

**HISTORY OF THE
U. S. FOOD AND DRUG ADMINISTRATION**

**Interview between:
Malcolm R. Stephens
Retired Associate Commissioner
and
Fred L. Lofsvold
U. S. Food & Drug Administration
Fayetteville, Arkansas
December 4, 1984**

INTRODUCTION

This is a transcription of a taped interview, one of a series conducted by Robert G. Porter and Fred L. Lofsvold, retired employees of the U. S. Food and Drug Administration. The interviews were held with retired F.D.A. employees whose recollections may serve to enrich the written record. It is hoped that these narratives of things past will serve as source material for present and future researchers; that the stories of important accomplishments, interesting events, and distinguished leaders will find a place in training and orientation of new employees, and may be useful to enhance the morale of the organization; and finally, that they will be of value to Dr. James Harvey Young in the writing of the history of the Food and Drug Administration.

The tapes and transcriptions will become a part of the collection of the National Library of Medicine and copies of the transcriptions will be placed in the Library of Emory University.



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

DATE: Dec. 4, 1984 PLACE: Fayetteville, Ark. LENGTH: 198 Minutes

INTERVIEWEE

INTERVIEWER

NAME: Malcolm R. Stephens

NAME: Fred L. Lofsvold

ADDRESS: [REDACTED]

ADDRESS: U. S. Food & Drug Admin.
Denver, Colorado

FDA SERVICE DATES: FROM 1930 TO: 1965 RETIRED? Yes

TITLE: Associate Commissioner
(If retired, title of last FDA position)

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FL: This is a recording in the series of FDA oral history interviews. We are interviewing, today, Mr. Malcolm R. Stephens former Associate Commissioner of the Food and Drug Administration. The recording is being made in Fayetteville, Arkansas. The date is December 4, 1984. Interviewer is Fred Lofsvold.

Steve, could we start this off by your giving me a sort of an oral curriculum vitae of when and where you were born, where you were educated and then a resume, briefly, of the various jobs that you held in the Food and Drug Administration with approximate dates.

MS: Fred, I was born at Fort Smith, Arkansas in 1907 and raised most of my life in eastern Oklahoma, a little town of Spiro, Oklahoma. My father was a farmer, he was a former physician who went to the University of Arkansas and to Vanderbilt. He practiced medicine a short while and was a dreamer type of man who loved the outdoors and decided he didn't want to practice medicine, so I was raised under that kind of an atmosphere. I went through high school at Spiro and was active in athletics and did well in my classwork because I didn't have much competition, primarily, and then entered the University of Arkansas in 1925.

As a result of having some general science courses in high school, I became interested in chemistry and physics; and, primarily for that reason, I guess, and not knowing

anything else I wanted to study, I decided to study chemistry and minor in physics. I did that and then I had an additional minor of botany, of all things, because that was my genes coming out I guess. I had no idea what I was going to do with the chemistry when I studied it, except I thought it was very interesting. I still think organic chemistry is one of the most interesting subjects I ever had. Physical chemistry was one of the roughest things I ever had.

Purely personally, I became very much interested in a young lady from Eastern Arkansas and we later were married after I graduated. My organic professor wanted me to study organic chemistry and do graduate work, but I had fallen in love and I had really thought I wanted to study medicine but I didn't study either chemistry or medicine.

The spring of my graduation Dr. Harrison Hale, the head of the department, came to me and said that he had word that there was an announcement for a Food and Drug Inspector examination, that was to be given, I seem to remember, about May of 1930. Dr. Hale brought it to my attention, I think, as a possibility for a job as he was trying to place his graduates, and I always sort of suspected that Dr. Hale thought that I would never make very much of a chemist. So, anyway, I took the examination and I do not remember the details of it. I do remember that one of the requirements was that I must visit a local food manufacturing plant and write some

kind of report on it. I did that, and I've often wondered what that report would look like if it saw the light of day today.

FL: What sort of a plant was it?

MS: It was a canning plant. There were numerous canning plants, small canning plants in the Ozark area canning spinach, beans and tomatoes. A great many of them that were nothing much more than a shed beside of a spring somewhere where they had a source of water, and they fired the boilers with wood, and we used to call them "shade tree canneries." That's about what they were. They didn't do too badly and get in too much difficulty until they began canning spinach, and that is another subject.

But, in any event, I took that examination, and some time later, I guess early Fall, I got word that I had passed and that I had been appointed and should report to Chicago on October 16, 1930. Well, I had no idea at that time what the Food and Drug Administration did, who they were or actually anything about them. Nevertheless I had a job and the only other job I had been offered was a job as a water chemist by the Frisco Railroad. I couldn't envision myself running water samples from there on for a railroad company. So, I was very pleased and went to Chicago and took the job, and that, briefly, is my background.

FL: Then you were at Chicago as an Inspector for how long?

MS: Well, now beginning just a quick run-through on my career with the Food and Drug Administration, I went there October of 1930 and I stayed there until July of 1932. In other words, something over a year and a half. At that time I was transferred to St. Louis. Incidentally, the head of the Chicago Station, as they called them in those days, was Harry Garrett, and James O. Clarke, "Jimmy" Clarke, was the Chief of the Central District. I went to St. Louis in '32, and the Chief there was Ernie Smith, an old bachelor, a very easy-going, nice kind of individual who, incidentally, had developed a very good working relationship with Dr. Hale at the Chemistry Department at the University of Arkansas. Through that relationship quite of number of people eventually came from the University of Arkansas Chemistry Department to the Food and Drug Administration. Anyway, I went to work for Ernie and he was very easy to work for. After I was there, let me see the middle of '32, I was in St. Louis 18 months, and around December of 1933, I was advised that I was being transferred to Minneapolis Station where Mr. William Harrison was the Chief of the Station. The most I remember about that is how excited and uncomfortable my wife's family, who lived in southern Arkansas, became to learn that their daughter was going to live in Minneapolis. At any rate, we went up there and worked with Mr. Harrison, a very fine gentleman from Virginia, with genes from, I guess,

former Presidents of the United States. His wife was a great lady. I was there actually, I guess, about eight months.

During that time they had one of the big duststorm eras up there, and I remember being out in South Dakota or North Dakota, I don't recall which, on a fraud investigation, and it became one of those dust blows, and I woke up in the morning, (of course we had no air condition, and it was Summer-time). I remember about an inch of soil was all over me and the bed that I had slept in. Another thing I remember about that trip out there was, an incident that occurred as a part of a fraud investigation I was making, I located an old desk that this fellow had had in his business out there and the druggist at a local drugstore put me on to it where it was located. I found the desk, and found it full of this old boy's files, so I had a real windfall on that.

Well, at any rate, when I returned to Minneapolis from that trip Mr. Harrison called me in and in a very somber tone said to me, "Jimmy" Clarke called and said Washington had called him and they wanted me to go to New Orleans to head up the Seafood Inspection Service. I remember Mr. Harrison said, "Such a shame that they were taking me away from him up there because he was just beginning to get me trained." So, at any rate, that was August or a little prior to August of 1934. That ended my tenure in Minneapolis. I was even less familiar with shrimp and that area of the world than I had

been originally about the Food and Drug Administration. I don't think I had ever seen a shrimp, much less having ever eaten one, I'd heard there was such an animal, but that was the most I knew about it.

I went to Washington first, and that was my first real experience trying to help formulate regulations, and I realized then, I think, very fortunately the tremendous job that is involved in writing and trying to perfect regulations aimed at achieving whatever objective you may be trying to achieve. That's where I got acquainted with a lot of people down there. Al Hunter being one, who was Head of the Bacteriological Division of FDA then. I was down there about a month and went on to New Orleans, where I recall the next thing we did was to hold a series of public hearings in the New Orleans and Atlanta Districts, where the shrimp industry was located. Incidentally, this was all canned shrimp, nobody had ever heard of frozen shrimp. There was some limited amount of dried shrimp down in the Southern Cajun country out of New Orleans. They would spread shrimp out on the dock and let it sun dry. That was the dried shrimp industry.

Now, going on with chronological business of my time in FDA. The Food and Drug Administration set up the Seafood Service up as an independent unit directly responsible to Washington. We worked in the offices of New Orleans and

Atlanta Stations, but my office in New Orleans was the Washington contact for the Seafood Service, and we operated that way from '34, I guess, until about '36, and they decided then that the service seemed to be operating and getting along all right so, from the standpoint of organization and what-have-you, that they thought it was time to bring that Service under the respective Station Offices, which they did. At that time they appointed me as Chief Inspector of the New Orleans Station. Mr. Edwin Boudreaux, a fine little cajun, was the head of the New Orleans office, a very interesting, fiery, little fellow with whom we would go out and have a few drinks at parties sometimes. Edwin after a few drinks would start talking cajun; and he was very good. Anyway, I stayed in New Orleans until '38, and in the Spring of '38, I was notified by Mr. Clarke, who was still, of course, head of the Central District that I'd been appointed as Chief of the St. Louis Station. That came, I must say as the greatest of surprises; and, I guess you'd say, a shock or what-have-you, but I was highly pleased. I went to St. Louis in May or early June of 1938, and I was there then until '43.

Then they transferred me to Chicago in 1943. I was very unhappy from a purely personal standpoint about the transfer. I protested from Mr. Campbell on down to everybody who would listen to me. Finally, I guess, I got so obnoxious that Charlie Crawford, my good friend, came out and had a

heart-to-heart talk with me and said, "This is just part of the game and you've just got to go along." That was the end of that. Which I should of known from the beginning, but my objection, actually, was that it was in the middle of the war, housing was very difficult, living was difficult and that was during a period when the Food and Drug Administration people were suffering dreadfully from poor salaries. All the other things had begun to move up and the Food and Drug salaries had stayed pretty static, but, nevertheless, I moved. But anyway, we survived that, and eventually we bought a house and got along all right. Then in '48, (was it '48 when they broke up the old districts?) I was still in Chicago at that time and we had seen the need of this breakup back when I was in St. Louis and in Chicago. We actually thought, with all due respect to Jimmy Clarke and his staff, that it was an unnecessary level of administration. That we could work more expeditiously and really, we think, accomplish the work better by going directly to Washington. A lot of material came through the District, and they simply were a transmittal agency to the Station.

So, Jimmy Clarke and his staff left in '48 and went to Washington and then the whole operation left in Chicago was under the Chicago district (formerly "Station"). A few of the people they didn't take to Washington were merged into

the Chicago operation. That went along until '51. I guess in about early '51, my great, good friend, Walt Simmons, my first "boss" as Chief Inspector of the Chicago Station, came to me and confided that there had been a meeting in Washington, and that they were going to select a new Commissioner for Dr. Dunnbar, who was going to retire, and he thought I was under consideration to come to Washington. I didn't know about that because I'd been to Washington on one of these letter writing campaigns. (They send you down there and try you out, you know, for a month of letter writing.) I didn't like it, and I suspect they didn't like my work any better than I liked the work. And I let it be known at that time I was down there that my interest really was in field work; that I liked the field service.

FL: Those were jobs where promising young men were brought in to work with somebody answering inquiries.

MS: That's right; under Mr. Watkins and different people who were old time letter-writers there, you know, and you worked under them. I really just never did quite have the feel for that. So anyway, in 1951, my good friend, Charlie Crawford was made Commissioner, which pleased me highly. Not because I thought that I would get anything out of it for Charlie wasn't that kind of a person. I was highly pleased over that because I just thought he was a great person.

Then shortly after they announced his appointment, he announced that he was making some changes. Up to that time there were four of us in the Central District who were kind of a bunch of wild Indians. There was Pruitt, head of the St. Louis office (he had succeeded me when I left there), Chester Hubble, who I'd had in seafood service and had worked for me as an inspector in St. Louis was then head of the Minneapolis office; Kenneth Milstead, whom I'd had as a chemist in St. Louis was then head of the Cincinnati station. And the four of us were kind of a coalition of, "independent operators". We were always after Washington, needling Washington in doing this and doing that, and I think that Charlie set out to kind of break up that combine. So, he took Milstead and me to Washington. At that time, then, I was made an Associate Commissioner, and Kenneth was put in charge of the newly formed Division of Litigation. Kenneth was brilliant and a complete workaholic. But anyway, my appointment was another great surprise to me but I remember when it was announced, they had a general FDA meeting. I don't know whether those were every year, Fred, but they'd have the key people from the field come into Washington for a general conference. That's when Charlie announced the personnel changes. I succeeded Dr. L. D. Elliott, who retired. Two of the key people under him were Kenneth Kirk and Ralph Kneeland. I don't remember who was in the drug end of the

thing at that time, but I was always very grateful, still am, the way Ken Kirk reacted. He thought he was going to take Dr. Elliott's job. Ken was fine and helpful to me. Ralph was good. Ralph was never quite well-organized. Ralph had a good mind, a good thinker, and could do some good things if he put his mind to it. He worked primarily in the very difficult of special dietary foods.

Charlie reorganized the Commissioner's office. Jack Harvey also was made an Associate Commissioner at that time. George Larrick was the Deputy Commissioner and Jack wanted to be in charge of the enforcement work, which was understandable. I did too. But I didn't get it, Jack got it, which was fine. I was given the job of kind of working as an in-between, between the Commissioner's Office and the technical or scientific divisions, who were all housed in the South Agriculture Building. So my big job was to deal with people like Dr. Nelson and Lehman and various ones over there. And I don't remember whether Al Hunter was retired then. But at any rate, with all those divisions, my job was to work as kind of liason between them and the Commissioners office. Well, some of the Division Heads accepted me in good grace and some of them never admitted I was there. If they had anything to bring over to the Commissioner's Office, they brought it over to Charlie Crawford, and didn't fool with me but anyway, I got along all right, and I liked all the people, and we got along fine, and had a good relationship.

When Mr. Crawford retired I still kept the title of Associate Commissioner, but I became head of enforcement work.

FL: I think that was in 1954, wasn't it?

MS: Yes. At that time Larrick became Commissioner and Jack Harvey became the Deputy Commissioner, and I took over the enforcement work. Later it was reorganized to create the Bureau of Enforcement and the Division of Litigation placed under it. Before it was just part of the Commissioner's Office.

