

HISTORY OF THE
U. S. FOOD AND DRUG ADMINISTRATION

Interview between:

J. Kenneth Kirk, Retired

Associate Commissioner for Compliance

and

Robert G. Porter

Clearwater, Florida

May 2, 1979

INTRODUCTION

This is a transcription of a taped interview, one of a series conducted by Robert G. Porter, who retired from the U. S. Food and Drug Administration in 1977.

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.



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
PUBLIC HEALTH SERVICE
FOOD AND DRUG ADMINISTRATION

TAPE INDEX SHEET

CASSETTE NUMBER(S) 1 & 2

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

DATE: May 2, 1979 PLACE: Clearwater, Florida LENGTH: 101 Min.

INTERVIEWEE

INTERVIEWER

NAME: J. Kenneth Kirk

NAME: Robert G. Porter

ADDRESS: [REDACTED]

ADDRESS: U.S. Food & Drug Administration

[REDACTED]
Denver, Colorado

FDA SERVICE DATES: FROM 1930 TO 1969 RETIRED? Yes

TITLE: Associate Commissioner for Compliance

(If retired, title of last FDA position)

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NO. | NO. | ON TAPE | NO.

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P. - This is an interview with J. Kenneth Kirk. It's taking place on May 2, 1979 at Mr. Kirk's home in Clearwater, Florida. Ken, if you would, I'd like you to give just a little thumbnail sketch of your career; when and where you came in and some of the major changes in your career and when you retired and so on. So we know who you are.

K. - Well, originally I came from New Hampshire and I graduated with a degree in chemistry from the University of New Hampshire in 1930. In October of that year I was appointed to a Civil Service position as Food and Drug Inspector. I was directed to report to the office in New York City. I did, and after nine months there, I was transferred to Buffalo, where Frank Wollard was the Chief of the Station. We had, as I remember, six Inspectors at that time and my addition of course--made a much bigger inspection staff, percentage wise. Buffalo covered half of New York, half of Pennsylvania, part of Ohio and part of West Virginia. I stayed in Buffalo until 1934 when I was transferred to be Resident Inspector in Pittsburgh, which of course was still in Buffalo territory. By that time we had a new Chief, Theodore Pappe, who has since died; so has Mr. Wollard. I stayed there until 1936, the spring of '36, when I was transferred to the Eastern District office in New York handling matters with the six stations in the Eastern District under W. R. M. Wharton. After I'd been there about

ten or eleven months, Mr. Wharton called me in one day and said, "How would you like to be Chief Inspector at Philadelphia?"

I thought that was a wonderful opportunity and I said I would be delighted. So in May of that year, '37, I became Chief Inspector at Philadelphia. That was sort of a swap. McKay McKinnon, Jr. had been Chief Inspector at Philadelphia, and so he came to take the job I had in the Eastern District, and I went to Philadelphia. This is just off the record I guess but, Mr. Wharton called me in just before I left and he said, "Now, you're going to Philadelphia and the Chief of the Station is Clement Brinton, who is a delightful person, a Quaker, but he's very naive." And he said, "In addition to being Chief Inspector you have another job, and that's to keep Mr. Brinton out of trouble." But of course he said, "I'm not going to tell him that." So I went to Philadelphia and we had, when I got there, I think myself and six Inspectors; about six, I'm not sure. It was a good place to work; nice people, good territory. I enjoyed it. I did manage to keep Mr. Brinton from doing somethings which I knew were going to get him into trouble. The worst one I ever got into, though, was--I don't even remember what it was about. It came up one afternoon. He called me in and told me the problem he had and what he was going to do about it. I told him I thought

he was wrong. He should do certain other things. I guess I got a little obstreperous because I was told, "Ken, I'm the Chief here, it's my decision." I said, "Yes, sir." By that time it was quitting time. Next morning when I came to work, I go in and he says, "Ken, I didn't sleep a wink last night." He said, "I've been thinking and thinking that problem out, the one we talked about. He said, "You know, I was wrong, your solution is the way we should do it". That's the kind of a man he was. We did it that way and we didn't get into trouble. We did the right thing I think. But anyhow in 1940 the Department of Agriculture personnel office got onto Commissioner Campbell about the fact that we did not have what they considered an adequate number of colored or ethnic group employees, particularly in professional positions. They didn't count stenographers and messengers, dishwashers and so forth and so they wanted him to do something about it. So he set up a committee consisting of Jake Fitelson, who was a Chief Chemist at New York although his wife got him to change his name to Jack...

P. - Fidelson?

K. - Fitelson, who later left us and started a consulting laboratory. He was a very capable man. Ed Hoeshal, who was a Chemist in Baltimore and I. So the three of us met and we--I don't remember now where they got all of the names and all the people, but there were a lot of people in agricul-

ture that apparently were griping.

P. - You were on the first E.E.O. Committee then in Food and Drug weren't you?

K. - Yes. So we talked with these people and they had a lot of inquiries and went over a hatful of records. And we made certain recommendations to the Commissioner, well not really to the Commissioner because he was the Chief then. Dr. Dunbar was handling it mostly, and we dealt with him, except when we got all through and made our report to the Commissioner, to Mr. Campbell, who was a wonderful guy, very capable and dynamic. He thanked us and off we went. The result was he did hire the people that we'd recommended for the job, mostly Inspectors. I remember Sidney Weisenberg was one of them. There are times when I came to regret that.

P. - Sidney is quite a character.

K. - Anyhow, I got back to Philadelphia. I hadn't been there more than a month or so and we received a letter from Washington saying that they would like to transfer me to Washington for sixty days, temporary assignment, to help out in the so called Interstate Division. So I came down and Dr. Dunbar gave me a pep talk and turned me over to Dr. L. D. Elliott, who was a very capable man, but a very cold, retiring sort of a person. I recall that later somebody complained to the Secretary that Dr. Elliott was not at all

the kind of man who should deal with the public. He said, "I gave him my story and what my problem was, and he just sat there and looked at me, and he said, "I thought for a minute he was dead." Dr. Elliott had a wonderful memory. He could remember what he did on July 4th twenty-five years ago, but he couldn't remember what he did this morning. But anyhow I went down there and worked with him and with Dr. Dunbar. After the sixty days was just about up Dr. Dunbar called me in and said, "How would you like to stay?" I thought that was a wonderful opportunity. So I said I would. Well, Bill Wharton who was Chief of the Eastern District heard of it, of course he got contacted, and he was wild. He said he had plans for me and so forth and so forth and I was making a mistake. And if I went to Washington I'd be just another government clerk. But I went anyway and I enjoyed it. And I stayed mostly in the Interstate Division which later became something else and something else. I handled seizures, prosecutions, and matters with the trade on foods almost exclusively for sixteen years. Then there came an opportunity for a better position in Food and Drug which I thought I was going to get. But Charlie Crawford, who was then Commissioner --and out of the blue sky he gave the job to Malcolm Stephens. I'm sure it was just a coincidence that about a month and a half before Stephens got that job, I

didn't. Mr. Crawford's son was in Chicago and got in one hell of a mess with the police and Steve happened to know somebody who got him off the hook.

