on. What was his name? Goddard. Goddard came in, and they invented BDAC (Bureau of Drug Abuse Control) along about then. But somewhere in there, I think it was still later, maybe '69 or '70, when Billy Goodrich retired and Peter Hutt was named.

OK. Now Hutt and Gottleib, of course, did not get along at all, and Gottleib eventually got out of general counsel and went to other stuff. But that was all after those Gottleib-Dickerman law courses started. I think Gottleib was still deputy general counsel when those were going on.

RT: Did you personally get involved as an instructor in any of those sessions?

PS: I was not an instructor, but was kind of like an MC to some extent, and I made all the arrangements for the schools at the Air Force Academy and at Peaceful Valley, you know. At Peaceful Valley, somebody got the idea that, hey, just the name of it is bad. We can't have government people there. It was cheap, too.

By that time I had hired Marge Hoban as my secretary, and, of course, she was service oriented, had been in the service, and all that kind of stuff. I think she may have gotten the idea about the Air Force Academy. So we got a hold of it, and we had a whole bunch of courses down there, as well as the supervisory seminars.

Paul Hile had asked Phil White at one time or another, and a couple of other people, to develop a course for first-line supervisors, you know, a administrative course. Finally, he asked me one time to do it, and I said, "OK." So I sat down, I tried it, and I gave it to him, and he bought it. So we started putting them on, and we put on thirteen of those--or at least I did. They carried them a little bit further, but then they quit them. We gave those at the Air Force Academy.

So to answer your question, when Gottleib and Dickerman were doing the courses, I did not take part in them other than in an ancillary fashion, made arrangements, kept everything going, kind of honchoed them around, and all that kind of stuff. Now, when those then were discontinued, then they started contracting them out. Those I did take part in. Fred and I and Howard Schloss, and then eventually that cadre grew. We had to do something, because there were so many of them. I started trying to find other people who could do them. Dorothy Phillips is one now. She's, of course, an OE now.

RT: Would you say, Pitt, that was maybe one of your principal achievements while you were at Denver or did you get into some other things as well?

PS: Well, I don't know if it was one of the principal ones, but I'm very proud of the fact. Law courses may have happened anyway, but in this particular instance, I got them started. And, yes, I am; I'm very proud of that, because the field needed it, they still need it. You know, Hile told me one time sitting in the bar at the Antlers Hotel in Colorado Springs. He says, "You know, I asked a couple of regional directors to get a supervisory course going and none of them did it, and I asked you, and you did." You know, and so I'm proud of that, too.

Hile . . . In Denver . . . Well, you know, I was downstairs when you came this morning. I was trying to think of those kinds of things that have occurred since I quit work, which means in 1961 when I became a supervisor. (Laughter) You know, and the law schools and those things, and supervisory things, were one. Another was, in Denver, we made several cases that went to court on liquid medicated feeds.

I can remember the chief chemist coming to me in Denver saying, "We can't find DES (diethlystilbesterol) in molasses." And I said, "Why not?" Now, wait a minute. I've got to think back now. Just a minute. No, no, that happened here. They did find it. Dave Root, he was the chief chemist at the time, but the chemist that found it was named Dave, something. He was an ex-football player, college football player, from over in the Carolinas. I can't think of his last name. A good guy. He did most of the research work, but they developed a method for it, and they found it, and we brought some cases on that DES. It was cross contamination. Companies were using the same huge bulk tanks for nonmedicated feeds, and then they're putting medicated feed in there, and, of course, DES was what they were feeding cattle at the time.

(Interruption)

RT: All right, Pitt, we've got another tape in now.

PS: Well, another thing we did in Denver District that was a beginning, you might say, was veterinary drug prosecutions. We made at least two large ones there. I remember in one . . . They're fun. They're complicated, but they're fun. I had some good investigators doing the work. There was one though, Ken Beurklin, bless his soul. I think he's dead now. But Beurklin was a gun enthusiast, had every kind you could imagine.

But, anyway, Ken was on the stand . . . He built this case, and he was on the stand, and the defense attorney was cross examining him, and he asked him a question, and Ken would give him a runaround. Finally he started getting a little abusive, and Ken just started getting abusive right back at him, and the judge finally told him, he said, "Don't do that." Well, that happened about three times, and finally the judge said, "Look Mr. Beurklin, if you do that again, I'm going to put you in jail." Ken said, "Yes, sir." I was sitting out in the court the whole time thinking, "Damn, Beurklin! Stop it!" you know. (Laughter) We won the case.

RT: He certainly wasn't intimidated in anyway, was he?

PS: No, he wasn't. I remember one time Ken stopped at my house in Denver, and he got about half pie-eyed, so I drove him home. Hazel and I drove him home. He lived way up in North Denver near Fred Lofsvold, as a matter of fact. I said, "Well, what's Bonnie going to think?" You know, "You didn't call or anything." He said, "I don't know." He had some coyote pups in the basement, as a matter of fact. Anyway, we pulled up, and his house was completely dark, and all of a sudden you see a red glow and it just kind of like glowed real light and then went back. I said, "Hey, Ken, she's on the front porch smoking a cigarette waiting for you." (Laughter) I don't know what happened to him that night.

Anyway, Denver was a good place to live at the time. But when we left there in late '75, I could leave my house in the morning, early morning, and top out on a road called Sheridan and see downtown about eight, ten miles away, with smog standing over it already. It was a good assignment. I learned a lot. We made a lot of cases out there.