FL: Would that have been when Mr. Crawford retired?

MS: Yes, because Charlie didn't stay, I believe, for about two years. Charlie was just restive. I don't believe Charlie ever really liked the job of being Commissioner. Charlie liked people, . . . Charlie had a short fuse with people who gave him problems, but I found Charlie easy to work with. He used to hold a morning meeting. I don't know what time we went to work officially, nine I think. About eight-thirty or so Charlie would have an informal meeting. This was the way Charlie operated. He would never say "you're expected to be there," he said, "I'm going be there if any of you want to be there and talk, come on, and we'll have coffee and talk." And we did that, and they were very useful meetings; just kind of "shooting the breeze" around what had happened the day before and things we thought Charlie ought to know about.

Well, at any rate, the Bureau of Enforcement then ran until '61 or '62. And I think, without question Fred, (I was in different units of the Food and Drug Administration for a good many years there), I thought, the Bureau of Enforcement was the best unit I'd ever worked with. We had a lot of experienced people, a lot of good people, a lot of dedicated people, people that come from the field and come up through Washington. Of course, most of the Washington people were all former field people: Kirk and Kneeland and Yakowitz and all of those people. O'Keefe came in there and Nevis Cook and Milstead who ran the Division of Litigation, had Goldhammer and some various people with him. And we ran a tight ship. We ran a good outfit. And, as a matter of fact, I always thought that the tail almost began to wag the dog, we got so prominent in our operation, and we brought some pretty good cases, and we got a good deal of publicity on it, and we brought some cases against some people that were very unhappy with us, but, at any rate, we got attention. I've always felt that we got so much attention, that Mr. Harvey and Mr. Larrick decided that it was time to cut us down to size. So they abolished the Bureau of Enforcement and spread the thing out to, I guess, the field service, and I don't remember just what they did do with it. And, at that time, I was put in charge of all the regulation-making activity and, Mr. Larrick immediately authorized me to approve, adminis-

tratively, new drug applications. I always felt that the reason that George did that, that some of those were very controversial, and he wasn't sure he wanted his name on them. But at any rate, I did do it, and I didn't mind doing it, and there were some very interesting situations. I had some good people helping me review the new drug applications, not in terms of the medical aspects or the real scientific aspects, but we looked for errors in reasoning where they had maybe become so up to their alligators in the application that they forgot to consider all the aspects. I had Jim Cribbett and two or three other people there who are real experts on finding these flaws in the reasoning of the medical people. So we created some unhappiness for some of the medical people on that, but, nevertheless, we survived and they survived.

Regulation-making was one of the toughest things I ever undertook. As I say, I learned a little about the subject back in the seafood service. The wordsmithing, I guess, as Charlie Crawford used to call it, is a real science. You have to have the right word for the right meaning.

MS: So, I stayed in that job and I believe I did the most weekend work and the most night work, worked the longest hours except maybe when I was an inspector that I'd ever worked. I was convinced that I didn't want to stay in that work forever and further I didn't know what was going to happen to Food and Drug. I thought I could see some signs

that there were going to be some changes in FDA. The general atmosphere around the Department and around the Food and Drug Administration was changing. I saw what I thought were people who really were not the right people in the right jobs. Some were in some of the more responsible jobs and I was tired of having to deal with them. I found it frustrating, I found I was not getting the support that I thought I should have had from higher up in order to do the things the job called for. I finally decided with my wife's insistence that I get out early; and really I had no desire to leave the Food and Drug Administration but I didn't like the situation that I saw both from within and without. So I decided to get out and then before I publicly made any move, Larrick and Harvey "saw the straws in the wind" and decided to retire. Whether or not someone suggested to them that that it might be in the best interest of the organization for them to retire or whether on their own initiative, I don't know.

So, in any event, after they announced that they were going to retire in December of 1965, I came in to a morning staff meeting and announced that I was going to retire. While that created a little commotion around the place I did retire at the end of December in 1965. I closed my career with FDA with some regret. I had had some tumultuous times but overall a very happy career - I couldn't have had a better one anywhere, I guess, I just liked it all and I believed in it and it was very satisfying.

Well, now to go back and elaborate somewhat on my career at the different offices and different jobs. I went to Chicago in October of 1930, of course, I knew nothing about what was going on with the Food and Drug Administration or what was called for. I had a Chief Inspector named Walter Simmons who was a great guy, very helpful, very understanding. Also, there were a bunch of what I would've called "old timers" that worked in the Chicago office and Johnny Sullivan, an old time State of Illinois Inspector; Dr. Artemas Brown, a physician who had, I believe, graduated from the University of Iowa Medical School and never was quite certain how he got into the job he got into; a fine old gentleman named William Hillyer and William Hillyer's job primarily was to collect butter samples and cheese samples as I remember; a little skinny fellow named Edmund Code, who had a pharmacy background and I used to do some drug work with Eddie; and I guess there were some others I've forgotten now who they were but found all those people most helpful and lord knows I needed it.

FL: About how large was the staff, totally, at the Chicago Station when you reported?

MS: I would guess, as to the station as a whole, let me think, there was Harry Garrett and then I believe Runkel was his assistant at that time and then we had Walter Simmons as the Chief Inspector. I expect, and this is just really a wild guess.

FL: Sure.

MS: I'm going to guess maybe a total staff of administrative and clerical and professional people maybe twenty-five. And I think it was about maybe eight or ten chemists, eight or ten inspectors, and the rest clerical and administrative.

About that time Walter Simmons had gotten into some of the what we called fraud work, investigations under the Sherley Admendment under the 1906 law. He immediately started me to work as his handyman or helper. He would get leads and he would send me out to do these things. As a result of working with Walter on the old Sherley Admendment cases and spending a great deal of time on those I did a lot of work in other areas but I didn't do anything like the amount of work in the other areas that the other people did, because I was out doing this fraud investigation.

FL: The Sherley Admendment was the section that said that a drug was misbranded if its labeling was false and fraudulent?

MS: False and fraudulent. And that followed the Supreme Court decision back in 1910, I guess, in which they held that the misbranding provisions of the 1907 Act did not apply to theraputic claims, as I remember.

FL: I think the Johnson case...

MS: Yes, I believe that's correct. All right. But I did a lot of other things around Chicago and the things that stand out the most were I sampled butter, we would go into these

cold storage places and work in very low temperatures for hours with cheese triers and butter triers and sampling cheese and butter and drawing plugs and putting back a plug and all that kind of business.

FL: That sampling was for moisture?

MS: Moisture. Moisture and fat. And we rode street cars, and here you'd get on a street car with all this sampling equipment and cases to carry samples in and all that and ride to the cold storage houses and work all day and then you were permitted, if you had a big load of samples, to hire a taxi cab to bring them home, that was one of the goodies that they gave you. But I did a lot of work of that kind. I think probably the most arduous work that I did in Chicago, that I remember doing, was working on frozen fish. Carloads of frozen fish shipped in there from Canada. Working on it for parasites at that time.

FL: That was Tullibeas and Whitefish?

MS: Tullibeas and Whitefish. We'd go down to the railroad yards and, I believe that if there's any colder place in the world then a railroad yard in Chicago in the wintertime, I don't know where it would be, but anyway we'd go down there and get those cars opened up and get in there and break the big packing cases open and take fish. We brought them back to the lab to cut them, examine them, but it was cold, hard work. So I got my taste of that. I got a good deal of that.

There were a good many areas of Food and Drug inspection work that I never did get into while in Chicago. For example, on net weight work and things of that sort, I really didn't get into that in Chicago. I was only there for that short period of time, 18 months or so, and then in the spring of about '32, they told me that I been designated to come to Washington to a fraud school. They'd decided that the Sherley Admendment work had become so important that they wanted to improve their operation on it. They had George Larrick set up what he called a fraud school.

FL: He was the then Chief Inspector of FDA?

MS: He was then the Chief Inspector. George did a great job on it. I always thought that he set that up so it operated and went very smoothly and we learned an awful lot.

I was interested in what you told me last evening about your present training of giving the new inspector some orientation on Supreme Court cases and things, plus laws of evidence and what have you. And that's what we really did mostly on that at the fraud school. It was extremely interesting and, as I say, I thought a lot came out of it. I don't know who all was there, George Daughters, there were some chief inspectors that were around, I believe Bob Stanley was there, and I've forgotten who the others were, really. Right at the time I was called to come down there, was a time that my future wife and I had decided to get married. So, we

had to change the wedding date and got married ahead of time so she could go with me to Washington. So, while I was in Washington at fraud school, I was also there on my honeymoon. So, in spite of that, I learned an awful lot out of that school and I liked it very much. Out of that school was my first real contact with Charles Crawford and we established a very close and lasting friendship there.

FL: How long did the school last?

MS: Well, it lasted nearly a month, I think, Fred. I'll tell you, let me see, or maybe three weeks. I got married June the 11th, and we proceeded forthwith to Washington, and I think I had to - no it must of been about two weeks, because I got to Washington on about the 13th and school started that day, I think that morning, and then I remember I went back and reported back to St. Louis, and that was part of my transfer. I went from Chicago to the fraud school; instead of going back to Chicago and reporting back there, I reported for duty at St. Louis. I got into St. Louis on the Fourth of July, so that was maybe three weeks.

FL: Was it only FDA people as instructors or did they have people from outside the agency?

MS: They might have had someone from the Department of Justice, I'm not sure, General Counsels Office, but primarily Food and Drug people. I don't remember any...I would guess there might have been someone from Justice there, but I don't

remember, Fred. I wish I had the roster and the program on that because I found it very interesting. Anyway, I reported back to St. Louis at that time.

Now, as to what I did in St. Louis, Ernie Smith, as I said previously, was the District Chief there then. Ernie was a fine guy. Ernie died, I guess, while I was there, and then Austin Lowe came from New York as the Station Chief while I was there. Anyway one of the first things, of course, I continued, they had already arrived at some cases they wanted investigated on fraud work and I worked from St. Louis. I worked in the other areas. I worked some in the Kansas City area and maybe New Orleans, I don't know, I kind of free-wheeled around different places.

One of the first things I got into in St. Louis was apple work in the Ozarks and that was quite an experience. It was in the height of the Depression, and the problem in the Ozarks had been created primarily - there was a spray residue problem that had been brought about by the codling moth. The codling moth had invaded the orchards of Northwest Arkansas and maybe other areas, Missouri and Arkansas and this whole Ozark area, and literally devastated the apple crops. In a desperate attempt to save their crops and save their situation, the orchardist/growers sprayed with calcium arsenate, and they sprayed, some of the apples were literally whitewashed with calcium arsenate.

FL: Was it calcium or lead arsenate?

MS: Huh?

FL: Calcium or lead arsenate?

MS: Oh, it was lead, I guess, in the beginning. Lead is right. Calcium came later as a cotton dust on boll weevil. Yes, it was lead. I thought of that a good deal, Fred, how we came down here. We set up temporary laboratories and Sam Alfend, my good friend who went on to Denver, Kansas City and other places later. Sam set up a laboratory down here and we had a inspector who was named Jesse Pitts who had a van he drove and brought all the equipment down and Sam always got very unhappy with Jesse because Jesse drove like a wild man over some of these then unpaved roads and he'd get the equipment down to wherever it was going, Fayetteville or wherever they were setting up a laboratory, Sam would unpack it and find about half of it had been broken by Jesse.

Then we set up these truckstops and I've thought of how that would have not worked five minutes in today's world. On the state lines we set up truck stops and stopped the apple trucks, night and day, as they came through, and sampled their apples. They just agreed to it, just submitted, I guess they thought they had to, which of course they didn't, but they did. Then we would rush those samples to the temporary laboratory. A great deal of the apple shipments went to Kansas City and to Tulsa and Shreveport and a few places.

We had setups with the city inspectors, where we would say embargo such and such a lot. But it got pretty rough here before we got through that whole business. I remember very well one time, a completely frustrated and desperate apple grower/farmer whom I stopped on the Oklahoma/Arkansas line one night. He climbed out of the truck with a Stillson wrench and was going to work me over and some of his buddies restrained him and nothing happened. Otherwise I might have really been beaten up. It was a sad situation for the apple growers. This made it more difficult for us.

FL: Did they do anything, did they have any means of removing...?

MS: Yes, that was the only salvation and, of course, the little growers had no facilities. Large growers did have washing facilities. They would put hydrochloric acid in the wash water and run the apples through the washer and some of them did a pretty good job.

FL: But the first early years they didn't have that system?

MS: No, not in the Ozarks. I had forgotten something I should have mentioned earlier. My first experience on apple work was in Chicago where we worked in Michigan, an altogether different situation, big growers. We had a road stop at the state police station up there, where the state troopers would help us stop the trucks, then all the apples went into Chicago where it was easy to get hold of them. But anyway,

it was quite an experience here in the Ozarks, going through that. That's what I did, and then cannery work. We got into some cannery work here. The growers were producing tomatoes that went into canned tomatoes. I guess we were doing the vinegar fly larvae test then and some of the boys from the micro-lab in Washington came out and worked with us on that. The larvae came from cracked, decomposed tomatoes used in the canning.

FL: And, of course, mold.

MS: Mold in ketchup, of course, there wasn't any ketchup down there. Mold on the tomatoes and water in tomatoes. Some of them would just run the hose to the cans and run water in them. There was a real need for the McNary-Mapes Amendment at that time.

FL: That came about that time?

MS: No, it was earlier than that. I think McNary-Mapes must have been around about 1930.

FL: I think '30, '31 somewhere along in there. That was on the fill of container for canned food, and other quality factors. That was really sponsored by the industry wasn't it?

MS: The National Canner Association, I think, had a big part in getting it through.

FL: To restrain some unrestrained competition there.

MS: We did some net weight work. I remember the first time

Ernie Smith sent me out to a warehouse in St. Louis to do some net weight on cans of black pepper. It was the first time I'd ever done it in spite of my work in Chicago, that was the first net weight work I'd ever done. I was scared to death I wasn't going to do it right.

FL: Did you have the Gurley Balance in those days?

MS: Had the old Gurley Balance which was a real piece of machinery. I carried that little wooden case around with that Gurley Balance in it. I worked with the people around different places on making speeches and giving examples of the need for a new law. So, I did some of the early public relations work.