P. - Steve was a good politician.

K. - Oh, he was. Yes, that was his-- But anyhow, I got fed up with that. And then Steve was my boss. Over the years I'd been offered jobs as Chief of Baltimore, Chief of Chicago and I turned them down for personal reasons. The Chief in Boston now was going to retire. So I went into Commissioner Larrick and I said, "What do you think of the idea of my being Chief at Boston?" He said, "I think that's a wonderful idea, if you want it." He said, "I didn't think you wanted to be a District Director. And he said, "Hell, you want it, you can have it." I said, "Well, I do." He said, "I guess I can figure out why." So I went to Boston. Had a lot of fun.

P. - Was this after Cyril Sullivan?

K. - Oh no. This was after Les Hart.

P. - Oh yes, I remember that.

K. - I ran into lots of personnel problems in Boston because Mr. Hart had been a guy who wanted everybody to love him. It doesn't work as a man in charge. So, as I told one of the Inspectors one day, when he was griping about something, why he didn't get something. I told him why, and he implied what he thought of me. And I said, "Sam, I

don't care if everybody in this District says the Director is a son of a bitch, if they'll just add, but he's fair." We had three girl Chemists there and they were all grade nine. One of the girls was way higher in abilities and production and everything else so I asked how come she's still a nine? She ought to be an eleven. The Chief Chemist said, "Yeah, but we'll have personnel problems if we raise one of the girls. We've always kept the three girls at the same level." I said, "That's for the birds. If my judgment is shared with you I want a recommendation for an eleven for Miss Cunningham." So I got it, put it through and she got an eleven. Well the other two were wild. "Where is our grade eleven?" And the Chief Chemist tells them, "You'd better talk to Kirk." So they came in with fire in their eyes. And I laid it on the line. I said, "When you can show me you rate it, you've got it. But just because one girl got it is no reason why anybody else should get it just because she's a girl." Well, you know one of those girls went to work, produced, and about the time I was leaving got the eleven. The other one never did. But I got the place going. I just loved it. Then Jack Harvey came up to pay me a visit. He worked on me and Lauri, his wife, worked on my wife about the idea of coming back to

Washington as Assistant Commissioner. I'd been Assistant to the Commissioner when I'd left. So I said, "Well hell I got this place running the way I like it now so I may as well leave." I had been there three years. So I went back to Washington just about the time we were getting our feet really wet in food additives.

P. - About what year was that?

K. - That was 1959. Harvey had been handling a lot of that stuff and he had Tillie Checchi who was helping him. But Tillie was getting ready to leave and go into business with his brother, Checchi Company Consultants, who eventually hired a lot of Food and Drug people.

P. - I'll say they did.

K. - I had a couple of beautiful letters from Tillie offering me quite an opportunity when I decided to quit (decided quote, unquote,). So anyhow I got into that field very deeply. I stayed through Larrick's final time and then Goddard and then Ley.

P. - See I've kind of lost track of just what the time was on--

K. - See in '69, Rayfield retired I think.

P. - '66.

K. - '66 I guess.

P. - In fact it was December of '65. I remember because he talked about it yesterday.

K. - He was unhappy. I don't blame him. And let's see, Larrick

was going off and Winton Rankin was taking over temporarily. So they had a big deal in HEW of who was going to be the Commissioner. Well they put on a show about us. They were interviewing me and Rankin and I've forgotten who else. And then out of the clear blue sky Dr. Goddard was appointed. Dr. Goddard came to us as you know from the CDC, which is now something else, in Atlanta where he had done a remarkable job. And came up and scowled at all of us. And he hadn't been there more than a couple of days and he called a staff meeting. And we all sat around the table and he introduced himself and we introduced ourselves and he expounded some ideas. Well the funny thing was, one of his ideas, I've forgotten now what it was, but he threw this out and he said, "What do you think about this?" And he starts at one end of the table. Here I was the Assistant Commissioner, Winton was Deputy Commissioner by that time. I guess he was--yeah he was Deputy. But he starts around the table; "oh yes Dr. Goddard that's a wonderful idea. Why didn't we think of it." He gets down to me. I said, "Well you know on first hearing that it sounds wonderful, but let's take it apart." So I took it apart and showed him why in my judgment it wouldn't work. So he scowled and he didn't say anything. So the meeting got over and I remember walking out the door with Milstead. Milstead said, "Boy you fixed your clock with the new Commissioner." I said, "Well

they don't hire me to be a yes man. He asked what I thought. I told him." That's always been my philosophy. So I talked to Goddard about some other things for a period of about two weeks. And one day he came into my office and threw a bunch of papers on my desk. And he said, "Ken would you get these papers and these things in the Federal Register?" I said, "What are they?" I picked up them up. Well he said, "I'll tell you what they are. The first one makes you Associate Commissioner for Compliance. The second one gives you all the authority that I have." He said, "I want you to do what you think is right. Tell me about it, if you think I ought to know. And any time you think I'm full of something or other, tell me so like you've always done since I've known you." And we got along beautifully. He was quite a guy. I tried to talk him out of the two things that got him in to dog house with the White House. I didn't succeed because he felt so strongly about them. One was the idea that marijuana ought to be legalized and the other, which really--he got over that one, that first hurdle, he won that one as far as the dog house was concerned. But then he made a speech to the Druggist's Association which I told him he shouldn't do. It shouldn't have this in it. And that was that the whole concept of health care was going to change. And you wouldn't see these corner drugstores all over the country.

P. - Oh yes, I remember that.

K. - Oh, that caused a stir. National Retail Druggists and the Pharmaceutical Association they--

P. - Humphrey must have been upset by that.

K. - Oh Humphrey, they went to Humphrey and he raised particular hell. Course Humphrey was a chameleon. I still remember the time that Larrick was at a meeting in New York, Humphrey was on the program with him. Larrick made a speech and Humphrey got up and eulogized Larrick. And the next days' Congressional Paper had a speech by Humphrey which castigated Larrick and the Food and Drug Administration. Course he didn't write it. We knew who wrote it. But he didn't know. You couldn't take him from day to day--But anyhow--

P. - Somebody else has told me that story. I can't remember who it was.

K. - But anyhow, he had Dr. Ley as Chief of the Bureau of Drugs, Bureau of Medicine, and for some reason--oh yes and also we had that fifth wheel between us and the Secretary--

P. - CEPHS.

K. - CEPHS, yeah run by the great Black hero who used to be a city inspector for the New York City Health Department and thought he knew all about Food and Drug matters because of that. He didn't know which end was up. But that's another story. But anyhow, the CEPHS idea was Goddard's idea. And he thought he was going to be Chief of it. And he would

have been except for this druggist thing. He saw that he was out then. So he of course resigned. And how in the world they ever appointed Dr. Ley to his position I don't know. I don't know what was back of it, who promoted it. Dr. Ley was one of the nicest people you could want to know. But he couldn't make up his mind. You could give him a proposition and he would agree with you and say go ahead. Somebody else would come in and it was the decision to the guy who got to see him last. And he flip flopped back and forth and that was, if you want to go into what Harvey asked you to look into, that's one of the things, the weakness of the Commissioner that probably caused great changes. But be that as it may, Mr. Campbell back in 19--well I can't remember times--but when Crawford was Commissioner, Crawford got the idea of the Citizen's Advisory Committee you know. He had written a letter to Campbell about the idea. And Campbell wrote back and said, "Charlie, I can see what you want to do and it will probably work. But, right now Food and Drug is just a drop in the government bucket. But, he said if this idea of yours works, Food and Drug Administration will grow greatly in personnel and authority. And he said one of these days you'll find the politicians will decide this is something they want. And they'll take it away from you."