There had been a lot of mass seizures since the seventies. There aren't many now, but there were for a good while. Either Seattle District or Denver got one of the first mass seizures in that era. Ours was of a place called Wald Supply or something like that. It was a huge food storage warehouse, and it was overrun with rodents. I remember my inspectors went in there, and they called and said, "We've got to have some help." We sent some guys down there. The place was so overrun with rats and mice that you could hear them in the walls. When you opened up cases that had been gnawed into, you could find live litters in the boxes. I went down there a couple of times. The company had fumigated it once. It had a pest control outfit in there after we had started the inspection in the morning. The next morning you had to watch where you walked so you didn't step on a dead animal. We prosecuted them.

There was another good case there. I mean a good instance. I'll not name any names, but when we went to make the seizure, there were five truckloads of goods that were missing. We asked our inspectors, "Where are they?" "We don't know," they said. "But did you look to find where they went?" "No, we can't find them, we don't know where they are." So I got the chief inspector, I got the chief chemist, and I got a compliance officer who was going to handle the case in my office. I said, "You've got to be able to find them." They said, "We can't find them." The compliance officer said, "Hey, we've got enough to go on an injunction now. We don't need that." I said, "That's a half loaf." Can you cuss on this thing?

RT: Well, if you want to. (Laughter)

PS: I said, "That's a half-assed way to approach it. You know you've got to get the whole thing. You've got five carloads of trash out there."

RT: These were food products?

PS: Yes, they're all food products. Yes, food products or food contact-type products. They said, "Well, we can't find them." I said, "Well, you're going to have to find it, because nothing's going out of here unless we have a nice case. What do you mean they can't find it? They've got inspector written across the top of their badge, you know. Get Al Shain in here."

Al came in. I said, "There are five missing, we've got to find them. We can't go forward, and they're subject to seizure right now wherever they are. There are five trucks." I said, "Please go find them." Al was a really good investigator--a good skier, too. You know, within two days Al had all five of those trucks.

RT: By what means did he find them?

PS: Investigations. Just investigating. He went to the company, jawboned them. He went around to trucking companies, and went to truck storage places, you know, where they'll park. Trucks will come into town, and they'll park stuff, park their trailers, and things like that.

RT: Were these tractor trailer units?

PS: Yes, yes.

RT: So there was quite a large volume of load.

PS: Yes, that's right. And, of course, the moral of the story is obvious. You've just . . . If you're going to do a job, you've got to do it, and . . . What would you say to a judge when the judge says . . . You know, let's say they've contested the seizure or something like that. "What about the missing stuff?" "Couldn't find it." "Where did you look?" I mean, judges aren't dumb. Anyway, what are you saying? Do you think Gottleib would have taken that case? (Laughter)

RT: You haven't named that firm, and that's not particularly pertinent, I guess. Is that a firm that's still in business?

PS: It was W-A-L-D, Wald Storage.

RT: Oh, Wald. I see.

PS: I have no idea whether they're still in business or not. The investigators did a good job on the inspection part of it, you know.

RT: Was this firm a storage or a distribution activity?

PS: Yes, it was food storage, yes. You know, they'd buy, and they'd distribute. It wasn't a public storage place.

RT: Interesting case.

PS: But, anyway, veterinary drugs we did some work. A lot of medicated feed work there. I'm trying to decide where . . .

RT: At that time, had the Denver office moved out to the Denver Federal Center?

PS: No. We had started looking. As a matter of fact, I looked at that place where they moved out to the Federal Center at the time, but it was pooh-poohed, and nobody wanted to do it, because, you know, headquarters said, "No." Of course, they wound up there anyway. That should be a really great place.

RT: Well, the Custom House, where they had been located for many years, you really had outgrown that, hadn't you, in I guess sixty . . . ?

PS: Not really. We had that entire top floor, fifth floor of it. That Custom House is owned by the government; that land is owned by the government. I don't know where it is--I didn't bring it home; I left it at work when I retired--but I had a picture. I framed it. There are three pictures in it, and there are three photographs of that same area at different times. At one time, it was open plains, and there was an Indian camp on it; the next one it was Denver Public School; and the next one was Custom House.

RT: Well, what was the problem with those facilities that had prompted a move or an interest in considering a relocation?

PS: I have no idea, because they were looking . . . I think they were wanting more room, but . . . And at that time we would be crowded. They may be crowded now. I don't know how big it is now, Denver District, but . . .

RT: There wasn't a problem with laboratory exhausts or anything in the downtown area?

PS: No, not to my knowledge. The new Federal Building had been built, and it was right across the street, and the courthouse where they just had the McVeigh trial was right across the street. But it was probably getting crowded back in the lab, the instrumentation and things like that. But, you know, we were looking for space long before I left there. The government had a lot about two blocks north of the Custom House for a long time. It was going to build on it but didn't.

RT: Then from Denver, I believe you next went to Buffalo?

PS: Yes. I remember at a supervisory seminar, Hile first broached Buffalo. Curtis had retired. I can't think of his last name.

RT: Curtis Joiner.

PS: Curtis Joiner had retired or was going to. We were down at the Air Force Academy in Colorado Springs, and Paul broached the idea to me, and I said, "No." That was in April of '75. He kept nagging me till October, and . . . Actually, I still was saying, "No," and Hazel said, "Pitt, you've got to go. You've got another at least twenty years in the organization before you can retire. Your career is going to be in the dumps if you don't. You've got to go."