FL: That was promoting and showing the need for the new law to replace the 1906 Act.

MS: Yes, demonstrating the need for new legislation.

FL: Did you use those big placards of the Chamber of Horrors?

MS: Yes, I think we did.

FL: Before we leave this particular period, could we talk a little more about the fraud work? Just how did you go about this? You indicated that when you were working on a fraud case you went out of your own station area and just pursued the matter wherever it took you?

MS: Well, there were... Fred, let me digress from that for a moment and let me go back. When I was in St. Louis on that

first assignment, from '32 to '34, I spent a lot of time in Memphis and it amounted to a Resident Inspector in Memphis. I worked out of St. Louis, I was on per diem in Memphis and I spent a lot of time working that area. I made surveys of wholesale drug houses and there was a fraud case there, I've forgotten what that case was, I spent a lot of time investigating it.

Then I want to mention, I think, one of the other really worst jobs I ever got into, and I'm surprised it didn't eventually kill me, was sampling the large drums, I don't know what size they were, of calcium arsenate. This was part of our work on the Insecticide Law, you know, which we had at that time. I would have to go into these big warehouses with sheet iron roofs, sheet iron sides, temperatures up to a 100+° in those warehouses. I'd climb in on top of a stack of drums, open up that calcium arsenate, I don't know how much of it I breathed into my system, and take samples of calcium arsenate. I remember that being one of the most horrendous jobs I ever did.

FL: That Insecticide Law was to make sure that the insecticide that was sold to the farmers was up to full strength?

MS: Right, precisely. Had nothing to do with the directions for use or danger, toxicity. It was purely a matter of insuring that it was the strength that it was supposed to be.

But now getting back to the fraud work. What happened was, I'd get on to a case and the leads would take me in to different places both in and out of the St. Louis territory. I remember I went to Oklahoma City once, on a case there that I'd been involved in somewhere that I'd helped develop to where it was tried in the District Court there. But anyway, most of my fraud work, I guess you could say was in Chicago. One of the cases I had there was...an old boy put out a product called H.G.C. He got caught, he got cured, the gonorrhoea treatment. I spent a lot of time on that damn thing. Also worked a lot with Walt Simmons on the Cherokee Remedy case and others.

You'd get into these fraud cases, you'd take testimonials that had been written. You had to start with some kind of a lead... These things would just mushroom. Once you'd get a lead, then you'd take that lead and it would generally lead you to another lead, just go on and on from there.

FL: Identify the writer of the testimonials and then talk to them whether they really had written the testimonials?

MS: Yes, you would talk to them and see what they were taking it for and how they learned about it, whether a doctor had diagnosed their case and what they thought about it, etc. Of course, sometimes you'd want to get samples of a shipment that had just come to them. Many of these people were cancer cases. I remember, it was the Koch Cancer Case, I guess,

I remember interviewing some poor old fellow that lived under poverty conditions and the whole side of his face and nose were eaten away with cancer and it was just exposed and looked terrible. I remember this old boy said, "Well, the reason the medicine hadn't helped me was that what I need is a good woman to pull all the poison out of me."

FL: Oh, boy.

MS: I always remember that, it was a horrible thing to see. Sometimes a testimonial writer could tell you about another person and you'd try to find out how they happened to write the testimonial. Who wrote the testimonial? Did they write it or did somebody else write it? Did they sign it? Did they believe what it said? And all those things. And for the most part, Fred, those people in spite of the fact that it was clearly evident that the medicine hadn't helped them, they still believed in it. They believed that it was going to eventually help them.

In Chicago, when I was working on the fraud case there you figured out all kinds of approaches. Walter Simmons was a very ingenious individual. Walter could figure out all kinds of ways of doing things, and he used to worry me with some of the things that he did. Well, I remember we went to an interview together, and I don't know how we happened to do it together, but went to interview some fellow about something dealing with some proprietary preparation in one of the

fraud cases. This fellow brought out a bunch of pretty significant letters and files and things that Walter thought were too good to be true. The man went out of the room and Walter grabbed three or four of those good ones and shoved them up his coat sleeve, and we walked out with them. It scared the daylights out of me, I figured that they were going to catch Walter and catch me with him. Walter would go to almost, not any end, but he'd go to great ends to achieve the purposes of these investigations.

Out of that, I think, you learn a tremendous amount about human nature. I reached a point, and my wife used to kid me about it and say, that my problem was that I had dealt with so many people that were crooks that I was suspicious of everybody. Of course, what we set out to do we learned in the court cases and opinions and what-have-you that you didn't necessarily have to prove a fraudulent state of mind on that particular medicine, on his activity on it. If you could show that this individual who was promoting this medicine had a fraudulent state of mind about other things generally, or other things in particular, then by association you could assume if he were a crook in this area it follows that you could expect he would be a crook in the medicine area. We worked a lot on that, showing their conduct and activities not directly related to the medicine we were looking into.

FL: So you had to really do a full-fledged investigation of their conduct, character, background...

MS: Conduct, character exactly. And it's amazing how many of them we found that were "tippy-toeing" or doing this or doing that reflecting questionable conduct. It was really fantastic the way you'd get in those things and you'd feel like, well, like you'd made a touchdown or field goal or something when you'd hit a real juicy bit of something. Then we'd come back and you'd try to write that up. We didn't take notes when we were interviewing people because you'd scare people. Didn't take notes at the moment, but the minute you got back (we didn't have dictating machines), we'd sit down and write down what had happened. One of the things I did in Chicago involved a fellow on the West side of Chicago and I couldn't seem to get a real good lead on him. He had an office in an office building there, just a door with a name on it, and I didn't dare go in the door. I finally got hold of the janitor of the building, and I made friends with the janitor and I offered to buy the wastepaper from this fellow's office, which I did. I didn't have any funds to do that with. The Food and Drug Administration wouldn't have given me any money to do that. Mr. Linton would have said, "Well, that's not ethical, you can't do that." So what I did, Fred, (I don't think I ever stole any money from the government) I would sometimes make little

entries in my expense account that didn't really cover what I was doing. I spent several dollars buying waste paper from this janitor, and I retrieved my money by putting in car fares and telephone calls to cover it. I think I told George Larrick about it one time. George said, "Don't ever tell me about those things."

FL: Probably he had done it too.

MS: He didn't want to know about it. So anyway, it was really amazing, how you'd spend a good deal of time searching out leads, sometimes successful, but a great many times it would just suddenly lay out as kind of a pattern, kind of a jig-saw puzzle that you could fill in.

I got involved in one case there involved a teamster union fellow. I thought he was a gangster in Chicago. I've forgotten his name. He was pretty prominent in the papers. He was using this little patent medicine company; and I don't remember the name of it, I know it was down on South Wabash in Chicago and he was using it as a front. We didn't know that until I got into it. I was assigned the job of investigating that outfit; and I began to discover (of course it was all streetcar riding), I began to discover when I would go somewhere and get on a streetcar to go back to the office, somebody in a car was following that streetcar. They were tailing me and I learned that sometime later. I don't know how long they had been doing it, when I discovered they were

doing it. I would tell Walter Simmons everything that happened and Walter knew about it. Just about the time I was right in the middle of that; when that was getting kind of uncomfortable, we didn't know what to do about it; they sent me to the fraud school in Washington. I remember so very well that while I was at the fraud school, I got a telegram from Walter Simmons in Chicago, that said, "You can come back home. So-and-so, who was the head of the company, has been shot and killed."

When I got into St. Louis, the St. Louis territory covered Iowa then, and I got into veterinary products out in the State of Iowa. One of them was what they call "the old negro cure for hogs," it was an intestinal bacterial infection, very fatal to hogs. It came out of the soil or out of the manure or something, and they were always trying to come up with some kind of a cure, which they didn't, and there was an outfit at Atlantic, Iowa - Atlantic something - I've forgotten what he called the company. And this fellow who ran it was pretty prominent in politics.

MS: At that time, Mr. Henry Wallace was Secretary of Agriculture. This was before we moved from Agriculture to Federal Security Agency. I found some pretty, I guess, damaging evidence there about the way that this fellow had procured testimonials on his product among the Iowa hog growers. That was quite an experience in blizzard conditions going out

to the farms. You'd go out - to digress a little - you'd go out to the farm to see the farmer and the wife would say, "Well, he's out at the hog barn." And you'd go out there and you'd find that this man had set up quarters during the pigging time on the farm, and he had his bed and everything else out there and he stayed out in that barn while the sows were giving birth to the pigs. It was very interesting. Of course, I had a farm background, and I found it very interesting.

Anyway, getting back to the Atlantic Remedy Company, if that be the name of it, I began to get some pretty what seemed to be damaging evidence, the way he'd gotten his testimonials and things, and the lack of evidence of any therapeutic value of the product. So, right in the midst of that, Jimmy Clarke, the Chief of the Central District sends me a letter (at least a copy of a letter) that Mr. Campbell had written Secretary Wallace. Secretary Wallace had sent a report to Mr. Campbell stating that this young inspector out in Iowa was creating havoc. That he was forcing people to sign false affidavits and all kinds of things that were awful crimes and that something should be done about it. I remember the great feeling I had about Mr. Campbell and his letter, which was very short, concise and to the point. He said, "Mr. Secretary, I have your letter. This is a common complaint of people who are found to be engaged in fraudulent practices."

That was the end of it. And nobody bothered me anymore, and I went ahead with my investigation. Eventually, the company, as I remember, entered a plea of guilty in the case.

FL: When one of those cases went to trial, were you able to get into evidence the background of these people? Or did you . . .

MS: Fred, I don't remember. In other words as to whether or not these collateral aspects were used. I think so. I think we had enough opinions, Supreme Court and other opinions, back of what we were doing, that the General Counsel's Office or the Department of Justice Lawyer, or whoever, were able to use the information. They would be protested, but we were eventually able to get it introduced. Because of that one idea, philosophy or principle that if he's a fraud here, he's a fraud there.

FL: Of course, if the person took the stand himself, under cross-examination, it would be great for that.

MS: Absolutely. Interestingly enough, a great many of those cases never did go to trial. They would enter pleas. I remember, I always found it disappointing that we couldn't get the trial on them because I was so imbued with the idea of their being crooks, I wanted it to be on the record of what crooks they were. But they would come in and work out some kind of a plea. I remember this old H.G.C. case in Chicago. I had spent a lot of time on it and it was a bad case, and

this defendent, whomever he was, entered a plea and didn't get much of a sentence, I think. Just a tap on the wrist, really.

FL: Well, that 1906 Act didn't have very stiff penalties, either.

MS: No. No it didn't. As I remember, I think you could be fined what? A hundred dollars maximum?

FL: No, two hundred dollars maximum.

MS: Two hundred maximum, yes.

FL: And I don't think the penalty for second offense was any worse than that either.

MS: No, I think that's correct. I remember so well, I had a case in Memphis, and I don't remember the details of the case, but had a Federal judge there and he was one of the first ones that kind of shook my confidence in the Federal judiciary. He apparently had some kind of a personal relationship with this fellow that I was after, and we got the goods on this fellow and he entered a plea to just get rid of the thing and the Federal judge in Memphis fined him one cent. And I remember that I roared and raved (of course I was in St. Louis then) with Walt Simmons and others how something ought to be done about that judge.

There were some cases that did go to trial. The Kaadt Brothers we went to trial on. I was in charge of the Chicago office then. Then the Koch case.

FL: But both of those were brought, though, after the '38 Act.

MS: Right. I remember the Kaadt Brothers, as I remember, Fred, the background on that was that the Postal inspectors had brought a case against them. They still had the fraud aspect in their law, and he beat them on their case. Then we went to trial on it and it was quite a trial, but we were able to do a job on it. Then Koch... Now, I had forgotten the old boy, the cancer quack, out in Iowa. Oh, he shipped all over. He operated out of Dubuque or one of the Eastern, Davenport, one of the Eastern Iowa cities. He got mixed up with a religious order of Catholic nuns. One thing we found was if you ever got religion and fraudulent medicines mixed together, it was real lulu. Because the guy peddling the medicine would work religion in it and these people were sitting ducks for it.

FL: Oh. Dr. Brinkley?

MS: No, it wasn't Brinkley. It couldn't have been Brinkley. At that time you could go to the post office and have them report shipments to you. They would record shipments going out from them.

FL: Yes. A mail watch.

MS: A mail watch. And I'll bet they wouldn't do that anymore. Anyway, an inspector wired the Chicago office that a shipment of this cancer medicine had gone down to somebody in

the Polish section of Southwest side of Chicago. Well, I don't know how much you know about the Polish people, atmosphere, their temperament... I went down there. First, I went to the sub-station of the post office in Chicago, in Hyde Park, that delivered to that area and got hold of the superintendent of the Hyde Park Station. Very cooperative. It was amazing how people did cooperate with you. He went with me. He said, "I don't think I want to give you this package to deliver. We'll go out and get the postman and let the postman and I will take it out and we'll hand it to the postman and let the postman hand it to the guy, then you enter the picture." Well, we did that and got out there to this lady, up in kind of a tenement section, I guess, out there in the Southwest side. It was very poor times and people were hard up. Anyway, this woman was handed the package, a small package I remember, and I said to the lady, "I'm an inspector with the Food and Drug Administration. I'd like to see that package." So she handed it to me and I took it. I said, "I'd like to open this, would you open this?" She opened it and we still were a little careful about what we could do and what we couldn't. She opened it and, sure enough, it had the medicine in it and I said, "Well, I'm sorry, I'll have to take this." Well, with that, that woman really put on a show. She started screaming and carrying on. There was a butcher shop right near where this disturbance was taking

place. Well, the Postal superintendent bowed out. He wanted to get out. And the Postman, they stepped aside. Well, with all this screaming and furor took place, some people began gathering around, and right in the middle of it, here comes a great, huge Polack, if I might use that expression - and I don't use it disparagingly. Anyway, he was a great, huge man that came running with a butcher cleaver in his hand. He had been cutting meat, and he heard the commotion, and he ran out there to see what was going on. Well, I thought he was going to chop my head off. But he didn't and I got the sample. And then later that case went to trial in Davenport. He was mixed up with this order of nuns that really got him entry to a lot of people and caused a lot of problems.