P. - He was right. He could look into the future couldn't he?

K. - Oh he was very, very sharp. Maybe you don't know that at one time they drafted Mr. Campbell from Food and Drug to become Director of regulatory work with the rank of Assistant Secretary in the Department of Agriculture.

P. - I've read that, yes.

K. - He didn't want it, but he got out as soon as he could when they were going to have a change in administration. But anyhow all went along until I get a notice that I'm to talk to the Assistant Secretary and--what's his name--hatchet man for Nixon.

P. - Oh, you mean Mallek?

K. - Yes, Mallek. So Winton goes over, talks with him first and then I go over. He tells me that they're going to transfer me to the Department. Which they had the right to do because I was grade seventeen. I was going to be in charge of all hospital planning for the Department of HEW. And I explained that I didn't know anything about hospital planning, but that made no impression. And I explained what I thought was a logical thing, that I had almost forty years experience in Food and Drug, and really I ought to have learned something during that time which would be of help in Food and Drug. No, that was it. So I said, "Well let me think about it." So I went back to call up my wife and told her, "Well, I just got

fired", which I really was. And so I called in the next day and I said, "Let me tell you something." I said, "I understand what's going on." And this was about the first of December, 1969, I said, "You know if I'm on the payroll of Food and Drug at the end of December this year, I'll retire, but if you say I've got to go over there tomorrow, as you have planned, I will go. And I've got ten more years I can probably spend it in the Secretary's office." Response was, "Oh, well you go ahead and retire. We'll change the order." So they changed it. And then they came to me and wanted me to put in a Form 99 or whatever it was I've forgotten the number, saying I've retired or something. I said, "Mr. Mallek I don't trust you. I'll put it in at the appropriate time, not now." I said, "I don't break my word. I told you what I'd do." So that was that. And I had some fun for about two and one half weeks. Dr. Edwards came in and he was having staff meetings, but he didn't invite me of course and he didn't invite Winton. I was still allegedly in charge of getting the stuff into the Federal Register. So when I get this wonderful thing about how he was making an announcement, he had already signed it. He didn't give it to me. But the gals that handled that stuff worked for me on paper. One of them showed it to me.

I embarrassed everybody in the damn place by going in and saying, "Dr.", I said, "You didn't ask me about this," but I said, "You're saying things in here that--and he'd already signed it--which really aren't quite so." I don't remember what they all were, but one of them I remember was like arsenic and lead, these things are so toxic that no tolerances can be established. And I said, "If you'll notice here, Regulation 121 so and so, we have a tolerance here for arsenic, a tolerance here for lead." He looked at me and shook his head. He said, "Thank you very much." Course the guys that had written it for him were mad as hell at me. That's why they never sent me Food and Drug reports or whatever that book of theirs is. They never sent me one copy, so I retired. Then I proceeded to, I think, disappoint a hell of a lot of people because I didn't want it, but they gave me a retirement party at the Army base--

P. - Fort Meyers?

K. - No, it's the one in Washington.

P. - The one down there at the bottom of Fourth Street.

K. - Yes, General--

P. - I lived right down there. I know, but I can't--

K. - It's McNair. General Fred--

P. - Delmore

K. - Delmore arranged it, and they had a hell of a lot of people there.

P. - I was there.

K. - I know you were. But I think I disappointed a lot of people. They expected me to get up and castigate the change and all this, and I didn't do it. I said the hell with it. I made some stupid comments off the cuff and thanked them for the electric typewriter which is still working, and the badge. Oh, I got a badge too. Came down to Florida and found this place to live and bought it. Been here ever since and enjoy it.

P. - I think retirement is great myself and I've been retired two years and I enjoy it.

K. - You said very brief and that took thirty-four minutes.

P. - Oh, that's fine. You've got a lot of interesting things in there. Well, why don't you go back to the 1940's, if you don't mind, to the transfer in the Federal Security Agency.

K. - That was not a traumatic thing to Food and Drug. Mr. Campbell really wanted out of Agriculture because it was an incongruity to have Agriculture promoting the farmers products, and Food and Drug coming along and seizing the apples because they had arsenic or lead on them, and fighting with the industry because Agriculture was promoting dextrose. We were saying dextrose isn't sugar and so forth. Keep in mind that in those days we did have certain health problem programs, but Food and Drug had a tremendous economic impetus of things we did. We were setting standards for preserves

and jellies, and all kinds of foods, and some of them were just on paper because they weren't really enforceable. This idea of--when you can the peaches you've got to have a sub standard and fill label on them if, when canned it was possible to put one more peach in there. Well, of course, after they're cooked you can't tell for sure -- you've got to see them going in. And of course when you're there they would put in more peaches. And we carried Gurley balances around and we weighed everything, even canned goods which was ridiculous. We had law suits over vinegar versus dried apple vinegar. It was a very economically oriented part of Food and Drug, which was a big part. We had people who just loved to investigate. So we had you remember about this preserves, did they put enough strawberries in the preserves. It depended on what the potash and so forth were and the strawberries they used and --

P. - I remember the Pure Food Manufacturing Company case, in Denver.

K. - And we had great investigations going all of the time. I talked the Commissioner at one time, into letting me review every technical division request for field assistance. I remember Food Division came up one day with a program. They wanted the field to do all this work. They would do some of it themselves, but they wanted mostly field work. And they

were going to take hours and hours of Inspectors and laboratory time. So I called Ben White and Sale and I don't know who else. I said, "All this sounds very interesting. Now Now as I get it you're going to get all this information in here and what are you going to do with it? We're going to analyze it. We're going to do this. We're going to do that. I said, "All right now, we'll give you a basis for-- three things can happen if you will do this, or you will do that, or you won't do anything." I said, "Now what are you going to do if it turns out this way?" "Oh, we wouldn't do anything about that. Suppose it turns out this way? We won't do anything about that. And I said, "You're going to get all of this information, but no matter what the outcome is you aren't going to do anything about it." I said, "I don't see where we've got the money." Oh they were madder than hell. They went to the Commissioner. And he said, "I gave Kirk the responsibility for this. And if he says you can't do it, you can't do it." It was just a boondoggle really. So we got away from that as you know. Sometimes I think too far away.