RT: So you came as director at that time?

PS: Yes, it was a lateral for me. I can always blame it on her that I'm here. But we like it here. We came in November. We pulled into town November the eleventh, and I went to work on the fourteenth.

RT: Now as you came in . . .

PS: Of '75.

RT: As you came in as director, did you make any particular changes in the management or the operations as a new director?

PS: No, not at first. I had found that's not too good an idea. I don't know about other people, but I didn't. I tried to get a feel for the way everything was and the way it operated. I guess some of the first things I noticed was that the working staff didn't know how to spell FDC Act, much less what there was about it very much. The compliance chief did; Ray Sweeney, was very, very knowledgeable.

RT: Was Prillmayer the chief inspector?

PS: No, Prillmayer was gone. He had retired by then. Fred Carlson was the chief inspector. Have you interviewed him?

RT: No, we haven't.

PS: Fred got the work done. That's one of the things I noticed was that the district operated on the work plan, and it was more like a god than a guidance document. For instance, there would be three hundred samples in the work plan, import samples, and when those three hundred were collected, there was no more import work done to speak of. The inspection branch kind of had the attitude, if they go out and they get something, and it goes to compliance branch, there it is. It's out of their thing. They had no more concern with it whatsoever. They didn't want to even hear about it.

Those kind of things kind of bothered me. I had never been in a district that was like that before.

Laboratory was very good. Laboratory was very, very good. It was very good in that we had a lot of really competent people up there. I do not think it was well managed, and I think it was the chief chemist's doing. The microbiology lab upstairs, in our laboratory, had been dismantled, because of personnel problems. Rather than fixing the personnel problem, they just got rid of the lab. That was awful. But, at any rate, over the years, the chief chemist retired, and Fred Carlson, the chief investigator, went to Newark as the district director, I believe.

RT: Well, I know he served at Boston at one time.

PS: Yes. He retired from Boston, yes. I think Cliff Shane hired him as the district director of Newark, and he was there for a while. That's the way I remember it.

RT: Now in Buffalo, of course, you've already mentioned the import work, and I think I've heard that perhaps Buffalo was about the second--or maybe you said it earlier--about the second largest volume district to handle imports in the country. At least you have a lot of them.

PS: Yes. Yes, I changed that. That was a grind, I'll tell you, because people didn't then, and they still don't, accept import as very meaningful work, but it's very, very important work. I was reared doing import work as part of my daily job, you know. In New Orleans, there was a week or a month or a week every month, or something like that, when you were on the New Orleans docks. And when I went to Houston I established an import operation with customs down there. They'd never had it before. Walt seldom did it. But, hell, he was doing everything else, you know. I don't fault

him about that. But never much was done there in Houston, and I kind of got that started.

RT: As I recall, Pitt, you were also active while you were in Buffalo with the ISIS (Import Sample Information System) Program, which I think is a computerization of import data. Is that correct?

PS: Yes. Well, Burton Love, my director of Investigations Branch, helped me get some more impetus into it.

RT: Was Burton one of your chief inspectors?

PS: He was chief inspector for a while, and he helped me . . . Of course, Dave Haggard was the supervisor. We did get something going, and we did start increasing import work.

RT: Now, was this idea for computerization, is that one that was generated here?

PS: No, I don't think so. I think imports all of a sudden became popular with Congress, and headquarters then decided--I think ORA decided--well, we've got to get something going on imports, and they started developing this ISIS program. And, yes, Dennis Linsley was here and very computer intelligent. He is still a key figure in it. He's in headquarters now. Also, I had a science advisor who was a real power in automation. So we kind of got started, you know, pushing automation here. ISIS started being considered by headquarters, and they got Dennis and Steve Kronberg from Seattle . . . Actually, all I did, besides learning a lot about automation and PCS and things, was kind of keep them on a general track of where we should be going. And

after they were on that track, and it was running and was beginning to get to be almost purely technical, then I dropped out. I spent about a year on it.

RT: That acronym, I-S-I-S, really means . . . *It is an information system?*

PS: Yes, that's it. Import Support and Information System.

RT: Now, one of the things . . .

(Interruption)

RT: All right, Pitt.

PS: OK, well, I'm proud of what, you know, being in on ISIS at the beginning. We kind of helped get it started. It's had name changes, and there have been a lot of problems getting going. But what was ISIS, and is now called something else, is beginning to be implemented. In fact, I think it will be implemented in Buffalo towards the end of this year. It is going to give import work a boost. It's going to make it a little better, a little more thorough, and you'll certainly be able to have a better historical record with a lot better historical data than we ever had before.

Imports really are important. I get on a soap box about them, because that work provides the consumer with the most direct, quickest consumer protection of almost anything we do. It's only been in the last four or five years that headquarters has recognized that, and a lot of people in the field still don't. They think it's much more exotic and "prima donna" to work on medical devices and drugs and things like that. There's a place for a lot of it, but import work does not deserve the disparagement it has received in the past.

RT: Well, with imports, of course, the remedy is, I think you're suggesting, very quick. How would you describe it, Pitt?