So, those are some of the things that we did. I had a case down in Alabama, in Birmingham, one time. An old Indian doctor there. I've forgotten what... I believe I was working out of St. Louis when I was in Birmingham working on that case. Because some of the stations didn't have inspectors who'd been trained in this type of work and they would send you there to do some of it for them.

FL: In some cases you would hand the thing on to somebody to investigate. If necessary, you would follow the case wherever it went.

MS: Right. Right. But it was a tremendously interesting experience. And, as I say, it was one in which you learned a

great deal about human nature. I liked every bit of it. Honestly, I found some of the routine work in the Food and Drug Administration, after that kind of exciting business, to be pretty mundane. But I did whatever I was called on to do. FL: When you got to Minneapolis, was it more run-of-the-mill work, or did you do fraud work there too?

MS: Yes, I did some there. As I say, I was out when I got in that dust storm, as I told you earlier. I didn't do very much there. We did fish work there and we didn't have many inspectors. I think, seems to me, about three inspectors. I don't know whether you've ever run into his name or I don't suppose you ever knew a fellow named - Bill Tiedt. I think Bill was originally an insecticide inspector that came onto FDA. He was quite a character. Great big, raw bony kind of a fellow. I remember one instance, he was out at Mr. Harrison's, the Chief's house, one night and Mr. Harrison's wife, being a great Southern lady from Virginia, had all kinds of antique furniture in her house. Beautiful antiques. And old Bill was a great big, kind of a bumbling, clumsy kind of a fellow, nice guy, good hearted fellow. Bill went out there one time, he wanted to explain something to Mr. Harrison, and he couldn't wait until he was at the office so he went out to his house. And Bill set down on a very price-less antique sofa and crashed it.

FL: Oh no.

MS: And I don't think Mr. Harrison ever felt quite the same about Bill after that.

I remember running into Bill in Des Moines one time, just accidentally at the hotel, and we had dinner and had some sessions together. Bill was a great believer in what he called the wave-length of people. And it made some sense, I guess. In order to get people to work with you and do things and this and that, you had to get on the same wave-length with them. Bill was strong on that. In that connection, talking about working out at night in the field, and I'm sure it was the same way when you came in. When we were out working on the road, we started early, as soon as the place would be open we'd be there to start taking samples or what-have-you. And we worked until places closed and we'd go back to the hotel and have a bite to eat, and then we'd go to our room and write reports until 8:00, 9:00, 10:00, 12:00, midnight, whatever it took. Whatever it took, you would finish that day's work that night. So the next morning you started out, if you would be going out on some additional work. And it was kind of considered - I remember what made me think about this - Bill Tiedt, the inspector I just mentioned, would do some of this. He would work in his room in the daytime when I thought he was supposed to be out doing other things, he would be writing reports. You just didn't do that. You worked at night and did your reports and you got

out in the daytime and did additional work. A far cry, I guess, from today's world. Anyway, I was in Minneapolis about eight months. I left there and went into the seafood inspection. So that pretty much summarizes my general operation in those other stations.

FL: I was interested when you mentioned the staff that was in Chicago when you reported, Dr. Artemas Brown. I've run into his name. He was one of the original twenty-eight inspectors that reported in June, 1907, when they started enforcing the law. And according to something I've read, he didn't take the Civil Service exam, he was appointed directly by the President of the United States, Theodore Roosevelt, who appointed three of that group on his prerogative of making such appointments. Something that would be unheard of today.

MS: Well, I don't know, Fred. I presume, at the time that I went to Chicago, I know I was very curious about all the other inspectors. What they did, how long they had been there, and things of that sort. I'm sure that I must've known about old, we called him Doc Brown, he's a very fine old gentlemen. He was very tall, angular, sort of stooped. But I don't have any idea how old old Doc Brown was at that time. He seemed pretty old to me, but I don't know how old he was. I heard the story around Chicago that I assumed to be true, that he was offered, at one time, a partnership of

some kind by the man who had developed Coca-Cola. I guess it seemed like a good deal of money back then. It was six hundred dollars or some such sum, and Dr. Brown didn't have the money and didn't think the product would go. So he took the position with the Food and Drug Administration as an inspector. And about all old Doc Brown ever did, and I used to feel sorry for the old gentleman because he was a very likable, kindly gentleman - he really had the bedside manner - and he would go out in the cold winter days in Chicago. A cold winter day with the wind blowing in Chicago was a cold one, sampling down in the cold warehouses, never complained, just routine, he just went about his business. But he was a fine old gentleman. I don't know, really, what became of him. I met a lot of interesting people inside the Food and Drug Administration.

I had awfully good receptions at different offices. I was young, coming up, and that can always be kind of troublesome, as you know. But I never did have any real trouble. There was one inspector in St. Louis who was sort of unhappy because he thought I was getting assignments that he should be getting.

We had an old state inspector there, kind of a hard, tough, tobacco-chewing guy named Jack Ahern, an Irishman, former Illinois state inspector, contemporary of Johnny Sullivan's. Jack saw that this fellow was getting a little

obnoxious so he took matters in his own hands and straightened that fellow out. I didn't have any more trouble with him.

FL: Under that 1906 Act, we did not have any real authority to go in and make factory inspections.

MS: No. Factory inspections, take samples, or anything else.

FL: Did that ever present a problem?

MS: Well, not really. I don't think we ever had any trouble getting into places. It was questioned, of course. They might conceal things from us if they could. I remember up in Mississippi, we used to do a lot of cannery work when I was in New Orleans. Did cannery work up in Mississippi. There's some Italians up there, I've forgotten what their names were. Anyway, they had it down pat, they'd find out when we would be working the canneries in that area and they would station - they had an old boy that they'd sit on a lug box out in front of the cannery, out by the scales where the tomatoes all came and kind of a dusty road came into the place - and they'd put this old boy out there on this lug box to watch for us. So he'd see us, he'd recognize the car coming, and he'd spread the word that "here comes the inspector." And I remember I've always used his quote, and I don't know where he learned it because I suspect he didn't have an eighth grade education or maybe not even a fourth grade education,

he was just an old Mississippi hillbilly. I'd show up and he'd laugh, he'd kind of cackle - he didn't have any teeth - and he'd say, "Well, we're always glad to see you. We'll cooperate with you, we'll do everything that you want us to do that you can get us to do." He'd always greet you with that. Then you would go in and you'd find a lot of fruitflies and infested tomatoes cracked open, just a spoiled mess. It's amazing what some of those people would do. It's not true of all, but true of many of the canners, would just about put anything in a can that crossed their scales. They would just run it on in.

Then when we began to get into the bean and spinach work, primarily because of some botulism problem that had arisen back before in the early days. We got more into that on the processing, and it got a little more complicated for them and we had a lot of problems on that. I remember one cannery here in the Ozarks that we were having problems with. Anyway, I was in this place and discovered that this fellow had been trained that he was supposed to put the spinach in the pressure cooker at a certain time then mark the time. And then, based on what the National Canners field people had given them, the schedule of processing times according to the size of the container and everything, that he was to take it out.

Incidentally, to digress, I think the can-making people

did a great service, really, in the way the service people would help us enforce the law by trying to help those people do the things they ought to do.

FL: You mean like American Can Company and Continental?

MS: American, Continental. Anyway, in this particular plant, I got to watching this fellow and I looked at the chart and I could see that the time showed the in time and the out time, the proper times. Well, discovery of what he was doing was that he'd put the crate in the retort and close the retort and he'd mark the in time and then he knew what the out time was and he'd write it down at the same time. And then he never paid any more attention to it.

FL: Oh my.

MS: He didn't know what it meant. He knew that time was supposed to be recorded there.

Yes, I had some great experiences with the can company people in the canning business in Mississippi and in the Ozarks and New Orleans on the shrimp work. I came to be very close friends with some of them.

FL: In those days the canned companies owned the sealing machinery.

MS: Right.

FL: And they also serviced it.

MS: It was on lease to the cannery, and they serviced it. And sold them the cans.

FL: And years later when the anti-trust suit forced the can companies to sell the machines and the companies to maintain them, it was another time when we had all kinds of trouble.

MS: Right. Right. Because they just didn't have the knowledge to maintain them, service them. Yes, they did a great job on that.

As a result of these various experiences, as I said earlier, you learned a lot about people. I've always thought it was interesting to think back about the attitudes of the people that were regulated by us, and how they, for the most part, did cooperate fully with us. I know when you would go into a warehouse, and I used to do a lot of that work in Memphis, the place to start was the head of the outfit. Go see him and get acquainted and visit with him and then tell him what you wanted. My feeling was you were generally a lot more successful than if you started down the line and it had to come up through them to him. But at any rate, you'd go into a place, and Memphis was particularly good at this and St. Louis was good if I remember right, tell them what you wanted. If you wanted a sample, or whatever. He not only would give you permission and say, "Certainly, go ahead," he would assign a man to go with you and help you do the work, open cases, and replace goods, and seal the cases, then he would carry your samples to your car. It seemed to me they almost went out of their way to be nice to you. They were just that kind of people.

I think that people weren't as generally familiar with government then as they are now. As I used to travel in rural areas, of course, the government cars had the USDA insignia on them, and quite a number of times I've had people in those areas stop and ask me questions about some other aspect of the Department of Agriculture that they wanted to know about that I didn't know about, but would be able to tell them where to write to. So there just wasn't, really, general knowledge of government back in those days. People just hadn't learned. I think after we got into the new law and got these better penalties and got these better techniques, a lot of people were frightened of such things as picture-taking. They found that troublesome, disturbing, and they didn't like that. So, they learned more and more about what to do and what not to do in terms of their cooperation. FL: Well, I think, probably too, as the FDA staff expanded and we had more people, we got around more frequently. We saw some of these people more often and I think that had a bearing, too.

MS: Yes. I think that's true. But, on the whole, I think the people cooperated well back in the early days. No controversy about what we were doing. They didn't like some of the things we ended up doing, seizing and what have you.

FL: During the years that we have been talking about, those were some of the years when the bills were before the Con-

gress to re-write the Food and Drugs Act, and, ultimately, resulted in the Food, Drug and Cosmetic Act of 1938. I think the bills were before the Congress from 1933 until, finally, 1938...

MS: I believe that's right.

FL: When the Act passed. During those years, did the people like yourself, inspectors in the field, did you get any information on what was happening in Washington?

MS: Fred, I don't clearly recall except I... The most I do recall is that we would either, by word of mouth through the District Chief, that he would hear from somewhere that something had happened. And I don't know whether it was in the newspapers, but I think we would get reports of when Mr. Campbell would testify. Maybe we would be sent some of his testimony, I don't remember.

FL: It wasn't something that made a great impression, apparently.

MS: Well, it was something we were very interested in, but it was something pretty remote from us out in the field.

FL: You weren't aware of the compromises that were being made and things of that sort.

MS: I'm not sure. I, of course, knew about the compromises eventually. And I don't know whether we thought they should've fought harder, but I don't really have the feel of it now, Fred, I really don't remember. I know we did do what

I guess you'd call some public relation work or propagandizing. We would go out to meetings of groups. And, I guess, as you suggested earlier, have these placards showing the awful examples of things that needed to be corrected and dealt with. I know we were aware enough that when the law was passed, how highly elated the field service was that we had the law. It would make it easier to do the things that needed doing.

MS: Just to repeat, that the things that we saw in the new law that were called for, were things that very much needed to be done to achieve the protection of the consumer.

FL: Now, it was also during this period while the law was being considered, that you became involved then with the new seafood service.

MS: Well, that was prior to then, Fred. In other words, the Seafood Amendment came in '34.

FL: Yeah. But the bills were before the Congress. . .

MS: Yes.

FL: ...at that time. But the Seafood Amendment was really an amendment to the 1906 Act.

MS: Right. The genesis of that was that all shrimp then was canned shrimp, except there was maybe a little dried down by some of the Chinese and Cajuns down on the docks. But there were two types of canned shrimp, the dry-pack, and the wet-pack shrimp. And because of under-processing and because of

use of decomposed shrimp, the Food and Drug Administration was virtually putting the shrimp industry out of business by seizures. They were really up against it and figured that something had to be done. I do not know who made the original proposal for that Seafood Amendment. I suspect it came through the National Cannery Association because they were so active in the area and could see the problems that had to be dealt with and I don't know that they did, but I think they may have made that original proposal. So, it was widely acclaimed by the shrimp industry, they thought it was just great and everything was going to be hunky-dory from there on. So the amendment was passed. And in the meantime, I've forgotten how it came out, but it began to become known to the shrimp industry that it was not going to be an easy matter to comply with the requirements that we were going to exact of them to operate a canning plant. I think we had held some public hearings. And I don't know why we were at that particular time. Maybe preliminary stuff just to let them know, before we even started trying to write regulations, but the Amendment had not become law at that time. It had been approved by Congress and was about to become law. So, when the leaders in the industry in New Orleans, and I don't know whether it took place in Atlanta District or not, when they saw what these requirements were going to be, they all signed a joint telegram, to President Roosevelt urging

President Roosevelt to veto the Amendment that had been passed. He did not, of course, and then we went ahead and it became kind of a stand-off. I was in New Orleans, we were appointing inspectors, we were still working perfecting the regulations, but not a single plant had applied for the service. The time was coming when there had to be a show-down of some kind. And so this went on. I went down there in early August, a month later - September - and the packers were still, as a group, determined not to take the Service. Then the FDA people were beginning to decide what they were going to do with me and some of the others they had down on that work. But, at any rate, - and I don't know why we decided (I say we: Mr. Campbell or whoever had decided) - they were going to give them until a certain date to apply for inspection. And if they hadn't applied by then, we were going to call off the forces and forget it. So right towards the very end there, there was a small packer in New Orleans called the Robinson Packing Company, and he was a pretty even-tempered, even-keeled kind of a gentleman, nice gentleman. He decided he was going ahead and taking it and he applied. He became Application No. 1, and it later galled the hell out of some of the big packers that he had No. 1 and was able to show this on his labels. But anyway, the minute that Mr. Robinson applied for the service - and he had gone ahead and fixed his plant up - trying to meet what he thought

would be required. The minute he applied, then there was a rush by all the others to get in and then it went over. And I learned later that they had already decided that it was not going to go and they were going to send me to Boston as Chief Inspector. So, I was very thankful that I didn't have to go - not that I have anything against Boston - but I just didn't want to go up there. But anyway, it came that close to not being put into effect as an Amendment to the law.