P. - We're yes, certainly now we do none of that kind of thing that I know of.

K. - See in 1930 we didn't have much law. We didn't have much to go on. We had a Food and Drug Act, but prove a violater; what do you get, a \$200 fine or something. Seizure was the

tough one. That was the one they hated. Then of course after sulfanilamide came along, the guy that did it, Massengill, they could only charge him with a misbranding because it wasn't an elixir as labeled. That was a big thing. But anyhow that's that. But you want to go back to the '40's. We had no trauma going over to HEW to FSA, Federal Security. Mr. Campbell and Mr. McNutt got along pretty well together. I remember Mr. McNutt telling me one day he says, "You know Kirk, I can never win an argument with Walter Campbell because of those eyebrows of his." He had heavy eyebrows and he would pull them up and down. But we got along pretty good on that. Then we got Captain Miller as Administrator. He had been Assistant to McNutt. Miller was quite a politician though. I never will forget the time I was in his office and we had seized a--Rayfield was with me I think too--and we had seized a lot of butter from a firm in Sistersville, West Virginia. The Congressman was down to try to get the stuff released. They were appealing to Miller. So he asked us to come. Everything was going along fine our way until Miller said to the Congressman, "How are you voting on such and such a bill?" He says, "I'm voting against it." And he said, "What would you think if you voted for it and this butter gets released?" The Congressman says, "I'm not that interested in Bowser's

butter and I'm just down here because he asked me to come." I'm still voting against it. So we held onto the butter. But it shocked the hell out of me. Then we got old Oveta Culpp Hobby in. And she always had a sort of a jaundiced eye for us, because she recalled, it was never mentioned but you got the impression she remembered. It seems that she had gone somewhere when she was in the Army. And she'd had her hair dyed. It just did just perfectly. So when she got back to Texas and out of the Army, she ordered a supply of this stuff from whatever country it had come from and we detained it - wouldn't let her have it. That was before she was Administrator. But now to get back to Food and Drug, away from the trivia. There had been a lot of talk about changes in population. I remember in the '30's there was a big to do about maybe we'll have a--we had three Districts you know. They were going to have a southern District. Larrick was going to be in charge of it. Well, that fell through. But then in the '40's it became more and more apparent that the three Districts were sort of a fifth wheel. Philadelphia did a job. They sent it to New York. New York sent it to us. What did New York do? Most of it was just rubber stamp. And of course personalities dealt with that. But as far as operations were concerned, now the only one that didn't do it that way was West Coast, when Harvey was there. Course when Wendell Vincent was

Chief of West Coast it was terrible. He wasn't a crook, he just wasn't always honest, even with his own people. I was told you'd go to lunch with the Chief and he say, "Hey, I didn't bring my wallet." "Loan me the money for my \$2 luncheon." The guy never got it back. Which was pretty dirty. So most of the guys just either avoided going out with him or they--"Gee sorry Chief, I've only got a buck and a half with me." But Harvey took over and he tightened it up, except for Vincent which was a horrible situation. Demote the Chief of the District to the Chief of Denver, and then have the former Chief's Assistant take over to be his boss. That was a rough situation.

P. - See I worked in Denver. I worked for Vincent for ten years.

K. - I know. And one girl was there when she was a pain in the neck. She thought she was glamorous. Somebody allegedly touched her one time. I've forgotten what it was all about.

P. - She retired last week.

K. - Well anyhow--Dunbar became Commissioner and we, Charlie Crawford and I and Larrick, would talk to Dunbar about this District situation. We wanted to get rid of it. Well, he was leery of it. And so he wouldn't do anything about it. We had it all charted out for him; how he ought to do it, but it was personal. He wasn't going to hurt Wharton or Jimmy Clarke. He didn't care so much about what he did to Harvey, because he was a newcomer. So all of a sudden

Wharton decides he's going to retire. So we rush in and say, now is the time. And so it was. We got rid of the three Districts. But what I didn't know at the time and found out later, he wrote to Clarke and Harvey asking them what they thought of the idea. And how I found about it was that Jimmy Clarke mentioned it one day. And he said, "You know," he said, "I didn't realize it at the time, but if I would have said no, he wouldn't have done it." And I think he might have been right.

P. - He felt that strongly about-

K. - People--So the Districts were abolished and Field Operations was set up and it was a good operation. It was--it improved things. And then of course we got some new Districts, like Detroit. And then when Goddard came in he was gung ho for better communication which we had wanted, but we'd never been able to get through the Department. But he got this teletype system in which was a wonderful idea. And I looked at that I said, "My God, I remember when I was in Philadelphia we used to get calls from Washington because we had sent telegrams and somebody in Washington had figured out that we could have cut out three words, four words, five words." And we developed all of these stupid systems like Willow Philadelphia, that meant the United States Attorney in Philadelphia.

P. - We had a parsimonious background.

K. - Oh, we sure did. We had--when I came to work for Food and Drug we had old man--I can't remember the names right now--was in charge of the money side of it.

P. - Oh, Munchmeyer?

K. - Oh, no, Fred worked for him.

P. - Oh.

K. - He was a crotchity old guy. But he ran the money and he had a system. We didn't have much appropriation, but he could spend within \$2.40 of whatever we had. Oh he had it planned down to the last--I think he did a lot of finagling with figures too, which is possible. But, so what. They gave it to us to spend and we never wasted it I can assure you, deliberately. But I think that was a good administrative change. Then later on of course, when we got CEPHS, that was a pain in the neck. They were always hounding our people for information. They had to prepare plans, they didn't happen to be Food and Drug plans so much, just had to be planned. And they produced books and books and books of stuff.

P. - I was in a position where I had to work on them.

K. - You know what it was. Didn't amount to anything except--

P. - We had five year plans. We had ten year plans. We put them on the computers. Tremendous effort was expended.

K. - Oh, we spent millions of dollars for that boondoggle. And then they were always calling us over for meetings and that

kind of things. Mr. C. C. Johnson, he knew damn well we resented his operation, but he always used to try to find things. I remember Winton and I were over there one day, and something came up about--I don't remember what the reason for it, but I said something about brazil nuts. We discussed it. Johnson, he didn't know brazil nuts. What were brazil nuts? He was trying to make us say "nigger toes".

P. - Oh?

K. - And neither of us would. But it was very obvious that's what he wanted us to do so he could show that we were biased against him because he was black. Actually I guess maybe from the standpoint of Food and Drug, getting rid of me and Winton and CEPHS, maybe getting rid of CEPHS was worth it because that was a millstone around FDA's neck. Of course I knew what this job that they were offering me was going to be. I didn't feel like going over there and sitting and writing a book. Winton didn't write a book either, but he didn't do much. He told me--he couldn't retire, see. He wasn't old enough.

P. - He just stayed over there 'til he retired.

K. - But he told me he said, "You know I think there ought to be much more to life than just coming to work in the morning and sitting and then going home at night.

P. - Particularly when you've been accustomed to doing things.

K. - Doing active things.

P. - And important things.

K. - See, he took my secretary when he went. She didn't want to work for Sam. So she was a grade nine at the time. So he took her because he was entitled to a grade nine secretary. After five or six months she quit. I said, "What's the matter, didn't you like Mr. Rankin?" "Oh, he's just fine." "I like Mr. Rankin." But she says, "I go to go to work in the morning I might as well be a grade two clerk." "The phone rings once in awhile and it's a wrong number." And I think once a week or something he had some report to make of--

P. - That must have just driven him crazy.

K. - Yes, it did. So she quit. But after I retired I used to get a big kick out of watching some of the things those people did though. There was one veterinary problem I read about in the paper. It had come up--it wasn't much of a problem, but they solved it. I said, "Boy they'll live to regret this." Sure enough in about six months they found their solution had created a problem this big because they didn't know what they were doing. But they were politically appointed. I think it was probably inevitable as we got as big as we did that the politicians would take over.