PS: It's direct. It is direct and prompt. And not only that, but import work, if it's done properly by a district provides all sorts of means to cooperate with agencies that have even more direct and prompt recourse at hand--Customs, for instance. Now when I retired here, we had--and we still do--an import unit that can pick up the phone, call Customs, and we can wreak all sorts of havoc with illegal importations and people who are running them, and we can do it very, very promptly. We have the Canadians working with us and the RCMP (Royal Canadian Mounted Police). We have all sorts of contact like that, and we're working together. You don't always have that kind of thing with domestic work.

RT: Now, Pitt, since you've been director here in Buffalo, this district has been involved in some rather major regulatory actions. These involve a number of important products. One, I think, related to an apple juice product used by infants. Would you care to give a brief overview of that one?

PS: Yes, that was the Beech Nut case. At the time, I believe Beech Nut was owned by Nestle. Nestle, in my experience, has always been willing to manufacture and sell attractively packaged and nicely advertised whatever to the consumers. Beech Nut was a deliberate counterfeiting of infant food, apple juice. The product--unlike the Cal Tex citrus juice case in Houston back in '59 and '60--did not contain any fruit (apple) juice. It contained only chemicals. The concentrate was manufactured by a firm in New York, and it was sent to Canajoharie, New York, where it was combined with other ingredients, and bottled and packaged as apple juice.

We first got onto this through the Apple Products Institute, and pursued it from there. A lot of our facts and information came from the Apple Products Institute. We developed a lot on our own, too.

I had a very, very good compliance officer working on the case, Ed Siebert, now retired. He was supervising chemist, who later became a compliance officer. We had an excellent assistant U.S. attorney in Brooklyn. The reason the case was brought in Brooklyn was because it was thought the jurisdiction would be better there, and the manufacturer of the chemical concentrate that was used was there. That's how they figured venue. In the end, under the appeal, that caused a little tarnish on the glow of the case, because the appeals court, as I recall, found that the venue should have been in upstate New York, the Northern District of New York. But in the end, the manager of the firm did go to jail. The top man at Beech Nut. Nestle saved his hide; he may have been fined.

I'll tell you, it was a good case, and I did think it was kind of a highlight in my career, because I've got a picture of me holding a $2,043,000 check, which was the fine. The picture was taken down there at Rockville.

RT: A hefty check.

PS: Yes, a very heavy check.

RT: Now, what initially brought the agency attention to this problem? Was it a sample?

PS: I think that the API came to us, the Apple Products Institute, and other industry complaints. This laboratory here did an outstanding job on that. The analytical chemistry was really, really well done.

RT: Now, there have been some others, too. There was a machinery mold case that involved a large food manufacturing firm. I think it dealt with green bean processing.

PS: Yes, frozen green beans, and it was General Foods Corporation. At the time, General Foods was running this green bean plant in upstate New York. It was 1976. We had brought a case earlier, on another national and international firm, on geotrichum mold in green beans the year before, and it had gone to the U.S. Attorney's Office; it had been filed. It involved the entire 1975 pack, I believe, of green beans. The firm capitulated, and wanted to resolve the issue by sending the goods to Germany. We opposed that, because some of the pack had already been distributed in the United States, which made it ineligible to be exported as an adulterated product. However, in the end, that's what actually happened. I'm not sorry for that, because geotrichum mold is not poison or anything, and you cook the green beans, and it's okay. The plants were cleaned up.

With General Foods, the following year, we found the same kind of conditions, and when we brought our case, why, General Foods opposed us, and hired George Burditt from Chicago to defend them. Now, we brought it against General Foods itself and four individuals. These were french-style green beans. The place is Fulton, New York, which is just barely upstate New York. It's below Syracuse, because that's where their case was tried. We found almost half-inch thick mold accumulations on the conveying belts and things like that.

Anyway, when we went to court, everything was going fine until the last day, and George Burditt brought forward a witness he had not named earlier and with whom we had had no opportunity to talk. We had not been able to interview this witness. It was a little old lady. I don't know if she had on tennis shoes or anything, but she was a real grandmotherly type, and she said, "Why, gosh, we've never had any mold. I've never seen any there, and I've worked there for years." He really played it good, you

know, and, of course, our attorney from general counsel was Michael Taylor, now running FSIS in USDA, has now left there, I think. Anyway, Mike Taylor's a good guy, but we lost the case.

(Interruption)

PS: Done?

RT: Yes.

PS: The case was heard in December, I think, of '77. At any rate, we presented testimony by the investigators and biochemists who said that they had found the mold. And the defendants had this little lady who was a supervisor, and she said she had worked in that plant for four or five years and had never seen any mold at all. Burditt had also subpoenaed a state inspector who had made inspections, in between our inspections, and who testified he had not found any objectionable conditions, except a broken window.

So, the judge refused the injunction. I think when he went about it, though, he looked into the history of geotrichum mold, and he noted in his findings that it was not a harmful substance. In fact, you add it to some cheeses, I guess Brie cheese. I'm not sure I understand his thinking on this, but he stated we had not provided any proof of 402(a)(4) conditions. We had charged 402(a)(3) and (4). There just wasn't a preponderance of evidence about the 402(a)(4) stuff, and we didn't show how that could have been avoided by good manufacturing practices, so he didn't issue the injunction.