FL: This resistance on the part of the industry. Did that come after the proposed regulations had been made public?

MS: I think it must have been, Fred. Because otherwise they would have had an insight into what was going to be proposed.

FL: Had you held a hearing in New Orleans at that time?

MS: I don't think so. I'm not sure, Fred, but I can't believe we would have gone as far as holding public hearings if it had not become a law. But I suspect we had maybe put out enough information and maybe proposed regulations for, I expect what we did, Fred, was to send out the proposals for industry comment.

FL: That would have been kind of logical because that's what happened in 1906. They wrote regulations, sent them out, had hearings, and rewrote them.

MS: So I think maybe it was when we sent the proposals out that they realized what they were faced with. And, my Lord, Fred, it would be hard to describe the conditions of some of those plants prior to that inspection service.

A great many colored women and other local people, kids - worked in the plants - The shrimp hulls, had no place to go and were just thrown on the floor. They would be actually half knee-deep walking in rubber boots in decomposed shrimp hulls. And you just wouldn't believe how bad things were in those plants. And an awful lot of decomposed shrimp were put in the cans and significant amounts of underprocessing.

FL: This would be shrimp that was starting to decompose at the time it was delivered.

MS: Yes. Improperly refrigerated before it was canned.

And then, of course, they had a lot of underprocessing problems. A lot of interesting experiences came out of that seafood Service if you could sit down with the old seafood inspectors and talk to them. Of course, I was not out in the plants like they were. From time to time I visited around, but not on the day-by-day basis like they were. Very interesting experiences.

I remember one, and I don't know whether it was Bill Hays or Lowrie Beacham who was involved. One of the requirements was that you had to have a washstand out in the open, not in a bathroom or a restroom, but the washroom had to be out in the open so that when they returned from the restroom, they had to come by it on the way back and wash their hands before returning to work. And the requirement was they must wash their hands to return to duty. And this story goes

about like this, that this inspector, whoever he was, thought this woman had been just trying to ignore the rules. I don't know whether she was a Cajun lady or colored woman or what, but anyway he decided just to watch and see what she was doing. So, she left from her post where she was peeling shrimp or crab or whatever - not crab, but shrimp - and went into the restroom and came out and just sashayed right by the washstand. And as she did, the inspector stopped her. And she laughed and said, "Inspector, I know what you're going to say, you're going to say that I didn't wash my hands after I was in there." But she said, "The joke's on you. I'm not going back to work, I'm going to eat my lunch." So that typified the feeling, understanding of those people about sanitation requirements. They were required to build toilets for the workers. Of course, they didn't have running water in some of those shrimp plants where they had flush toilets. They would build these toilets and nice toilets where they had to carry out the stuff by hand from underneath. You know, haul it out. But they would build these nice toilets with toilet paper and these people would go in there and instead of sitting on toilet seat, would go sit in the corner and do their business in the corner of the place because they had never set on a toilet seat, and they apparently didn't trust them.

FL: Oh no.

MS: One time an inspector saw a little colored girl, shrimp picker, just squirming around and giggling. Picking tables were maybe three and a half, four feet high off the floor, high enough that the pickers didn't have to stoop. The girl was squirming and giggling and carrying on. And the inspector couldn't figure what was going on. He walked around where he could see and there was a little colored boy underneath the table who was feeling her up underneath while she was peeling shrimp. I'm not sure how the regulations dealt with that.

FL: Oh my.

MS: Oh there were many experiences... I remember one time they had a big commotion down at a plant way down in the boondocks there. Those people were so out of touch with the rest of the world, they didn't buy automobile licenses. They operated their cars with no licenses. They were a law unto themselves down there. Someone called me, and I had to go down to a plant where they were about to work the inspector over. I don't remember who the inspector was. He had jumped the plant manager about smoking in an area where he wasn't supposed to smoke; and, apparently, it almost got to be a violent situation. Then we had some problems with some of the shrimp boats that came in over at Biloxi. I remember one time, I think it may have been Beacham, I'm not sure who it was, or Bellis, one of the fellows almost got thrown into the

Gulf because he had held up this boat load of shrimp that was bad. So, it was interesting times, situations, and interesting fellows we had doing the work. They all had college degrees of different kinds. We had, as I remember in New Orleans, about three or four men working who had their doctorates in various fields. They, of course, were looking for work of any kind that they could get. Those fellows gradually filtered out when things got better. They went into the Food and Drug Administration in a more, you might say I guess, appropriate jobs, more in keeping with their education. A lot of our food and drug inspectors, as you know, came up through that area. And then, a good many of them drifted into industry from those jobs.

FL: Your job was just supervisor of the inspectors?

MS: I was the supervisor of the general operation there. I was in charge of approval of labelings, supervision of inspectors, etc.

FL: Oh, you were in charge of the whole operation?

MS: I was in charge of the whole operation.

FL: I see.

MS: I never did figure out how we could have done it otherwise, but they had to submit labeling for approval. And they'd send the labels in and we used to have a lot of contacts with the label manufacturers who would come in and talk to us about labels for the firm. And they would have to

submit, I forget how many copies, five or ten or a certain number of copies of labels to us for approval. We had a stamp we put on the back of those labels and the plant number and date and all those things. We had to personally sign every one of those. And I got tired of signing labels.

FL: The Amendment gave them authority to put on their label, that it was packed under our supervision?

MS: As I remember the language, "production supervised by Food and Drug Administration." Then their plant number, and other general requirements. Of course we had a coding system they had to follow. It was quite an efficient operation.

I was going to mention one other interesting experience. We were looking for inspectors, in a hurry, when it became evident that they were going to take the Service. Then we had to really start getting inspectors there. Some people from other FDA offices were sent in on temporary assignment and then we hired new people as fast as we could.

I was hiring, and going around to various areas of the country to interview prospective employees. Washington sent me a telegram about this fellow in Jackson, Mississippi, which was about two hundred miles north of New Orleans; gave me his name and address and he'd graduated from some college there at Jackson. I went up there and located this fellow, with some difficulty. He, at that time, was working at a freight house. I just assumed that he'd graduated and was

looking for a job. Well, they told me to interview him and said that his record looked good, his grades looked good and everything, and if he looked all right, go ahead and hire him. Well, I don't know how the snafu came up, but somehow or another, I assumed this fellow to be the fellow they said he was. Same name, etc. I went ahead and interviewed him and he was nice appearing and seemed very interested in the job. And as I look back on it later, he seemed a little puzzled as to why I came to see him, how I had a telegram with his name. Well, to make a long story short, we hired this fellow, he came to New Orleans, and we started him through a two-week school which was the first thing we did. He hadn't been in the school but just a short period of time, a day or two days or so, when it became clear to whoever was running the school, and I don't remember now who had run it, that this fellow for some reason wasn't getting the ideas. He couldn't keep up with these other people. Well, we began to look into it a little and what that turned out to be was that this fellow was of the identical name that the fellow they had given me up there, but he wasn't the fellow we thought. He hadn't graduated from college and the whole business was that it was just the wrong person we had hired. Nice fellow. And I remember how badly I felt to have to go tell him, "Joe, we're sorry about this, but you're not who we thought you were." And I think at that time he said, "Well, I wondered how this all came about." Well, then it got to be quite

a little stand-off between L. M. Clarke in Washington and Mr. Linton and me, as to who was going to take responsibility for hiring that fellow, and how they were going to pay him for his work. Well, I don't know how they resolved it. It seemed to me it shouldn't have presented any great problem, but they thought it did. I finally said, "Well, you gave me the name and address of the fellow I was supposed to interview, and that is the fellow I interviewed." Anyway, we finally got this fellow back to Jackson, Mississippi, and off our payroll.

FL: Those were only temporary jobs too, weren't they?

MS: Yes. They were. I hadn't thought of that. They were. They worked during the canning season, then they went on leave. Then they would come back when the season started again. I'd forgotten that, but that's true. Yes. Sure were.

FL: At that particular time, even that kind of a job offer was better than nothing.

MS: Oh, absolutely. I don't remember what the salary was at the time. I don't know whether it was two thousand dollars a year. Whatever it was, at the time it was a lot of money for them because they were all broke and needed work. Some interesting things came out of that. Some of these young inspectors ended up marrying girls from that area.

FL: Of course, a great many of them were made permanent employees and went on to great things.

MS: They did. We had a lot of very fine, capable people that went on and held responsible jobs with the Food and Drug Administration.

FL: You know, you mentioned something there that I think I'd like pick up on, and that's the salary. When you started, what was the salary?

MS: When I was appointed, as a junior inspector, the salary was two thousand dollars a year. That was the same as junior chemists. I don't know how long that it stayed at that level, but sometime not too long after, I don't know whether it was after I left Chicago, seemed to me after I left Chicago and went to St. Louis in '32 is when they passed a law or by proclamation or what-have-you, cut all salaries fifteen percent. So my \$166.66, of course there was no withholding in those days, was reduced, as I remember, to about \$128 a month. My wife says that sometime after that it was reduced a little more than that, but I don't remember that. But I do remember a figure of about \$128 a month.

FL: Was there a period when you were forced to take furlough without pay, too?

MS: Yes. I think we did. I think one year at about that time, we had to take, I think, a month's leave without pay. Fortunately, my wife and I were renting in St. Louis, so it was easier to leave; and I had been taking my vacation. I had three brothers-in-law who lived in Eastern Arkansas in

the duck and quail country down there. Every Fall I'd take my vacation and go down there and we'd hunt. So taking a month's vacation, and I have thought about that a lot, Fred, didn't seem to trouble me or didn't trouble my wife. Here we were a young couple, we just moved in on her parents. I know they didn't have much money. But it was never made a point with us or anything and I just ate well, lived well there at his home. Pickin's were really tough, but it didn't worry anybody. We had a good time and lived all right. As I say, I suspect it worried my father-in-law some. Yes, those were tough times, and I don't believe you could really explain that to a young person today, Fred. They don't understand, they can't comprehend it. They can't believe it, really, that things could have been so bad. Like respectable people, men who had held responsible jobs, out selling apples on the street, and things of that sort.

That leads me to comment, when we were in Washington for the fraud school was when they had the, what did they call that, the March on Washington?

FL: Oh, the Bonus Army?

MS: The Bonus Army. Yes. I remember how those fellows were camped. They had these oil drums with wood they picked up down around the railroad yards. That's when MacArthur, I guess, came in there and ran them out or something.

FL: Yes. I think that was probably the World War I veterans

who were demanding a soldier's bonus that had been promised and never been paid over the years and they came there and they camped on the Mall. MacArthur was then Chief of Staff of the Army, I believe.

MS: Yes. I remember the Food and Drug Administration labs back at that time were in a little, old, red, brick building over where one of the big USDA buildings is now. Very cramped quarters and very, almost primitive lab conditions back in those days.

FL: Also, this period in the 30's was the Elixir Sulfanilamide tragedy. Were you at all involved in the follow-up to that thing?

MS: Well, Fred, my recollection is that I know I was in New Orleans at the time, and I do remember, that there was such an extreme emergency that they took seafood inspectors and sent them out to help run down the distribution of the Elixir Sulfanilamide. I was involved in those follow-ups in attempting to run-down the very last ounce of that that could be located anywhere. We ran into tragic situations.

I remember one situation where the druggist we had gone to gave us the list of the prescriptions, and we went out to this rural home, out in the country where, as I remember, a young girl had this prescribed for her. I think we had a clue that she may have died. We got out in sight of the home and could see cars and people and everything collected at the

house. And we knew, then, and we determined later, it was a funeral. The girl had, in fact, died, and we just missed by that much of being able to save her.

FL: Oh my.

MS: We literally took the medicine out of the hands or mouths of people that had the bottles with the stuff in it that they were getting ready to take or had taken some of it. It was such a stark thing that it made quite an impression. I'm sure everybody would agree, that it was one of the real supports for the new drug section of the law that came about.

FL: It was Massengill in Tennessee.

MS: Oh, Massengill. That's right, Bristol. And all they had done, really, was determine that the sulfanilamide dissolved in the solvent. Just really unbelievable.

Fred, I don't really remember any more about that except the impression it made on everyone and how everybody worked literally day and night trying to run that stuff down.

FL: With the small number of inspectors that we had at that time, inspection work must've involved a lot of travel during the 1930's.

MS: Well, it did, Fred. I guess there was a resident post in Detroit, Memphis, and a few places around in the Eastern and Western Districts. But in the main, there were no resident posts and it meant extensive travel by the limited number of inspectors. They all went on the road and traveled

for long periods. We traveled by train and by auto. You never knew when you went out how long you were going to be. You'd go from town to town and await word by telegram as to where you might be sent next. It reached a point that you'd be out so long that you'd finally think, "I wonder what would happen if I just forgot to ask for a telegram at the next place and went on home." The inspectors and their families did put up with a great deal of, I wouldn't say hardship, but interruption of family life and it's one of the things that makes some of us feel that we don't ever care whether we ever travel again, we did so much of it. I used to go to the Rio Grande Valley in the vegetable shipping season and you'd go down there and stay for weeks and weeks at a time. You'd go home when the season was over.

FL: That was spray residue work?

MS: Spray residue work.

FL: Calcium arsenate?

MS: And I believe it was calcium arsenate. I don't believe there was anything else. And I learned one interesting thing down there. It was a great broccoli growing area and it's an approach that has come in use into later development of approaches to controlling insects. But those people down there had learned to plant a couple rows of broccoli, then they'd plant a row of mustard right through the middle of that. Then they'd plant mustard at the ends of the rows and

surround the field with mustard because they knew that the insects that worked on the broccoli, really their favorite was mustard. They would plant the mustard to provide the food for the insects and keep them off of the broccoli. And it turned out very well. It helped some.

FL: That's when you were working out of New Orleans?

MS: Working out of New Orleans.

FL: New Orleans had most of Texas, except those Western counties.