P. - Well, like you said, Campbell predicted it.

K. - He predicted it. Then Ley's weakness gave them--

P. - --plenty of room of get in--

K. - --plenty of room to get in and they could say, look, we need to have our own people running this important operation, but this guy. That was the beginning. See, you could justify Goddard coming from Public Health Service because technically we were part of Public Health Service at the time. But you couldn't justify Ley as a career FDAer. He'd only been with Food and Drug for a couple of years. He'd been a colonel in the Army. But, the last guy that talked to him, got the decision. It was always frustrating.

P. - Was he in there about two years?

K. - I don't think it was that long.

P. - Wasn't very long.

K. - Year and a half--

P. - Course now two years is typical for a Commissioner.

K. - As I say because it was inevitable I guess you've got to lay back and enjoy it. What else was on Harvey's mind, or yours?

P. - How about the change in our regulatory approach from strictly case law sort of thing; seizures and prosecutions and injunctions to recall warning letters, to more administrative as well as some--

K. - The basic idea was good I think. For example, we would find a guy who had put out something which was bad. And under my system of enforcement first thing we did was make seizure.

Then, in the old days we used to make seizures, and seizures, and seizures. But it was obvious that we weren't getting all of the stuff off the market. So we got to the idea of recalls, voluntary recalls.

P. - Did this kind of grow or did some of you fellows sit around and say--

K. - It just grew.

P. - You didn't sit around and say now really we're going to change our policy.

K. - No. It just grew on a case by case. Get the guy to recall it we won't have to make anymore seizures. Which made sense when it worked. But then, and I don't remember what caused the change. I always had the theory, make the seizure first. Let them know we really mean business. We're not just jawboning. And then ok, if you don't want anymore seizures let's get it back. But then I think probably as a result of a lot of Bureau of Medicine stuff where they didn't want seizures. They wanted to handle this their way; get the guy to write a letter. And they sold that idea to the Commissioner. I don't know quite where that happened, but it did happen. And pretty soon they wouldn't let me make seizures. They were going to get a recall. And I think that was wrong. I think you've got to, you know, show them you mean business and then be cooperative.

P. - Yes, Allan talked about that yesterday and said something

that never occurred to me. I always thought getting a seizure, getting at least enough evidence to make a seizure when you were initiating a recall, was to sort of have a club over their head. But he takes the position that what it really did was set up a situation where it gave them their day in court. They could go by due process and there's no real defense if there's no seizure, because it's in the newspapers and who can defend against publicity and so on. But that thought had never crossed my mind and I--

K. - Well that was--I know that theory. That's dirty, really. That's dirty pool. It's blackmail in a sense. I never approved of that. I felt if we didn't have a case we shouldn't--we ought to make one. Gee you had an awful lot of people with bright ideas. Then of course you had this stupid cyclamate thing that, here we took off the market a product which was, except in the eyes of a couple of scientists that we had, was safe for use, the use it was to be used for. And we replaced it with saccharine, which is not as good, and turned out to be even more harmful. But there was a lot of talk that the cyclamate decision by the Secretary, not by Food and Drug, was a pay-off for the sugar industry's large contributions to Richard Nixon's campaign fund. I don't know whether that's true or not, but it might be. I heard the California canners people are suing the government for \$35 million that they claim they lost as a

result of the cyclamate decision. And I had to give a deposition last year, several months ago anyway. And it was real funny. This gal from the Department of Justice, one girl I never saw before in the General Counsel's office came down here. The lawyers representing the canners, they were strange. And I get on the stand and I get sworn. They asked me questions, and questions, and questions. And when they get all through then they ask this girl from Justice, "Do you have any questions." "No sir, no questions." So after it's over I said, "Hey I thought you were going to ask me some questions." She said, "Well I didn't know you were a professional witness. I didn't have to." I said, "Well, I could have blown your case for you, but I don't do that sort of thing." The key question the guy asked me, he says, "Do you know of any other instance where the Secretary took it upon himself to remove a food additive from the gras list?" I said, "No." I wonder what would have been the result if he'd said, "do you know of any other instance where the Secretary took it upon himself to make certain decisions about a chemical in foods?" And the answer would have been, "yes". When we had a problem with cranberries with aminotriazole on them, the Secretary took over and got out a lot of stuff. If the attorney had asked, "Well what happened?" And I'd say, "It cost the government \$22 million in damages to the cranberry people." But he

didn't ask me, so--I found out years ago you just get yourself into trouble if you volunteer when you're testifying. Answer the questions. Let your own attorney ask you if he wants any clarification, but don't volunteer.

P. - What do you think about the Delaney clause?

K. - Basically the Delaney clause is stupid. It has caused more problems I think than it has been worth. We have a law, Section 402(a), which says that a food which bears or contains any harmful substance--I've forgotten the language--is illegal. It's adulterated. But the Delaney clause has caused our people to say here's a product which is being used at this level, and now we'll take and shovel it into the animal and see what happens. Well as Dr. Lehman told me one day he said, "If we ever took sugar, salt, lots of things; certain oils, and gave the animal that much, relatively of course to humans, they'd be very harmful." They might not cause cancer, but they might kill--they'd probably kill the animal. But he said, "This is the way they want it done." "This is the way we do it." I remember with Merge 45 they wanted to use it in bread. I forget how many thousand times more they used for their animals and got some tumors.

P. - Well, let's see, what other things did Harvey want us to talk about.

K. - Oh, you wanted to talk about Henry Welch. You said something about maybe Larrick was too trusting. Really I don't think Larrick was very much involved until it was practically all over. John Harvey was handling--he was Deputy Commissioner--he was handling most personal problems This guy from the Wall Street Journal was digging and Henry told the Wall Street guy that a certain thing he wanted to know was none of his damn business. Well you know that's a red flag to a reporter. But Harvey talked to--this I know--talked to Welch and he said, "Now this honorarium business that you're getting for these reprints or something or other," he says, "How much are you making on that?" Henry says, "Well it varies but I'd rather not say how much it is." Harvey let it go. Now if Harvey had said we want to know, we've got to know, the \$347,000 figure would have come out and Food and Drug would have done something about it.

P. - Strange that Harvey didn't pursue it.

K. - Friendship. He didn't think Henry would, not exactly lie to him, but mislead him.

P. - Were there repercussions from that that were serious in your opinion? What were they? Or did that sort of blow over pretty well?

K. - It eventually blew over, but there were repercussions.

The antibiotic group was in the dog house. Later on everything they did that had the slightest possibility of being favoritism or what have you, bang we were on their necks. And Bill Jester he was just wild. And of course Winton got rid of Jester in that operation; dumped him into my lap. See Jester and Henry had been close. Henry too had a--he was doing some things which everybody knew. Hell then he built a swimming pool out there. Who did a hell of a lot of work: the guys from Bureau of Antibiotics on Sundays, Saturdays. Henry used to have a party once a year and he provided seafood from his brother-in-law up in Boston; clams, lobsters and I've forgotten--I guess clam chowder was the other one. It started at about eighteen of us. Kneeland and I went out and collected from everybody that was going, and we bought the liquor. In fact we always bought more liquor than could be used, because Henry wouldn't let us pay for the seafood. Well, the last party he had out there bet there were over a hundred people there.