After that case, we sat around, Mike Taylor and Steve Kendall, who was the compliance officer on it. He is now branch director of compliance in the San Francisco District. We sat around and we talked about that, and really our consensus came out

that the case was pretty well presented, but there were certain circumstances that I think prevented the judge--or we think prevented the judge--from finding for us. The overwhelming fact was that there was over one million pounds of green beans that would have had to be destroyed, and we're talking about over a million and a quarter dollars worth of goods. I think if there had been a much smaller amount of money involved that the judge would have found for us, but he didn't. And if you look at it, you know, you try to make lemonade with lemons, so you look at it and say, "Well, hell, they tore the plant down and built a new one, so I guess we got what we wanted." You know. But it was a good case; it was an interesting one. It's one that we use in our law courses.

Right after that, though, because of this (a)(4) issue, Paul Hile caused the distribution of a memo that said, "There will not be anymore 402(a)(4) cases.?" And so there weren't in the field, for a good while. That's gone away now. Maybe a little overreaction on Paul's part, but who's to say? It was still a good case and well presented, and the consumer got what they should have after all.

RT: Well, I think you also had an interesting one relating to cull dairy cows or veal animals that had been medicated prior to offer for slaughter.

PS: Yes, we had a really nice and really big case on fancy veal calves. This one started in about 1981 or '82. We were investigating a lot of reports about slaughtered dairy cull cows, and sometimes veal calves, with DES. There's always been antibiotics found in milk, but we were beginning to hear about DES in the meat. USDA collects these samples routinely in their plant inspection work, and when they finally get the results from their laboratories, if there are any problems, they send the analytical results to us.

We were able to develop an informant on the fancy veal case, a worker at one of the farms in the Rochester area. He told us there was a guy that came there; his name was Gus, who was doctoring calves with a white, milky substance. The informant thought it was a growth extender, like a hormone or something.

We investigated this Gus, and found that he had worked at a veal farm and left. This got us into the investigation, and we eventually got the FBI, U.S. Customs, the State Department of Agriculture, the Ontario Provincial Police, the Canadian Mounties, and the USDA all involved in it. All of us were working together on it. In the end, it involved five fancy veal farms, and another farm where the informant had filed a $20,000 tort claim against the government. I don't know if you want me to go through all the details on this.

RT: The highlights.

PS: When we investigated this, we did find the calves that the informants had told us about had been doctored. We identified the guy who was doing it, and where he was getting his DES. We tracked the calves to Utica Veal Company, the slaughterhouse. We arranged with the USDA man there to collect some samples. He did that. He collected the samples for us, and we shipped them to Denver laboratory, where they were to be analyzed. However, in the meantime, the USDA inspector had told his boss, who told Don Houston, who ran FSIS at the time, who called Paul Hile, who called me and said, "Don't run those samples." So I called Denver and said, "Don't run the samples."

Now, that's one element. However, we kept on working on the case, and we were able to track this guy Gus from Canada. I think he was a Netherlands native. We were able to establish what farms he visited. We went there; we collected samples; we found some of the stuff that he was leaving at the farms. Our inspectors were able to

collect urine samples and feces samples from calves, all of which were sent to Denver and which did begin showing up DES. We were able to work with Customs and RCMP, because the guy was living in Canada. Once, when he would come over, Customs confiscated his DES. They would not tell him why they were doing it or what they were doing with it. They asked, "What is this?" And the guy would say, "Well, I don't know. It's just some . . ." And they'd put it aside, and they'd never give it back to him or anything. So he never did catch on to what was going on.

We eventually were able to establish that some of these five farms shipped calves to slaughter, and we were able to document those shipments. So all of this is pretty good investigational work, and we were able to bring injunction cases against him. We used the state to embargo the veal calves at the farms, and the cases were brought in Syracuse. Everybody folded except one guy who had migrated to New York from New Jersey and bought a veal farm. He fought us. I had to testify in that case as a matter of fact. We prevailed, and his calves had to all be killed.

Later . . . You were going to ask a question?

RT: I was just going to ask you, you mentioned a few moments ago that there was a stop order on doing analytical work on this initial sample sent to Denver. What was that prompted by? Was that a political consideration?

PS: That was pure politics. Paul really had no other choice other than to face down Don Houston; and let's face it, he couldn't do that. That was all Paul could do--the way I see it, anyway. But save that, because we've got to come back to it.

So, anyway, let's see . . . We brought these cases; only one guy fought us. The farm we prevailed against was Tomahara Farms, and Tomahara Farms is the way the case is written up in Kleinfeld & Kaplan now.

So we got TROs (temporary restraining orders) against all the farms, except his, and all of this is happening, and the case was going on--a little diversion here--on St. Patrick's Day. We're at this Syracuse Hotel, the biggest hotel in town. Bob Donlan, an outstanding attorney for the Department of Justice, was the one that was handling the case for us. It was about 6:00 or 7:00 in the evening, and we're standing on the mezzanine looking down into the hotel lobby. The whole place is packed, and there's about six or eight bars there. It's St. Patrick's Day, and everybody's drinking it up and hollering and dancing and everything. Donlan turns to me, and he says, "You know, Pitt, it's really nice of you to throw this celebration for me." (Laughter)

Anyway, that was really nice. Now, as we go back to those calves that we were told not to analyze the meat, that was in like '82. In '84, the farmer, whose name was Ron Thurber, had filed a tort claim case against the government, because the carcasses allegedly had ruined in storage. After they'd been sampled, they had been put on hold, and he claimed they'd been ruined, and he lost $20,000.