MS: Except for the very Western end there, that's right. It had Dallas and Houston and the Rio Grande Valley, and the whole business.

FL: Did you have a resident at Dallas in those days?

MS: Just around the time, I think, that I became Chief Inspector at New Orleans, and then just before I left there to go to St. Louis, they did establish a resident inspector in Dallas. We had a resident in Houston at that time, a man named George Berry, who did import work at Houston and was an old naval stores inspector. I don't know whether anybody every heard of them or not. There was a Naval Stores Act that had to do with turpentine and rosin purity. And George Berry was an old naval stores inspector. And he was a resident inspector in Houston. And then, I guess, Brian Eggerton, was I believe the first resident inspector we had in Dallas about the time that I left New Orleans.

FL: Those naval stores inspectors came to us then in a reorganization when that law was assigned to the Food and Drug Administration?

MS: It was part of some reorganization. It may have been when the Food and Drug Administration took on the insecticide work. That was about '28.

FL: I think that those laws, a number of them, came to us about the same time.

MS: I believe that's correct. There was George Perry, and then there was a man up in Mississippi where they did a lot of turpentine and rosin work.

The travel was hard. The per-diem was low. But it didn't seem to worry anybody very much.

FL: By that time they were furnishing you with government cars?

MS: I seem to remember that the car furnishing started mostly about '32. I know when I went to St. Louis in '32, or shortly after getting there, I was furnished a new car.

There were, I think, some other cars that were purchased. I believe that's when we began getting some cars for inspection work, which really was a great, great improvement and helped the efficiency of the whole operation. I think most Stations had a van to haul materials, not Inspectors.

FL: In 1938 then, the new Food, Drug and Cosmetic Act was passed. Part of it became effective immediately and the rest

a year later. Did that make a very marked change in the way that things were done in the field?

MS: Fred, I don't remember that it made a marked change in the way things were done. I think it gave us a good deal more confidence and support for the things we were already doing, the factory inspection, the sampling... Where we had come to understand that we really didn't have very much authority to do these things, and we knew that we could be thrown out or this could be done or that done, they didn't have to cooperate. And I think it gave us a good feeling of confidence and what-have-you to know that we now could go ahead and insist on the things that we previously had been asking for. The principal changes were in terms of procedure, really not any great change in what we were doing, it was just that we felt more assured and comfortable in what we were doing.

As to early device and cosmetic work, I don't really remember to much. The most device work we did was, of course, on the worthless devices we would run down, and we did a good deal of work on those.

FL: Did we get into that fairly soon after the new law came in?

MS: I seem to remember that we did, Fred. I remember doing a good deal of that myself.

FL: June of '38 would have been the first date.

MS: And I don't remember when I would have been doing that because it would seem that, by the nature of the times and everything, it should have been after the '38 law. We could not have been doing it before.

FL: Well, according to the Annual Report for that year, apparently there was an effort made to be ready with cases when the law finally became effective. The Annual Report talks about the number of cases against dangerous drugs, dangerous cosmetics, and dangerous devices that were brought almost immediately... I would think, maybe, some of the investigation work had been done ahead of time.

MS: Well, it may have been, Fred, I just do not recall. I do remember working on those worthless devices. But I'm not clear as to the specific time.

FL: By the time the law came in in '38, were you the Director at St. Louis?

MS: I became Director about the time the law became effective. So, I was not as much personally involved in making investigations as I might have been earlier. I do remember if you called on the purchaser of a worthless device you would generally find he had purchased others which he had found worthless but would still be inclined to buy another. In other words, "Hope Springs Eternal." On the sanitation work, I remember a lot of the work on sanitation because being a new thing for us... And we did get invited, one way

or another to some of the meetings of the food industry where we would talk about the new requirements. We did a lot of filthy cream work back in those days before the new law. I do remember some of the meetings, some of the dairy meetings, and the butter industry meetings, and other industries. You'd make speeches and try to, (and I'm sure must have bored a lot of people) go into the details of the new law, what the law required. Well, it almost seemed to invariably to turn out, in my experience, that the people that attended the meetings were people that you had had experience with and knew were trying to do the right thing. The old boys that needed to be at the meeting that you had trouble with never showed. So, I used to wonder whether it really did very much good to go to those meetings and tell them what the requirements of the law were. You'd get into a little difficulty trying to explain the new law. You'd try to put it on their level with them as to what was required, and you'd say to them, and I have said and I'd think about it afterwards, maybe it wasn't the best thing I could say to them, "All we're asking for is for you to maintain your plant in the same kind of sanitary conditions that your wife maintains her kitchen." Well, someone told me after that, "You better ease up on that a little because have you ever been in some of these people's kitchens?"

Sanitation was kind of a hard thing to get across, in a

way, because it was somewhat subjective. And you'd say clean and sanitary and what-have-you, and unless you could point to real gross things, bacteria didn't mean very much of anything to them. One of the most vivid, graphic things I ever ran into was in Memphis at a candy plant that, I think, Bill Carpenter was the resident (by that time we had a resident inspector in Memphis), and Bill made an inspection of the candy plant downtown, in the industrial area of Memphis and he found these old type of pull-chain toilets where you just pulled and flushed the stuff down the toilet. These huge, big, awful sewer rats were climbing up through those toilets and were all over that place at night, tracking their filth over the candy.

So, we did have some real work to do. And that's one thing that made it pretty easy in those days because you had so many gross situations.

FL: They were so horrendous that...

MS: That's right. Then as things began to get more refined, the evidence to convict got a little more difficult to produce.

FL: When we made those speeches, was that usually at the invitation of an industry organization?

MS: Yes, I think so.

FL: We didn't actually go out and promote a meeting ourselves.

MS: No. Well, I think maybe some of both, Fred. I think back in the early days we may have gotten some interested people together to talk about the law. I'm not clear on that, but I think we would not have invited ourselves to an industry meeting. If they invited us, we tried to go. Sometimes you'd end up as the last man on the last day. They'd put you there just for the record. But we did go to a lot of industry meetings. Then some of the leaders in the industry, set out to try to get us there as best they could. They thought it was to everybody's interest.

FL: Didn't some of the associations actually put on training sessions too? I remember Gerry Doolin from the Confectioners Association...

MS: Candy industry? Yes. I think they did, as it came along. I think the industry associations did. I know the butter and cheese man in Chicago did. A fellow named Ed Gommitz. He was kind of a leader in that field, trying to get the people together, and would arrange for us to talk to his people. They would try and we would try to help them, to get a speaker from Washington. It was always more impressive and better in terms of turn-out and attention to get some Washington representative to come and talk to them. I guess they did some good, but I always used to wonder. I always wondered, likewise, about the efforts at consumer education. I got very discouraged about consumer education, because I

felt consumers... They weren't generally representative of consumers, they were groups of special interest consumers who were very much interested. But consumers, in the main, I think pretty much said, "I don't understand it so go away and don't bother me."

FL: They took it on faith?

MS: They took it on faith, or just figured whatever it was, not to worry about it. When I was with the Food and Drug Administration, I never did feel that we accomplished the best kind of job on consumer education. I never did quite know why, except I thought, somehow, we hadn't gotten their attention. And I think, as time has gone on, and as more and more special interest groups in the consumer area have gotten into it, I think it's become a better job of consumer education. I still raise my eyebrows and wonder whether some of these labeling requirements that have been imposed are really going to pay off, in terms of enforcement costs as against consumer gains.

I think the biggest example of how some labeling efforts fall on their face were under the Special Dietary Food Law. Special regulations there on artificial sweeteners required an admonition to use only by those who should curtail their sweets, or whatever the language was.

FL: Curtail their intake of sweets or something?

MS: Whatever it was. It was just as bad as a cigarette

warning is today, I guess. And, as you know, the artificial sweeteners became widespread in their use in all foods. And nobody ever paid any attention to the warning or really knew about it at all.

I don't know what's being done today on consumer education. I think it is matter of time that, as years go by, consumers will learn more and more basic things about the food supply.

I think, back in the early days when I came in, it was pretty routine, the things you worked on. They, of course, tried to do enough experimental work to develop useful enforcement data like loss of moisture in butter and cheese when it was shipped. You get enough background work to be able to support cases showing too much moisture or too low fat or things of that sort. As I say, it was a pretty routine approach.

On the matter of the philosophy of enforcement, I always - I say always, I don't know whether I always did or not - certainly when I was responsible for the enforcement work in Washington, my philosophy was that it had to be pretty much, as much as you could, an even-handed approach. You couldn't pick one firm in one city in one industry and go after him and give him a hard time without giving attention to the others. I thought it was not a fair way to approach it and not good for the Food and Drug Administration, or not good

for the industry. So, I thought there should be an even-handed approach. I used to pick an industry that I thought needed attention and we would try, when I was in St. Louis and Chicago, to ferret out the names of every company or every firm in our district engaged in that business, and we would send out inspection instructions to cover all of those. That was one thing. And if you couldn't deal with an industry and couldn't make an impact on it, I always felt that you better let it alone and deal with one at a time. Get the worst ones first and then move onto the others if you could. But try to do it on an industry-to-industry basis as well as you could.

I always felt, Fred, and the thing that worries me today, and I realize there are a lot of practicalities today and a lot of changes, but it always worried me to neglect to enforce the law in any area. I always had the feeling, and I used to express that feeling, that the only thing worse than no law is having a law that you don't enforce. I still feel that that's bad psychology for the industry that's affected, bad psychology for consumers and for the Food and Drug Administration. It creates a bad name for the Food and Drug Administration. They don't understand why they see things that seem to be violations and why FDA doesn't do something about it.

So, it worries me to see Congress pass laws and regulations written calling for requirements, that are not likely to be enforced. Just to haul off and pass regulations calling for certain things without any idea of your ability to enforce it, I despair of that, I think it's bad.

In terms of consumer importance, of course, that's always been the primary factor. We had that problem there in the Bureau of Enforcement that we'd have people working certain programs trying to develop them. I remember one inspector I used to have there that was working on special dietary foods and he would come in with some case he thought was very important. It would be of much less consumer significance than other things and I used to say to him, "Surely we must have something more important to do than this to spend our time on." My philosophy also, Fred, if you have to hit a firm or had to hit an industry, hit them hard. Get their attention. You know the old Doctor Dunbar story, first time I ever heard it about hitting a mule between the eyes with a rail. I thought it was highly conducive to good compliance was to hit hard when you hit. Really get their attention. You'd get something done then. You hit two or three of them hard and they get some publicity on it, you had no problems with the rest of that industry for awhile. Naming individuals as defendants always had a very salutary effect too.

I had a philosophy also that it was better to abate a

case that was not really strong and wait for a better one. Inspectors would think they had a good case and we would perhaps cite them to a hearing on it. While we would have some evidence they would proclaim good faith and that they wanted to do the right thing. I had a practice, Fred, in those cases where you didn't have a previous record and where proof was going to be a little tough and you were going to spend a good deal of time on it, maybe unsuccessfully, I would just put those on a hold basis, temporary basis, and we'd write a new assignment on that firm and we'd follow-up on him. Then if we caught him again, then we'd have a history on him. It was amazing how easy it was if you had a history of violations on a company as against one violation. Good faith claims no longer helped them with a court or jury. So, I used the old adage, "Give them enough rope and they'll hang themselves." We would just put that case aside and say, "Let him alone, but we'll put him down for further attention." Once in a while, you'd find they were sincere and they would do the right thing and got straightened out. But a great many times you'd go back in a few months or a year or something later, you'd find him right back doing what he was doing before. And then it was easy to bring a convincing case.

So, those were some of my feelings about these things.

FL: Did you see, any real change in the way we operated

bringing cases during the 30's and 40's, in Campbell's time than under the later Commissioners?

MS: Yes, I did, I think. And I don't know, Fred, whether it was because I was closer in later years to what was going on at the top than I was when I was out in the field as an inspector or other positions, and didn't really know the inner workings of what brought about some decisions. I remember we used to get some decisions on cases out of Washington in the field that would make me very unhappy. I'd think, "Here was a good case and you should've approved it." And they didn't. It seemed to me that, as we went along with different Commissioners that they were not as "hard-nosed" as Mr. Campbell. I remember one time that we had some O.T.C. cases going in Chicago. The Secretary of the National Association of Retail Druggists was located in Chicago at that time. He was tough and hard to deal with. He sort of had one of our Commissioners sort of kow-towed, I think, a little afraid of him. This man was after the Commissioner to make us ease up in the Chicago district area on cases we were bringing against druggists. I remember, one time, this Commissioner said to me, "I want you to get a hold of him, he's very upset, and invite him to come in and see you. What I want you to do is to make him happy, but don't give him anything." I said, "Well, I'll be glad to see him, but I think that's a pretty big order."

Right in my last years I thought that we were easing up

some, and I hated to see it. Of course, I was so into the enforcement end that maybe I just didn't see the whole picture. But we had one case there when I was in the Bureau of Enforcement, a very well-known company, big in the food field, had been caught by an inspector in Cincinnati just hands-down, short-weighting cereal goods. And what happened was, they had devised a new way of puffing up their cereal, it was a puffed cereal of some sort, and they were able to puff it up bigger. And the amount of the puffed-up product they could put in the millions of empty cartons they had ready to put it in with the net weight on, but the package wouldn't hold that amount of the new product declared on the label. The inspector was able to develop that the people down the line told the people up the line, what the problem was and the people up the line told the headquarters in Chicago that they had this problem. But they went ahead, deliberately putting out this short-weight product. Cincinnati cited them to a hearing. They had no defense. As I remember we named a couple of them pretty high-up individuals in a proposed prosecution. We went ahead with that case. I guess we hadn't actually filed the case. But, at that time, I began to be approached by some of the head people in that company, and they didn't make any progress with me because I knew it was a flagrant violation. I remember saying to this very top man who came to see me, I said,

"Mr. So-and-so, you're one of the leaders in this industry."
"You're caught red-handed in deceiving the public here with the short weights on this product." I said, "How could you expect me, in good conscience, to bring another case in this field of short-weight if I decided to abate this case against you." I said, "I could not, in good conscience, bring another case, and you'll just have to understand that." Well, they went to the then Commissioner and they tried to convince him that I should be called off. Well, he didn't tell me to call it off. But he didn't tell me not to. He thought we were pressing pretty hard, but he didn't intercede. We stuck with it. We prosecuted them. They entered pleas of guilty.