P. - Was he kind of a wheeler dealer?

K. - Oh, he was very much of wheeler dealer. See he came to Food and Drug working for Al Hunter. He worked in bacteriology. And then when antibiotics came along, he got out from under Hunter which was very much to

Hunter's desires. He did it by--Dr. Howard you know was the microbiology man and when he retired Henry took over that one. And then that logically went into antibiotics. Henry used to do some weird things though. I remember one time he was trying to find out some things about penicillin, so he was around asking everybody to take so many shots of penicillin and let them do blood counts you know and levels and so forth. And I told him, "Go to hell." I'm glad I did now, because it sensitized some people I think. Oh what's his name? I can't remember his name--the guy who was in charge of planning. He used to be Chief of Chicago.

P. - Oh, you mean Shelby Grey?

K. - Shelby Grey--Shelby damn near died you know. He got some infection, they shot him with penicillin, and he turned black and everything else. I wouldn't be surprised if it might have been because of some of Henry's playing. Poor Shelby.

P. - Shelby's going out; it was a real bad deal, but it really wasn't a part of some of this other business.

K. - No. Shelby went out really because he was a damn fool. He was acting very lovey-dovey with a girl in his office. And Harvey called him in and asked him what he was doing. Oh, he wasn't doing anything. And Harvey said, "Well stop making it look like you are." Well he

didn't, so they gave him the gate which was right. He became a recluse as far as anybody was concerned I was told.

P. - Yes he did. See I worked for Shelby when I first went to Washington.

K. - Well you know--

P. - Oh, I know all about it. I don't know anymore than anybody else, but I know exactly---

K. - He made it look that way.

P. - Shelby had his boat down there off the Main Avenue docks. I lived down in that area, used to go for a walk down along the river in the evening sometimes. I ran into him by chance. He invited me down to the boat. Lorraine was down there. As he kind of helped me cross to the boat he says, "You're welcome to get on the boat and come in and have a drink," but he says, "There are not very many Food and Drug people who would be welcome."

K. - I'm not surprised. What else can I say?

P. - I think we've covered most of that. How about some cases you were involved in. Are there any big, interesting, different cases that come to your mind in your career?

K. - One that I think of more often of course is the time I approved a seizure of the E meters from the Scientology

cult. It happens to come home because Clearwater is fast becoming the seat of Scientology. They came in here a few years ago, and they bought the biggest hotel in town, and they bought a bank building. And then they bought a big motel. They don't rent it, they use it for their own people. And then they just last week bought another big building in downtown Clearwater. And they refuse to pay taxes.

P. - Because they're a church?

K. - They're a religion. And they're in an interesting law suit with the County. It seems that they applied for a tax exemption. And the then tax assessor said, "Well, I've got to have all of this information." So they came in with a hatful of information and said, "Now this is for your use, but not for publication." He just shoved it back and said, "I won't take anything that I can't put in the public record." So they assessed them taxes. They refused to pay. And the first court case the county won. The judge says, "I'll accept that you're a religion, but you still haven't given a basis for not paying taxes." So now you owe the county the taxes and now they're appealing that case. But FDA won our case against them in the District Court, but the Appellate Court said because it was a religion we couldn't do anything about it and

they dismissed it.

P. - Still going on. Do they still use the E meters or is that--

K. - Oh yes, they still use them in their counseling.

P. - I've never been a city that you didn't see at least a store front Scientology place.

K. - Well this is more than a store front, this is big business and the minute anybody criticizes them, they're going to get sued right away. And that's their philosophy. Anybody who objects to us is automatically an enemy and anything goes; blackmail them, set them up. The mayor of Clearwater--they tried to set him up because he didn't like the idea. They sued him, and they sued his wife, and he sued them.

P. - Well, let's see how about some of the Commissioners? I know you've talked quite a bit about Campbell. How about Paul Dunbar, what kind of a guy was he?

K. - He was a very conscientious man; soft spoken, but intensely loyal to people, more so than some of them deserved. He put up with Wendell Vincent for much longer than anybody had a right to expect. He was brokenhearted about the Cyril Sullivan deal. That's my fault.

P. - Your fault that--

K. - They caught Sullivan.

P. - Oh, is that right?

K. - Well, in a sense. We seized this fish. The guy took it down under bond for sorting. And then somehow a lot of it got away and couldn't be accounted for. So Cyril wrote in a memorandum, this was when we were still keeping pretty close tabs on the Districts, wrote in a memorandum glossing over what had happened and recommending that the bond be exonerated. And I looked it over, and I wrote back, and I said, "No, this is a clear cut case and I'm sending it the General Counsel recommending that we proceed against the bond." Well when we did that, this guy blew his stack. He said, "I had it all fixed with Sullivan that this was all right." So then we sent Winton up to Boston to make some investigation, that was the end of Cyril. Course we tried to prosecute Cyril as you may know.

P. - I didn't know that.

K. - But the U.S. Attorney in Boston would not accept the case. And so Cyril all of sudden was an inspector with the Boston City Health Department.

P. - Is that right? I never did know--

K. - Oh he had political connections up there.

P. - Doug Hanson talked--I saw him.

K. - Nice guy.

P. - He talked a lot about that.

K. - Where is Doug?

P. - He's in Seattle. He's the Division Director in EPA.

I've forgotten which one; air and water pollution or something. I think he's going to retire this year he told me.

K. - I remember one Inspector who was always borrowing money from some guy that he was inspecting. But you run into funny things in Food and Drug. I remember when I was in Philadelphia Mr. Wharton talked to me about whether I'd be willing to take a guy that he wanted to hire. He said, "It may be a problem because this guy and I worked together way back when." He left us and went to Stokely Van Camp and did very well with them; got to be a big shot in the company, but in the plant operation, not in the management. But he was a superintendent of two or three other plants and so forth. And it seems that he took most of his spare cash and bought stock in the company. All of a sudden the stock was gone. They sold out to somebody. The stock wasn't worth a dime. And he's in hard times and so forth. I said, "Oh, if you want him." So we got Frank Fisher. He was a nice guy, very capable. And he was on a trip one time, and he came back in and gave me a report. And I read it and I said, "God it can't be. No plant can be this

bad." And so I checked up and I found out that this was a plant operated by the firm which took over Stokely Van Camp. So I think I sent Rayfield down to make another inspection. Rayfield came back; found a few little things, but not much. I compared the two reports. And I call in Frank and I said, "What the hell is this?" Well that's the way it was. I said, "All right Frank, if you ever get an inspection direction for any plant that had anything to do with firms you ever worked for, you tell me. I'll give that job to somebody else."

P. - Didn't he go to Indiana?

K. - No, he went to Pittsburgh. He went to Pittsburgh, then his wife died and his son-in-law died and he had a hard time.