Well, the assistant U.S. attorney in Rochester was bound and determined to settle this case, and he was going to do it. And I said, "No, no, you can't. The guy's wrong. I mean, you can't just do this." He said, "Well, I'm going to. You've not provided me with any reason not to go ahead and settle. You caused the things to be ruined." So I called Donlan at the Department of Justice, and I said, "You've got to help us." He says, "Do you have any samples?" I said, "Yes, but we were told not to run them." He said, "Run them." The Department of Justice tells me to run them. He's my attorney. I called Denver and said, "Run them." Sure enough, they had DES residues in them.

Donlan came back out, and entered into the case at Rochester instead of the assistant U.S. attorney. The farmer said, "Well, we'll just take a nominal payment, and we'll settle the case." Donlan says, "No way. I want a hearing." He got his hearing, and the court dismissed with prejudice the tort claims case. And I've always counted

that as something really, really wonderful. I mean, not all Department of Justice attorneys would do that, not even all of FDA's. And not all FDA districts would have said, "No way. No way. Stonewall. Don't give in." We did. We saved the government a lot of embarrassment and $20,000, you know.

I thought that was pretty good. And not only that, but afterward, the assistant U.S. attorney filed a criminal information against Thurber for shipping adulterated food, and the court fined him five hundred dollars.

An interesting thing, too, if you want to carry this a little bit further, when we interviewed and investigated the guy that was bringing the DES over--his name was Gus Venderverken or something like that, we opened a can of worms at Utica Veal, the slaughterhouse. The firm had been suspect for a long time. Lots of tissue residue reports coming out of there and everything. So the U.S. attorney in Syracuse, who really liked our cases, convened a grand jury, and used our information and evidence along with FBI information and evidence against Utica Veal, and prosecuted it. They fined the firm $1,000, along with each individual, and then they used FBI evidence of conspiracy, mail fraud, falsification of records, and shipment of stolen cattle. We knew nothing about that, you know. Total fines were $38,500, and the defendants were ordered to make restitution to the farmers in the country who were impacted in upstate New York to the tune of $292,000.

RT: Well, that was pretty good . . .

PS: For the four that didn't contest us, they were each fined $500. So we had about five or six cases in one there. This was an excellent example of intergovernmental cooperation. This guy, Gus, who lived in Ontario, the RCMP and Ontario Provincial Police got us a telephone list. They got his telephone numbers. They gave us information about his telephone calls down to the New York farms. That's one of the

ways we identified farms he was servicing, and things like that. There's something to be said for cooperation, getting along with sister agencies.

RT: That's a very good example.

Pitt, you've been under two organizational systems. Out in Denver, where there was a single district, and you had a single director. Then, sometime after you came to Buffalo, the field was reorganized again and regions were made responsible for more than one district. Under the two systems, what kinds of observations would you make either as to progress or difficulties where you have a region managing more than one district? Is that an issue at all?

PS: Well, you're going to have to think of two different eras.

When I was in Denver, and Fred Lofsvold was the district director and I was a deputy, then I tended to handle all the compliance matters, and Fred oversaw the rest of the happenings.

Around in '72, when regional directors, when the position was invented, Nixon was going to reduce the number of national regions from eight to six, and he wound up with ten--all political. Why, for a while, Fred and I used to bemoan the fact that I was there as the district director, and he was there as the regional director. We couldn't see the point. There really was only need for one position. However, Paul Hile, to his credit, began using Fred for an assistant, and I think he was really smart to do that. So that worked out just fine, because then I just took care of everything at Denver District, and Fred was there for Mr. Hile. He was gone approximately, I would say, 70 percent of the time.

RT: When you said everything, does that suggest that Fred Lofsvold was being utilized as a headquarters advisor or something of that nature?

PS: Absolutely, as both implementer and counselor. So he was gone or involved with that kind of thing most of the time, and he just left the other to me, and that was fine. I don't know how it worked in other places, like Boston, where there was only one district. But I think it was pretty much the same. When Don Healton was in Boston, I think he was pretty active in running the district. I do not know for sure. That's kind of an inference I have drawn. But I don't really know about single district regions other than there.

Now when I came here, the regional director was very active in the management of New York District, less so with my mine, but more so, somewhere in between those two extremes with Newark and New York districts , because that was in the region then.

RT: The regional director at that time?

PS: Was Cliff Shane.

Later . . . Caesar Roy was very active with managing both of those other two districts and less so with this one, although he did exert an influence. So did Cliff Shane, and I'll be the first to admit it was not the most pleasant.

The reason for these regional director positions, one of the reasons I heard in the beginning, was that the span of control was just getting too much for Mr. Hile, and I think that's correct. However, as time passed, I think the duties of a regional director have changed so much that in most places they don't take a very active part in the management of the districts themselves.

RT: Let's see. You've really served under three regional directors, haven't you? There was Mr. Shane, Mr. Roy, and isn't there a third person?

PS: Beebe.

RT: Oh, yes, sure. Jim Beebe.

PS: Now, Mr. Beebe, all he wanted you to do was your job. He was very much like Jim Anderson at Dallas. Keep him advised, and he supported you very much. The others don't, didn't.

RT: Now, one of the things I wanted to ask you about was an unusual incident in Buffalo. I don't know whether you want to comment on that as an aside. Didn't you have a flying buffalo incident?