But I have always thought, Fred, as a result of that, that that was one of the basic things that caused the reorganization of the Bureau of Enforcement. I was "kind of out of control," and I guess they thought that there were "tails waggin' the dog." That's when they changed enforcement procedures and spread it around and what-have-you. We were really going after law violators. Between our people who were helping to develop the cases and Milstead's group that was helping prosecute, we were doing pretty good. As I say, I've always thought we had one of the best operations in that group that I ever experienced anywhere in FDA.

FL: You spoke a little bit about developing priorities as to what kinds of work we should undertake at various times. Can

you tell me something about how that was done, say, before the three old districts: Eastern, Central, and Western, were dissolved? Who decided that?

MS: The heads of the districts did with guidance from Washington. Through guidelines they had, either directly or by discussions that they had with the Commissioner's Office in Washington. We used to hold District conferences, where we'd get together as Station Chiefs, they were then, and we would work up plans for our year's program. What we intended to do. The purpose, objective there, of course, one was to get us into things that were a higher degree of importance and to be sure that we all were working along the same lines. I think it worked pretty well.

FL: You mentioned earlier about when we did away with that management system and made all the local offices districts, reporting directly into Washington, you mentioned that you thought that was an unnecessary layer. Was there also a problem there that these districts were going in different directions? Was that a problem?

MS: Oh, I'm sure so. Of course, some of it was understandable by the location of the industries and differences in industries. But in terms of philosophy, I'm sure there was some difference in approaches. I think a great deal of it probably went to the man in charge of the District. That is he would depend on his philosophy of whether or not he was a

strictly regulatory man, enforcement man. I used to think that there was a relationship between the degree of enforcement activity in one of those old stations as related to the man's upbringing, you might say. If he didn't happen to have an enforcement background as an inspector, then, it seemed to me, that he didn't push as hard on the regulatory program. I don't know whether it was true or not, Fred. It was a feeling I had.

FL: Well, I could cite you one exception, of course, and that was Sam Alfend, who came out of the laboratory and was a real hard charger.

MS: That's right. He sure was. And Sam Fine was another one who did the same thing.

MS: I suppose shortly after the enactment of the law, I had just come to St. Louis as the head of the District there from New Orleans. George Larrick came out there, and George and I guess, the Chief Chemist and the Chief Inspector and maybe some other people, we sat down and we worked up a work program for the year for the St. Louis district. It was very interesting and George was very interested and enthusiastic. I remember we emphasized the importance of the spinach and beans canning from the standpoint of botulism. We worked in a lot of the candy industry in terms of sanitation. I'm sure it was right after the enactment of the law that George, apparently, wanted to kind of set up a pilot program of plans

for the district. Now, whether it had not been done by others at that time, or whether he just picked St. Louis to come and do it, I don't know. I remember George was there and it was, I thought, a very good piece of work.

There was so much work to do in the sanitation field and in the drug field but, of course, we didn't have any of the Sherley Amendment work to do anymore. But the emphasis at that time, I think, was greatly on food work. On sanitation and filth and things we were able to do that we hadn't been able to do. Then it got, as I say, more refined, and the inspectors became more expert sanitarians. They started taking pictures as evidence. Then you remember they had to serve notice to inspect, and write out what was wrong and tell the responsible people in the plant what had been found wrong.

FL: After the Cardiff Decision that invalidated the inspection law and the Congress then passed the inspection authority.

MS: Was that when that was. Oh yes, I'd forgotten that. Cardiff was an apple grower as I remember.

FL: He was out in Seattle.

MS: In Seattle.

FL: He was a dehydrated apple processor.

MS: Oh yes. I knew he was mixed up in apples. Yes.

FL: That's when they came around then to pass a new inspection authority section. That's when they put in the requirement...

MS: I'd forgotten that, Fred. But I do remember that now. Cardiff was a thorn in our side.

FL: Yes, he sure was.

MS: Even before the new law, we worked on poultry in Chicago. A lot of decomposed and diseased poultry. We found deplorable conditions. It was some of the things that, as a young inspector, I got into there in Chicago. They would ship and they would collect... I don't remember whether it was shipped dressed fresh in ice or frozen, but they dealt in cull poultry. These plants where they dressed poultry, if a bird were diseased or dead or what-have-you, they would just throw it in a barrel. I remember these big barrels that would come shipped into Chicago, cull poultry, and you'd have to get into those and I guess they were frozen by that time and had been in the warehouse. Then get them out and dig in them. It was amazing the kind of poultry that would be shipped in there for food use. Their explanation or excuse was that simply because they had a cancer on a leg or a side or somewhere else or something else had happened, why there was nothing wrong with cutting that out and using the rest of the chicken. We did a lot of work of that kind. We did incubator reject egg work at that time. I guess we did more of that later. They were really, you might say, not really representative of the industry generally. They were people who were clearly knowingly flouting the law. It was a bootleg busi-

ness. It was an awfully impressive thing to see what they would ship around and expect to be served to people to eat. It made you feel a little like you didn't want to eat in restaurants or you didn't want to eat certain foods where they could hide things from you. Chicken a la king for example.

FL: Well those conditions ultimately resulted in special laws of continuous inspection.

MS: Yes, it ultimately ended in the Poultry Inspection Law.

FL: And the egg law too.

MS: And the egg law. Well, I don't know. Were they ever under compulsory inspection? I don't think so, were they? I think that was a grading law.

FL: I guess that happened after your retirement. There is now an Egg Inspection Act, too.

MS: Oh, is that so? It was a service of grading.

FL: No, we no longer have jurisdiction over frozen eggs, for example.

MS: Well, canned eggs? What we call canned frozen eggs?

FL: Yes

MS: Is that so? I was not aware of that.

FL: Yes. There's a similar continuous inspection law covering that now.

MS: Does USDA do that?

FL: Yes. It's assigned to them.

MS: Along with the poultry? Meat too?

FL: One thing I always applauded when the Poultry Inspection Act was passed, was that they finally did away with the so-called "New York dressed bird" where they left all the innards in the animal.

MS: And apparently a lot of people, I don't know whether it was the Jewish people or some people, didn't want the poultry without being able to take the innards out and examine them for themselves.

FL: I've been told that many many years ago the New York State or City Health Department insisted on that so that the veterinarians could check them for disease.

MS: To determine whether it was diseased or not. Yes.

FL: Right.

MS: Yes.

FL: But it was a...

MS: I'd forgotten the old New York dressed poultry. So I don't know.

FL: I guess one of the big events that came after the 1948 reorganization that had a profound affect on the agency, was the Citizens Committee Report that recommended the Congress increase our appropriation and increase the staff of FDA. You were in Washington, I guess, when that happened, weren't you?

MS: Yes. Well, Fred, I remember so well that when I came to

work for the Food and Drug Administration in 1930, our total appropriation, I believe I'm accurate on this, the total appropriation for all activity at that time was just about an even one million dollars. Now from 1930 until about 1954, when we got the Citizens Committee, seems to me that our total appropriation had only gone up to about five or six million, somewhere in that area. So we just had not been able, in terms of facilities and what, to be able to keep up with industrial developments and our responsibilities. So, I was very much impressed with the Citizens Committee work.

With the Citizens Committee Report which made great recommendations for expansion of staff, facilities, and appropriations, then we began to move, at that time it seemed to me, more in the political arena than we ever had before. I suppose because Charles Crawford got Nelson Rockefeller interested in backing the Citizens Committee and because there were more hearings and more general attention to the Food and Drug Administration than there had ever been before. There was a time when some of the people in the Food and Drug Administration thought publicity was not good for the organization. That turned around when the push began on education.

FL: The Committee recommended that, too.

MS: The Committee recommended that. Getting a better public image of what the Food and Drug Administration was about.

That brought us more into the public arena and more into the

political life of Washington. So I think, beginning about that time, about the time Charlie Crawford became Commissioner, and I guess even with Dr. Dunbar back with the Delaney Committee hearings on food additives, it started back in '51. And we became more and more the object of scrutiny by Congressional committees. It became quite evident, and I know Charlie Crawford was very conscious of it, that it just looked like it was hard to operate without interference or oversight or something by some committee of Congress. I think Charlie despaired of all that, and I always thought that was one thing that caused Charlie to retire when he did, because he got frustrated by the Congressional oversight aspect on Food and Drug. So we got more and more in the political arena. The career people in the Food and Drug Administration simply had not been exposed to that like some other areas had been, and they couldn't quite deal with it very well. And they were limited in dealing with it, because they were not politicians. They had no political clout. And they were pretty much sitting ducks, you might say, for attacks by some trigger-happy Congressman or Senator. So that went on and on and you could see more and more of it coming along. Any committee of Congress that wanted to get a little publicity, it seemed to me, that had an interest in our area would set up some kind of a committee to investigate something, and we had staff people that were down there, these staff inves-

tigators of these committees, were down there day-in and day-out, it seemed to me, eternally. They spent a lot of Food and Drug facilities and time, and insisting on things be dug up for them - this be done, that be done. And a great deal of it, seemed to us, to be wholly unnecessary. But I guess whoever had set up the committee obviously thought it was something necessary at least for visibility of the member of Congress. But it pushed us more and more in the political area. George Larrick got a big impact from a lot of that, I thought, where the things that we were doing that he got called up on and had to answer for and was not really prepared. Because, being Civil Service, and not being a politician, he couldn't really answer as he might have liked. He had to rely on somebody in the Department to defend him, to help him. If you had a good Secretary, and we had some that were pretty good and some that weren't, or his people who would set out to support you, it was all right. But if they didn't do that, you were pretty defenseless. It was awfully hard to deal with some of those things in a satisfactory way.

I do remember very well one incident right along about that time. HEW had one position as a legislative assistant, I believe. He was sort of a liason between the Secretary's Office, the agencies and the Congress. Well, we had a pecan plant down at Pascagoula, I believe, right in that area somewhere, that was terribly bad from an insanitary standpoint.

This Mississippi Congressman made a big protest about how we were crucifying this good man down there, one of his constituents. So they sent me over there with this young legislative assistant, he was a young Irish fellow, nice guy. You see I loved him, and you'll see why I did. I went over there with him. So, we showed up at this Congressman's office and here was this constituent there just so damn mad that he didn't know what to do. So the Congressman, to start the meeting, he reared back in his chair and said to his constituent, "What is it these bastards are trying to do to you?" Well, with that the HEW legislative assistant, he jumped up and he said, "Now Congressman, just a minute. We're here to discuss this matter, hopefully in a proper form and the way it ought to be approached, and we're not here to take abuse and we're not going to take abuse, and I resent that. And I demand your apology." And he apologized. So then, I read portions of the inspection report to the Congressman and his constituent. I read the major things I could find in the report of what we had found wrong. And the Congressman said to the constituent, "Are these things true?" And he said, "Yes, Congressman. I guess that's what they found." And with that, the Congressman said, "Well, I'm sorry gentlemen, I have another meeting, and I believe this is all the time we need to spend on this." And he left his constituent and left us and that was the end of it. And the

thing that turned the meeting around was the way the legislative assistant wouldn't take abuse from him. I'm making the point, that the Commissioner and his people could get along pretty good as long as they had the kind of support they needed from the Secretary's office. They filled a need between the politicians and FDA.

MS: When Mr. Flemming was Secretary of the Department, we had excellent support. In fact, one of the things that was disturbing to Commissioner Larrick was the cranberry incident when the Secretary took charge. Some things of that kind, when Secretary Flemming would take the ball away from Mr. Larrick and make the decisions. I saw all of that happening, and I decided that the end had come for career service commissioners. I think part of it came because of the time, the change in the times, and politics just unavoidably got more involved in what was going on. There was the FDA policy, I don't know how it came about, but it started with Mr. Campbell, the deputy would become the Commissioner and another man would step into the deputy job, and that's the way they came up. There were good things about it. But I think there were things about it that were not good either. When they first embarked on the business of not having a career Commissioner, there was evidence that there were a lot of problems there, because they didn't know how to deal with things. But, seems to me, I see today, Fred, and I don't

really know, that the Commissioner is relying more and more on the career people for guidance than some of the early Commissioners did. I feel that that probably is the only solution. Let him be in the political arena and let him take the political gaff, but let him have a good staff of supportive people who can tell him what's really going on and how to run the agency. And if he's willing to go with them, then I think it probably makes a pretty good combination.

FL: That change of using publicity and publicizing our efforts and trying to educate the industry must have been quite a shock to people who had not... Like earlier Commissioners, like Mr. Campbell.

MS: Well, it was, Fred. It was a shock to all of us and some of us, I think, never really fully accepted it. I remember very well when the Citizens Committee came out with their report, Mr. Campbell was retired, of course, down in Florida. And Commissioner Crawford kept him fully advised, I know, of what was going on. He sent him the final report. I remember, I don't know what else was in the letter, but I remember very well a quote from Mr. Campbell's letter that Commissioner Crawford read to all of us on his staff, that Mr. Campbell had noted the emphasis on education and said in his letter, "I can see clouds of trouble on the horizon for the Food and Drug Administration if you fully adopt this philosophy." I always felt that way, really. Education was never

and will never be a substitute for a good regulatory program. It's a good and necessary implement to use, and I think it gives you a good background to really help your regulatory work. Not only in terms of people complying, but also in terms of court work. My philosophy was that it was kind of a leg on a stool, that if you didn't have education the stool would fall over but you had to have the other things to support the stool too. There's no way that you can expect that, human nature being such as it is, that you can tell people what they're supposed to do and expect them all to do it. It "ain't" that way.

When I retired I remember saying that I hope that the people in Food and Drug will never forget that this is a regulatory agency. That's all it is, and all it will ever be. And don't let them tell you that it's going to become a scientific investigational unit. Some of that's necessary and all, but this is a regulatory agency.