P. - Well, I've about run out of questions, but that doesn't mean we can't keep talking. If there's anything that comes to your mind that you think would be interesting to a person digging into Food and Drug history--

K. - Oh, probably millions of things, but I don't--I've gotten away from it so long.

P. - I know. Well, I won't push you at all. This has been very good.

K. - If you do have anything that somebody else has brought up that I can either agree with, disagree with or argue

about. You said about Commissioners. Dunbar was a good man, little too soft with people sometimes. Crawford was a dynamic sort of a guy, but I never had any use for him after he pulled that Stephen's business. Then, after him, came Larrick. Larrick set out to do a good job, and by and large I think he did. Towards the end he got rather fascinated with his awards that he was getting. He belonged to the Press Club and went down there for lunch almost every day, and talked with reporters and stuff. I think he got too fascinated with that and he let Harvey make too many decisions. And then as I say Goddard, he was fabulous from my standpoint.

P. - It's interesting--I'm very interested in what you had to say about Goddard, because I only had one personal experience with him. It was very good, but by and large those of us down at my level in the organization felt that Goddard came in to destroy the status quo, and he did it.

K. - You were dead wrong, he didn't.

P. - That was the story that was going down through the organization.

K. - Well, he had definite ideas. I remember one guy who you know, and I won't mention his name, he hadn't been there very long. He says, "The guy is a loser. I'd

like to get rid of him." So he did.

P. - Well, he got rid of quite a few District Directors.

K. - I'm afraid I had a hand in some of that too. They deserved to be dealt with. I won't mention any names. He got rid of Monfore, of course as you know. I think he was the first.

P. - Yes, that whole business--

K. - --salmon business was most embarrassing to the Commissioner. Somebody had to lose his shirt over it and Monfore was elected. And actually I think he deserved it. George Daughters, hell of a nice guy. I liked George, but he wasn't running that District the way it ought to be. I said I wouldn't mention names. I shouldn't.

P. - Well some of this--I'll send you back a rough draft and you can edit out anything that you'd rather not have in the transcript. If you used the names you'd rather leave out, why strike them when I send it to you.

K. - The idea that the boss has always got to put up with things as--people do without doing anything about it. It's for the birds. You can't be a nice guy all of the time. You've got to be a son-of-a-bitch sometimes.

P. - Yes, if you're going to run the place.

K. - We had a funny experience with Nader. He came ranting

and raving in one day about how they wanted to see all this stuff and so forth. Ley was Commissioner then. And somebody told him to say no, don't let him. I told him, "This is for the birds. There's nothing in these files that's confidential particularly." And I said, "There's a hell of a lot of them." So he reversed himself and told Nader that he could have them. He can't take them, but he can look at them. And he said, "I'll leave it up to you." So I get all the files together and I stack them up on a table in a little room. I call Nader, and he said he'd have his man Turner come down with some people to go over them. They came down at 9:00, and I took them into the room, and I said, "Now, here's the files. Here's what they are. Here's how they're set up." They looked at them and they looked at each other. They wanted us to say no. They didn't want to see the files. They didn't stay a half hour. They couldn't have looked through more than half of one of the files.

P. - They wanted to be able to complain that they--

K. - They wanted to complain that we were hiding things.

And then we had a guy in public relations who was stupid. And Turner came down to see him and said he wanted something. So this guy, without talking to anybody else, gets out a piece of the file. He didn't get

the whole file. And shows it to this guy, and they were able to make a big thing out of what he showed them. Didn't have the whole story. And that was embarrassing. And then Turner decided to write a book which is just full of inaccuracies. You probably got the book. But he starts out with something in my office. It says, "Ask why." Just this thing I had on my desk. That was supposed to be terrible. I don't know what's wrong with it. I like to know why we're doing something.

P. - I read that at one time--I've kind of forgotten about it-- course I wasn't personally involved in it.

K. - Well he's got a lot of things about me in there that and Winton and so forth, but you can go through that and pick inaccuracies like nobody's business. But of course nobody cares. It's sort of like the Fountain Committee--had a guy working for them. I forgot his name. He was a sharp kid. He got on a kick about teflon coating as a food additive because it was used in contact with food. And he was sure we were hiding something to help Dupont. So somehow he gets bounced into me and I just said, "All right, what do you want. He said, "I want to know so and so and so and so. I said to my secretary, "Mary Lou, go to the records office. Get everything that they have on this subject.

I'll give you some ideas of where you can find some of it." So she comes back after awhile with a big pile of jackets. I said, "All right now, let's go through these." We sat down together and we went through them. He says, "Kirk, I've got to apologize." "What's the matter?" He says, "I thought you were giving me a run around." He says, "You tell me something in the future, I'll believe you." And we got along fine after--Don Gray, that was his name.

P. - Oh yes, I remember now, his name.

K. - We got along fine after that.

P. - Did you have any other experience with congressional committees?

K. - Oh, I had lots of them but-- One thing I used to have to do, I'd do it from the time I went to Washington and somehow they liked the way I did it I guess. Mr. Campbell went up and testified at a hearing, probably an appropriation hearing or something. He came into my office some days later, and throws a thick stack of papers on my desk, and he says, "Go over this for me and make any changes that you think where I said anything wrong."

P. - This was his testimony?

K. - His testimony. So I found quite a few things that were wrong. So I changed them and took them into him. He

said, "Oh, that's fine." He said, "Prepare a cover letter and send it back up and say it's all right. --Sign my name to it. He found out about me I think about the first month I was there, after I was transferred to Washington. He wrote a letter to a Congressman. He dictated it himself. It was a two page letter, and he signed it, and he puts a buck slip on it, "Mr. Kirk initials or comments." I read the thing and I said, "God, this is terrible. He shouldn't be saying this kind of stuff. This isn't the way to do it." I was just a kid down there. So I called a girl in and I dictated an alternate letter. And so I didn't quite know what to do so I asked his secretary to give me an appointment, meaning to go in and see him. You didn't go walking into his office. You got an appointment. So I went in with some trepidation. I said, "Mr. Campbell, you asked me to go over this letter; which he had already signed." And I said, "I have some qualms about it." And he said, "Oh, what would you do?" I said, "Well, this is what I would do." So he read my letter and took the other one and tore it up. He says, "Thank you very much. You're right." Now he did that deliberately to see if I was--he knew that letter wasn't right. He wanted to see if I was a "yes" man. I remember the time we had seized something or other

and so he gets a call from the Democratic National Committee that the Chairman would like to come down and see him about-- Of course you know during Roosevelt's time the Democratic National Committee was big stuff. So he called me up and he said, "I've got a date with this guy at such and such a time. He says, "Can you be here to talk about this case?" I said, "Fine, sure." So I get into the office with him and after the pleasantries are over, the guys says, "Now Mr. Campbell, I suppose you familiarized yourself with this case." And Mr. Campbell, "No, as a matter of fact I don't know anything about it." But he said, "Mr. Kirk here is fully familiar with it. He's handled it and you two can just go ahead and discuss it all you want." The guy got up and left. He didn't want to talk to me about the facts, he wanted to talk to Campbell.