PS: Oh, yes, we had Buford. Buford the buffalo was . . . We bought Buford because we wanted a mascot. Buford was about ten or twelve inches high at the hump, about fourteen or sixteen inches long, a nice statute, looks like a bronze. Russell Miller made a little kind of shelf, a very good-looking shelf out of raw wood. We mounted this in the entry hall at the district.

RT: Buford was a bronzed buffalo.

PS: Buford was a bronzed buffalo. We mounted him out there, and we said, "Well, the buffalo's got to have a name," so we held a contest, and some of us pitched in and bought a twenty-five dollar U.S. bond, and said, "Whoever wins the contest for naming the buffalo wins the bond." I don't know who was on the selection committee or the judging committee--some district people--and they selected Buford. This name was submitted by a young lady investigator from Albany. She won the bond. So, anyway,

that's what Buford was. Incidentally, except for his hump, nobody could tell whether Buford was a bull or a cow.

So along about sometime after we ensconced Buford on the wall, a young lady who was secretary to my consumer affairs officer was fired. We terminated her, and she filed a grievance, and hired as her representative a former FDA employee by the name of Mike Matlock.

Now Mike Matlock had a history of inventiveness. For instance, one time in Washington, somebody cut in front of him, and Mike managed to get his car in front of this guy and curbed him, and got out and showed him his FDA badge, and he started giving him a rough time. It turned out this guy was one of our attorneys from general counsel. Have you heard that before?

RT: No, I hadn't.

PS: Anyway, Matlock was here representing this woman, and he began badgering us for all sorts of records and things. Cindy Maciejewski was our administrative officer, top notch. She gave him all we could. At the time, Mike Tuzzo was the Administrative Branch director, but mostly Cindy dealt with Matlock. We gave him everything that we could rightfully, but he wasn't satisfied. So he would come up and demand more. Finally, I told people, I said, "Don't even bother with him. Just let him sit out there in the entry foyer."

So one day he came, and he wanted some more stuff, and he started becoming abusive. Cindy called me and says, "You've got to do something with this guy." So I came outside, and Cindy was there. I said, "Mr. Matlock, you're going to have to leave." He had this tape recorder, and he shoved right in my face. I didn't know what he was going to do. He says, "Say that again, say that in here." I grabbed his wrist, and he started pulling back, and I turned him loose, and he stumbled back, and nearly

fell down. I told Cindy, "Call the protective police at GSA." Matlock started screaming and everything. He takes off, and he goes down, and he files an assault complaint against me. These two detectives come up, and they say, "We're sorry. We've got to take you down." So I had to go down and get mug shots and fingerprints and everything.

So later Matlock comes up again, and I said, "Just let him sit out there and cool it. I'm not coming out. Let him sit out there." Well, he did, and he got up, and he started walking back and forth. Finally, he gets so heated, he just looks up, and sees this buffalo; it's something to throw. He grabs it, and he throws it through the front plate glass window. Now, this is about a quarter-inch or three-eighths-inch thick glass, and then he takes off.

Then we call the police. We didn't call the GSA, we called the police, and they arrested him. I went out and looked from the outside, and here's this huge plate glass shattered. The blinds on the inside are poking halfway out, and right in the middle of all of it is this buffalo's head.

Well, anyway, I got the buffalo, it was all broken apart, and I brought it home and gave it to my wife, who's pretty good in art work, and she fixed it all back, got it all back together again. Only she made it look like a bull this time. Having been raised on a ranch, she knows that you've got to be able to tell the difference.

Incidentally, my case got sealed. The assistant U.S. attorney handled it, and he got the city court to seal the whole case. It was put out of the way. Mike Matlock was going to defend himself in his disturbing the peace case or whatever this thing is, destroying government property. Of course, he lost the case, and they put him in jail for, I think, about a week or so. I don't know. That's the case of the flying buffalo.

RT: Well, I thought that might be of interest.

PS: A lot of people hear these things, and they don't know all the facts, and all of a sudden they attach to you, you know, and it's like Velcro, you can't get them loose.

RT: I remember him, because we had an inspection orientation for state people years ago, and I think Mr. Retzlaff was director then, Allan Retzlaff. Anyway, Mike was one of the investigators assigned as instructors, and I remember him as being a very bulky-type fellow.

PS: Yes, real big.

RT: So I don't think you would have scared him too much by that small initiative.

Now, I also wanted to ask you, Pitt, you've in the span of I guess more then forty years of active government service--most of that with FDA, I think--you've served under quite a number of commissioners as these are appointed with much greater frequency than in earlier times. I just wondered if you had any impressions of the various commissioners either in terms of what they did positively for the agency or how they might have impacted on field operations where you were working.

PS: Larrick, I knew personally. That was just by accident. See, everything I talk about I have a story.

(Interruption)

PS: I was out of New Orleans on a trip up to Fort Worth. It might have been during the cranberry episode; I'm not sure. But I had Hazel with me, and I had driven a government car, and she had driven our car. I had some family still in Fort Worth, so she was staying with them. I was working in Dallas, and Gene Spivak had come there

as the resident inspector by that time. George Larrick was supposed to give a speech to the Texas and Southwestern Vegetable Growers Association Convention in Dallas, so he was flying into town. Brian Eggerton had called Spivak, and said, "Now, he's coming in; don't go to meet him at the airport, and don't see him, and don't go to anything. Just leave him alone." So Spivak hangs up the phone and says, "George Larrick's coming to town. I'm going to have him out to supper, and you and Hazel come over." The inspectors do have a mind of their own; they know what's right!