As I came along in the organization, Fred, I used to watch the people around me and how they operated and what they said, particularly my supervisors, and the District Directors, or Station Chiefs or what-have-you, and I always tried to emulate what I thought were the good things and try to avoid the things that I thought were not so good that they might do. As I came along, I had more opportunity to study the Commissioners... Of course, my study of Dr. Dunbar and

Mr. Campbell were really long-range because I was not in Washington except on visits. But Mr. Campbell would come to the field occasionally, and I'll tell you, it was "an event" when Mr. Campbell would come to the field. Everybody was really primed or up or excited about Mr. Campbell's visits.

Well, starting with him, Mr. Campbell, of course you know, is a lawyer by training from Kentucky. He was a very dignified gentlemen. He seemed almost an austere person unless you really knew him. But he was demanding, and he wanted good work done, and wanted everything done that should be done. But he was very much of a down-to-earth human being and I noted this on the occasional times when I'd have an opportunity to be around him. When he'd come to the field or I'd be down there. He could talk and make just about anybody feel comfortable with him. It didn't matter whether it was a laboratory helper or whether it was a station chief or whomever.

I remember one time he came to New Orleans right after we set up the Seafood Inspection Service. And to show you the human touch, he came out to my apartment. We had an apartment, my wife and I, had not been married too long. And he came out there and, I guess, Edwin Boudreaux, and maybe Jimmy Clarke was down there too at the time. Probably would have been. Well, we went out to our place. I don't know whether we had a drink at the time, I guess we did. But I'll

have you know that Mr. Campbell spent most of the time with my wife going around over her apartment and her showing him all the things about her apartment. He paid no, you might say, attention to us. The rest of us were sitting in there talking. He was with her. And when he left, she thought he was about the greatest man she'd ever met. But he was that way.

He was the kind of man who, if he thought you were right, would support and defend you. He was hard to follow. Of course, Dr. Dunbar came along then as the successor. He was a fine man. He had a chemist background and just wasn't the outgoing kind of a man that Mr. Campbell was. Before it was over, before he retired, he had gotten to be much more that way. I think Dr. Dunbar felt a little uncomfortable making personnel decisions at first. Because I think he had never made them. Mr. Campbell made them. It was a one-man show. And he ran that show. So when Dr. Dunbar had to start doing that, as I say - I think he felt a little uncomfortable at first doing it, but then he fell into it and became a very easy-to-live-with Commissioner. He always was easy to live with. He was somewhat retiring. I believe Dr. Dunbar's father was a Lutheran minister. It seemed like he went to Gettysburg College first, I believe. Then I don't know where he got his Doctorate.

FL: His Doctorate was from Johns Hopkins.

MS: Yes, that's right, that's right. Johns Hopkins. So, he was a very nice man and a very fine man. I remember one time, though, we had a general conference there in Washington where all the people collected and we always had a big party the last night. And one of the fellows made a mistake. He was unhappy about some way he'd been treated. But he'd had a little more to drink than he should have had, I guess, and he approached Dr. Dunbar and wanted to tell Dr. Dunbar his troubles. And I happened to overhear it. Dr. Dunbar very kindly said to him, "I'll tell you what. You go home and sober up and then come back tomorrow and talk to me." He was a very fine, understanding man. He was involved in my protesting the transfer from to St. Louis to Chicago and I guess he finally sent Charlie Crawford out there to get me straightened out.

I didn't have any day-by-day relationship with Dr. Dunbar, but I saw more of him than I'd ever seen of Mr. Campbell. Except for the month that I went down there and spent it writing letters or trying to, I saw more of Mr. Campbell then than I ever did the whole time that I knew him. Then Dr. Dunbar, I guess, retired because of age. Of course, Mr. Crawford was next in line. Through personal contacts I had with Charlie, I got to know him very well when I was down there for the fraud school, then Charlie was pretty much the man in the Commissioner's office who ran the Seafood

Inspection Service. So I had a lot of contacts with Charlie on that. Then when he became Commissioner, I felt very happy and comfortable about it. I always felt a little, not uptight and not uncomfortable, but I felt I was not really ever totally relaxed with Dr. Dunbar or Mr. Campbell. They were just the higher ups. I was just in the presence of individuals a lot greater than I was. I always felt very comfortable with Mr. Crawford.

MS: So when Mr. Mr. Crawford became Commissioner, I was highly elated because I knew him, and, as I say, comfortable with him. I remember very well one little incident, right at the time when he took over. Dr. Elliot retired at the same time Dr. Dunbar did, and so they were talking about filling his job. And Walter Simmons, my good old friend, and I never knew how Walter found out about the lot of these things that he did, but Walter had a way of finding out what was going on down there, and he told me that Charlie Crawford was going to be the Commissioner and that I was being seriously considered for Dr. Elliott's job. Well, that was a great surprise to me. But anyway, I was so excited about Charlie Crawford being Commissioner, I called him up and congratulated him. And I guess it hadn't been formally announced. Well, my friend, Walter, just gave me a fit. "You may have spoiled the whole thing." He said, "You shouldn't have ever called Charlie up. Charlie is right in the middle of trying to

decide whether to appoint you or not and you called him up down there and he might have gotten the wrong idea; that you were trying to "brown-nose" him, calling him up and congratulating him." And I said, "Oh my lord, Walter. I hope he didn't think that. I thought I knew him well enough that he wouldn't think that." Anyway, it went through, and I went on down there. Kenneth Milstead went and I don't know who else went down there at that time. But out of the Central district crowd, it was Kenneth and me, as I had told you I guess last evening, he broke up the combine out there between Pruitt and Hubble and Milstead and me. Anyway, I had a wonderful relationship with Charlie. We'd go down early in the morning and visit with him. He just loved to visit and philosophize. I'd say to him, "Commissioner, I want to do whatever you want to do here on this. What do you want to do on this?" He'd say, "Damn it, it's not what I want to do and what I think. You decide what needs to be done for this organization and don't you worry about me. You do that. You decide what's going to be done on that." He always subjugated himself. He never asked anybody to come. But he always said, "I'll be here. If you want to show up, come on, and we'll shoot the breeze." So, we'd go down there and we'd talk on a great many subjects that might be Food and Drug Administration or it might have been a ball game the night before. It was just kind of a general conclave where some

fellows that have a common interest would sit down and visit about this and that with some extraneous things thrown in with it.

Charlie was a fine man with real principles.

FL: Crawford became Commissioner at a difficult time, when the Eisenhower administration came in.

MS: Yes, he did. Right at the time when, well when the Department was first formed. That was when Eisenhower was elected. Then the American Medical Association had been having such a fight with McNutt that they were sure that McNutt was going to bring socialized medicine to the country. And they were fighting him tooth and toenail, and fighting the establishment of the Department. They fought them off on the Department for I don't know how long. They, I think, were primarily responsible for preventing the creation of a Department. So then when Eisenhower came in, the AMA felt they had more of a friend at court. Through him they got the Department set up and Mrs. Hobby was the first Secretary.

Mrs. Hobby, I guess, did a pretty good job. I think she had some good people around her. She was very business-like. I had the impression, and I wasn't really that close, but my recollection, thinking back on it, that she was pretty capable. She had Nelson Rockefeller as her Under Secretary, who became a fast friend of Charlie Crawford's. Through Nelson Rockefeller, they got the Citizens Committee idea going, and

Charlie was able to convince Nelson Rockefeller, right off, that the Food and Drug Administration was in dire need of help. So Nelson set out to help him. The Country never realized what a great debt they owed those two individuals.

FL: But Mrs. Hobby did, early in her tenure cause us some pain with the Wheat Program.

MS: Yes, yes, she did. With the rat pellets in wheat. Yes, I remember that. She had a practical not a legal viewpoint. Some people, and I don't know who, had come to her and made representations that they thought that she needed to clean out the top people in the Food and Drug Administration. So, one morning everybody read Drew Pearson's column, you know, and got up and read that Secretary Hobby had decided that she was going to take the top four jobs in Food and Drug Administration and remove them from civil service status and make political jobs out of them. It created quite an uproar, and I always remember that because what I speak of, the good element in the industry, really rose up and told her "No." I think Brad Mintener had something to do with it, who was then her Assistant Secretary, and said that this just can't be. She backed right off on the thing and we didn't hear any more out of it.

But now going on with Commissioners, Charlie spent a lot of time (Charlie Crawford, Mr. Crawford, Commissioner Crawford) spent a lot of time writing. I thought he spent

too much time sitting at his desk writing instead of being out among the people and knowing more about what was really going on. Charlie was a very personable individual but I think, basically, he was kind of an introvert in a way. He worked well with people he knew and all that, but he didn't go out and expose himself to the public as much as I thought he should as a Commissioner.

But then to our, my great disappointment, Charlie decided to retire. I believe Charlie had some health problems at that time.

FL: Well, you know, he didn't survive long after he retired.

MS: No. I think that was really maybe the beginning, it may have been a factor that he kind of stayed to himself and thought his own thoughts, and what-have-you. Then he moved out there to California. And he didn't survive too long after he was out there.

Then George by route of succession, or what-have-you, was the next one to come along to succeed him. George did a lot of good things. George was a very bright person. And I think George had a real knowledgeable background on the Food and Drug work. He'd come along under Mr. Campbell and Dunbar, and Crawford, and had learned an awful lot from them. I don't feel this is any harsh criticism, but I think George was quite insecure about himself as Commissioner, for some reason. I don't know what it was. But he sometimes overre-

acted because of his feeling of insecurity. Big names, big jobs of people always seemed to impress him, I thought, he evaluated the position rather than evaluating the person. But I hope that's a fair criticism of him. As I say, I don't mean to be harsh on him. But I think it caused him some problems later. And I think his uncertainty about decisions was brought about by some of his insecurity. Uncertain about decisions may have caused Secretary Flemming to take the ball away from George and run with it.

FL: Would that, maybe, also have multiplied his troubles then with the Kefauver and Humphrey Committees?

MS: I think so. I think when George would go over there, they would see that George was the kind of person they could work on. George would try to fight back, but at the same time, it worried him to have to get rough and mean with them and what-have-you. And George used to sort of defend himself against us, I guess you'd say. And we would take issue with him on something he was proposing to do. He would always kind of end the argument, not an argument but discussion, by saying, "Damn it. I'm interested in the welfare of the Food and Drug Administration." That would shut you off. You would not pursue the matter after that. And I do remember one time saying to him, and maybe when I shouldn't have, I said, "Well, Commissioner. You have no exclusive on that." And I never did know what really happened when they were con-

sidering an appointment to succeed Crawford. Apparently Larrick was not a clear choice. I knew Secretary Flemming slightly, I didn't know him well, while I was running the Bureau of Enforcement. I was told later, and I have no idea whether this is true or not that Secretary Flemming gave serious consideration to appointing me Commissioner. Apparently George learned about it and thought I was the instigator of the thing, which I wasn't at all. I always felt that he never did quite recover in his relationship with me after that because he thought I had tried to undercut him.

I had a very happy career. I had some occasions when things naturally didn't go to suit me, and that could be expected out of that many years in an organization. It wasn't going to be laid out just for you. But on the whole, I had a very happy career and reasonably successful career and I still look back on it and feel very happy and proud about it.

Something I haven't gotten into very much as we talk is the extent of industry support for the Food and Drug Administration and the objectives of the law. I think it's kind of interesting to watch that or to review that as to what happened through the years. I do know, back around 1930 when there was evident need for some food standards in certain categories of canned foods. The National Cannery Association was, as I recall, very strong in their support of getting an

Amendment to the law to permit the establishment of such standards. I think, in general, when I came in the Food and Drug Administration, I had the feeling from a distance that we had, over the country, pretty good industry support. We had some recalcitrants, of course, in all industries. The one industry that didn't seem to ever want to stay in line very well was the proprietary group. But, at any rate, I thought that while we had some setbacks on our efforts to get the Food and Drug Act of 1938, that, on the whole, industry came along pretty well in support of our efforts.

But, it seemed to me, that after we got the Law and after the full impact of the law began to be felt, that gradually we began to get in more of an adversarial position with the regulated industries on a great many things. We gradually lost ground on our working relationship. We went into the food standards hearing initially with that kind of a good, close, supportive relationship. But as the food standards work progressed, or some of the industry might say digressed, we got more and more into areas where the clear-cut examples of the need for food standards like butter and cheese, and things where it was well understood and the public understood what the standards should be, we got in more controversy. Contributing to that were the technological developments in foods so that foods were no longer understood by the consumers and industry generally to be the simple

things they were before on which we could agree. In the beginning of food standards work everybody could agree what foods were. That changed drastically so that consumers generally had no idea of what was going into foods.

So, with the technological development the hearings began to take on more and more of an adversarial aspect. We got into some very, you might almost say unpleasant controversies; take the Orange Juice Hearings and peanut butter hearings for example. The Orange Juice Hearings, which were long, drawn-out and heated, reached the point where an FDA official was pretty openly accused of being paid-off by certain elements in the Orange Juice Industry.

Then the Peanut Butter Standard was a highly controversial standard. As I say, the technological developments made standards development much more difficult. As the full impact of the law began to be felt from an enforcement standpoint the good relationships eroded. I think that it got to a point where, well, we were pretty much tolerated but hopefully respected.

I'm not aware what the industry feeling is today toward FDA people. I deplore the down-grading of career people by top Administration people. I don't mean the Food and Drug Administration. When Presidents of the U.S. talk down the importance of career people, I think it's unfortunate. It creates industry disrespect. Career people are the life

blood of the whole government. I think that kind of talk helps create bad relationships between the industry and the regulators, and the lack of goodwill and support. They have made it more difficult to maintain good public relations with the industry and the public, generally. I'm sure it has discouraged good people from seeking government careers.

FL: Steve, this has been a very interesting discussion and you've furnished some material that will be very valuable to us. Is there anything else that you think of that you'd like to put on the record?

MS: Fred, I don't think of anything at the moment that I feel would be worthy of including. I guess there are things that will come to mind. I hadn't really thought very much of all of this background before you began making noises about doing this and I began trying to recall some of the things that had happened over the years. I have enjoyed this, it's been a pleasure to do it, and if I do think of anything else that seems noteworthy, I will, in some fashion try to bring it to your attention.

FL: Thank you. And thank you for taking the time to make this recording. It's, I think, going to be very helpful to this little project that we're embarked on.

MS: I hope so, Fred. I don't know how much I have contributed.