P. - --about the politics--

K. - about the politics and Campbell wasn't about to do it.

P. - Well Campbell he must have been able to in a sense have survived as long as he did. He ran the thing for how many years?

K. - Well, he didn't run it until 1927 when they made the Food, Drug, and Insecticide Administration. Later they dropped the insecticide part, although for awhile they still had insecticides, which were a pain in the neck.

We went out and made investigations, and instead of doing something about what we found, the insecticide people, Bureau of Insecticides, would issue some code, CCC something, correspondence check case. They'd written the guy a letter and now they wanted us to go out, and see whether he did what they told him to. And, of course, that was for the birds. You know, you violate the law and we'll slap your wrist, and you violate again, we'll do it again. We had in Salt Lake City -- we had this old judge who was a pain in the neck; 90 years old or something.

P. - How well I know.

K. - I remember one time we'd had this guy in on filthy candy or filthy something charges. We had him in two or three times, criminal action. First time he says, "Now I'm going to fine you \$200 and if you do it again, I'm going to double it." When he did it again he says, "I told you I was going to double it, and I'll do it again." So this time it would be \$400 and the next time it would be \$800. The guy was just paying a license, much cheaper than cleaning up the plant.

P. - That was Tilman D. Johnson.

K. - I had forgotten his name. He was a pain in the rear. Course we had a lot of U.S. attorneys that were hard to get along with. They'd sell you down the river because

they didn't want to hurt somebody. I remember one time we had a case, I think it was against Pabst Brewing Company in Peoria. I got called over to the Criminal Division of Bureau of the Department of Justice because the U.S. attorney was in there, and he wanted to talk about this case. So I went over there. He thought it was outrageous that we would bring this case and so forth. Apparently one of his assistants had automatically filed it and he didn't approve. But it was a little late, so he wanted us to withdraw the case. Hell, we'd gotten an indictment on the thing to get some individual in it. I've forgotten how. And so I'm sitting there, and among other things I said was-- and keep in mind that the Grand Jury indicted this guy or the outfit. He said, "Mr. Kirk, that doesn't mean a damn thing. I've never met you before. The only thing I know about you is that you're one of the Commissioners of Food and Drug." He said, "I can go back to Peoria tomorrow morning and go into the Grand Jury room and indict you for anything that--I can get you indicated for anything I want." I said, "Well, I sure hope you don't." Well he negotiated the plea with them and they got off fairly easy, but I always remember that; "I can get you indicted for anything I want." And he's probably right.

P. - Might be, I don't know.

K. - So all he's got to do is tell them something. He doesn't have to have evidence. But Food and Drug was gradually improving. We used to do silly things. Like for instance, if I wanted to make a seizure, I had to write a letter to the General Counsel. And the General Counsel would write a letter to the U.S. attorney. At first they even had to go to the Department of Justice. Well we got Justice out of the seizure business. We could go directly. We got authority to do that. Then somehow they bought my idea which was for us to write the General Counsel's letter to the U.S. attorney. Which saved a hell of a lot of time. And then it became a wire and we could do it that way. I tried automation of some of our records. We had a gal that was pretty good at it. That was a disaster. We used to keep record of how many seizures, and so forth and so, then we set up this system whereby we'd have punch cards. Well we'd get a report from the punch cards and they would say we had no seizures in this category. And hell, I remembered two. You know that sort of thing. Then I found out what happened. We had a guy named J.J. McCann in charge of our records office and he was opposed to this. So he put some stupid girl in charge of punching out the informa-

tion. And then of course the information wasn't right. But, he had hand tallies so he could give us the right figures. Well, after he left, we were able to get the thing going, but we couldn't do it while he was there. And the Commissioner wouldn't do anything about it because he was an old timer. Then we started to get into the computer business. You should see the proposals that we got for putting information into the computer. For instance, on seizures or prosecutions, if we were seizing macaroni because it's buggy, they wanted this thing broken down, some of these guys, into whether it was elbows, or straight, or crooked, or alphabets, or what have you. What the hell difference did it make? It was filthy macaroni.

P. - They've won that battle now though. There's a commodity code book that's this thick.

The subject matter bureaus, Bureau of Foods and the Bureau of Drugs wanted all that detail.

K. - That's for the birds.

P. - And we held them off.

K. - I know they held them. I held them off. But it was the old idea, you know, of computers "GI", "GO" garbage in, garbage out.

P. - In the meantime it takes an awful lot of time to

prepare that garbage, and to look at it afterwards.

K. - That's right. And nobody cares.

P. - That's right.

K. - Nobody cares.

P. - That's the war it is in any other another management information system, if you were building one that would service every Tom, Dick, and Harry's "needs"--I was involved in a lot of that too. But that's just sort of developed more, and more, and more until now the detail is just tremendous.

K. - Spend your money. Let's see what else happened around Food and Drug that might be of some interest to somebody sometime, I don't know. I tell you one thing you've got to keep in mind, that a tremendous influence in what Food and Drug did, particularly in the later years, was Billy Goodrich. He was a smart guy. Still is, I'm sure. Now he's with the oil people, oil, fats and shortenings. Took over the job that Steve had. Malcolm Stephens, after he retired from FDA.

P. - I guess we're going to interview him. I'm not going to, but Fred Lofsvold is going to try to get to see him. Fred's doing a few of these.

K. - Milstead still in the list?

P. - Yes, I wanted to see Milstead. Last spring we invited some of them that live in the Washington area to come

in to a couple of meetings and sit around the table, and we'd record it. Milstead couldn't make it, so I would like to get him too--I had to go to Washington and interview a number of people who live in that area. I'm retired and I'm trying to hold off on getting too deeply involved, and spend too much time, because when you do an interview like this, then you have to go home, and you have to have it transcribed, you have to proofread it and correspond.

K. - They doing all your clerical work?

P. - No, Denver gives me desk space, then I use a commerical stenographic service to do it.

K. - Course your phone calls are on 800, so you don't have to worry about that.

P. - Yes, the advantage of having a desk space in the office in Denver is that I do have access to the telephone. And then I use their xerox machine.

K. - Who's running Denver now?

P. - Fred Lofsvold.

K. - Fred's still running it. He's a nice guy. I liked Fred.

P. - I think Fred will retire soon.

K. - I found out that I'm so out of touch with people. Oh, I see Rayfield every once in awhile. Once in awhile I see Ralph Kneeland, at New Port Richey, not very well.

And a couple of years ago we came back from Hawaii, and I had a good friend down in Rancho Bernardo, and so we flew down there and spent some time with her. I called up George Daughters and found out that George was no longer with us. I had a nice chat with Sugar, his wife and she told me that the Williams woman was there.

P. - Ros Williams--

K. --Ros Williams and Warden. I said, "What about Monfore?" She said, "No, he's gone back to Seattle." That's where I got that idea. Then later I called Warden, and he wanted me to come by and see him, but our friend had something else she wanted to do.

P. - I went by to see Larry about a year ago. He's beginning to fail a little bit.

K. - He said he'd stopped taking trips.

P. - Well, why don't we just close this off then?

K. - Okay. Where do you go from here?

P. - I'll just thank you for the interview and this is the end of the tape.