Anyway, Hazel came over. I was in Fort Worth, and I brought her over in our car, and we went out to Spivak's, and he brought Larrick out to his house from the speech, and we had a real nice supper. I remember Spivak's wife. It was a beautiful supper, you know, and George Larrick says, "Gee, Mrs. Spivak, this is just so wonderful. It must have taken you hours to prepare." She says, "Oh, no. I just whipped it up." Bull.

But, anyway, it was good. So we took George back to his hotel in Dallas on our way back to Fort Worth. Hazel sat in the front seat, Larrick's in the back seat up on the edge with his feet like this . . . We're in my '53 Chevy, and this is like '57, '58. He's up there, and all he's doing is talking fishing and hunting and all kinds of stuff. A really neat guy. I've got kind of a fondness for that, because there's something personal. And then later, when I was in San Francisco, he came out there once. MacKay McKinnon, the district director, and I did not worship each other. One of the reasons is because we were out at Johnny Cox's house one night with him and whole bunch of other people. Cox had a party. And after we ate supper, we started playing poker, you know, one of these friendly girls and boys poker, and Hazel cleaned McKinnon out. I mean, she took every dime he had. (Laughter) And I was losing too, and I'd get money from her to keep playing, and his wife wouldn't give him any. He got really ticked about that.

But, anyway, Larrick came out there to San Francisco. And after talking with McKinnon, McKinnon brought him into the investigators room, the inspectors room, you know, and I was standing there talking to Monte Rentz. He started to introduce me, and Larrick said, "Oh, yes, I know Pitt. How are you?" You know. I think he was very good. I liked him.

RT: He was the last one of the career commissioners.

PS: He was the last career guy. What I liked about him is he let Rayfield run the field, but he kept kind of a watch over it. I know he and Harvey and people like Ken . . .

RT: Kenneth Kirk?

PS: Yes, Kenneth Kirk and those guys, they kept an eye on what was happening, but they didn't interfere, unless they thought it was really appropriate. You know, they gave a guy, they gave Rayfield and the district directors at those times a lot of slack.

The following commissioners I just, you know, I never met any of them except Charlie Edwards, and Gerry Meyer took me in to introduce me to Charlie Edwards one time, and he said, "Pitt's the district director in Denver," and Charlie Edwards looked at me and said, "Do you want to trade jobs?" (Laughter) I can't point to anything specific about him, but to me, he was the next one for whom I had any real regard. The rest of them, you know . . . Schmidt came out one time to Denver while I was there, and a bunch of us had supper with him. But I really never had enough to do with any of them to draw any kind of opinion. I can't recall anything else outstanding in my mind . . . I'm sure they all had some sort of impact.

RT: Well, I was thinking not necessarily on a person-to-person basis, but, you know, as an administrative or . . .

PS: I understand that. Those were just some personal anecdotes. Edwards I think looked good for FDA. The others I think were just passing through. I think if I had to pick one of them after Larrick and Edwards, I would have to say that I think . . . What's this last guy's name?

RT: Dr. Kessler?

PS: Kessler really, really had the biggest impact on consumers, and that's really what we're supposed to be doing. That's what I teach people. You know, we make cases because it's consumer protection. That's one of the ways we do it. That's what our import work is doing. Kessler and his labeling and his tobacco stuff I think were really, really good things.

What I don't approve, from the administrative standpoint, about Kessler is that he seems to have abrogated responsibility for the field. He let it get into the state it's in now, that portion of the field at headquarters and out here in the boondocks. I think that was really bad on his part. He should have been more active; he should have been more interested in what was happening and in the direction it was taking.

But you have to applaud him about his tobacco and his food labeling stuff. And there's probably some other things, but those come to mind right away. Of course, I'm a reformed smoker. I don't care if anybody else does, but I have a thing with that industry and others. Ed McDonnell, the former district director at Boston, tells me, "Sixty percent of industry is really straight; the other forty, Pitt, you're right about." Maybe it's the other way around. But, you know, my dealings with people like Kraft and Nestle and some of the drug companies--I have a hard time overcoming my feeling

that their first interest is not the people buying their goods. And I think that's true of the tobacco companies, and so that's why . . . That's one of the things I think is really good about what Kessler has done.

RT: Well, Pitt, before we conclude this interview I might ask you what your views are with regard to kind of the directions currently being followed in the agency's management, particularly with regard to the field.

PS: Well, Bob, it was time for me to retire, and certainly my feelings about FDA had some impact. I feel very strongly about FDA. It's been my life for forty and a half years. I determined that I'd probably stay with the agency when I got transferred to Houston, and then the work became so good and interesting.

But in the past few years, I have been very, very concerned about the direction of the field and the way ORA has managed it. I think the philosophy and direction that has been imparted to the field of late is a travesty. I don't think it reflects the best interest of the consumer, and that's really the bottom line for us. It's money for an industry, but it's the consumer for FDA. And there's no doubt in my mind the public is getting some protection--I'll grant that. But it could be getting a lot more. Yes, I think that too much time is spent managing for management's sake and for peripheral things that are not in the best interest of the consumer.

RT: Pitt, I really appreciate this interview with you. We've covered quite a wide range of subjects, and your experience has been extensive. So I want to thank you for being a part of the oral history program.

PS: Well, I thank you for the opportunity and for coming out and seeing me.

RT: **OK.**