

HISTORY OF THE FOOD AND DRUG ADMINISTRATION

Interview between:
Sam D. Fine, Retired Associate
Commissioner for Compliance
and
Robert G. Porter
Austin, Texas
May 11, 1978

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) 1-2-3

GENERAL TOPIC OF INTERVIEW: FDA History

DATE: 5/11/78 PLACE: [REDACTED] LENGTH: 128 Min.

INTERVIEWEE

NAME Sam D. Fine

ADDRESS [REDACTED]

INTERVIEWER

NAME Robert G. Porter

ADDRESS FDA - Denver District

Denver, Colorado

TELEPHONE

TELEPHONE

FDA SERVICE DATES: FROM 1939 TO 1976

RETIRED: Yes YES NO

TITLE: Associate Commissioner for Compliance

(If retired, title of last FDA position)

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P. - This is an interview with Sam Fine who retired from the Food and Drug Administration in 1976 as the Associate Commissioner for Compliance. The interview is being held on May 11, 1978 at Sam's home in [REDACTED]. My name is Robert Porter of the Food and Drug Administration. Now, Sam, I know you have a few notes and I'm just going to turn it over to you and you tell us what you think would be interesting to the historian and to the people interested in Food and Drug.

F. - Thanks, Bob. I was employed as a junior chemist at the St. Louis station of the Food and Drug Administration with an entry on duty date of September 5, 1939. At the time that I reported for duty the Food and Drug Administration was a part of the Department of Agriculture. For administrative purposes Food and Drug Administration then divided the nation into three districts--the eastern district, the central district and the western district. The St. Louis station was a part of the Central District. The Commissioner of the Food and Drug Administration at that time was Walter G. Campbell. I actually had the privilege of meeting Mr. Campbell. He visited the St. Louis station sometime during the first year that I was employed as a junior chemist. At the time that I entered on duty, other employees that come to mind were Fred Garfield, another junior chemist, and Dr. Earl Myers, an inspector. All of us were part of a major expansion

of a then small agency caused by the then new Food Drug and Cosmetic Act of 1938 which was just becoming effective.

The first item of interest that comes to mind dealt with the determination of lead arsenate on apples. In those days to protect apples from certain insects and pests, the pesticide of choice was lead arsenate. At the time that I reported for duty there was a small task force from the St. Louis station with laboratory equipment working along the Arkansas, Missouri border checking truckload shipments of apples for excessive residues of lead arsenate. Within the first year that I was employed the results of a Public Health Service study caused by United States senators from, I believe, the state of Washington, were published. That study which probably would not bear close scrutiny today, knowing what we do now about the hazards of lead, caused the Food and Drug Administration to have to so raise the tolerance for lead arsenate on apples that what had been a major program of the Food and Drug Administration for many years came to a screeching halt because the tolerance was set so high.

P. - You know, I'm glad you mentioned that, Sam, because when I saw Monfore in California, he had done some of the very earliest work in spray residue and I tried to bring out this little incident you just talked about and some-

how he didn't talk about it, and yet I remembered it myself.

F. - I think from that study more than anything else the then leaders, and soon to be leaders, of the Food and Drug Administration developed a deep suspicion of the Public Health Service. I saw it reflected in the attitude of Alan Rayfield, in the attitude of the man who was the Chief at San Francisco--what was his name--Mack?

P. - McKinnon?

F. - McKinnon. Mack McKinnon and other people of that generation of Food of Drug employees. Approximately a year after I entered on duty, Franklin Roosevelt in one of his reorganization plans as a result of the Hoover Commission study of organization of government, took the Food and Drug Administration out of the Department of Agriculture and grouped it with the Public Health Service and other agencies in what was then called the Federal Security Agency. I remember reading one of the justifications was that it seemed absurd to President Roosevelt to have the Food and Drug Administration taking action against apples for lead arsenate while the Department of Agriculture was advocating the use of lead arsenate to control certain pests on apples!

In about 1941 occurred the second nationwide recall to the medicine chest level of a drug by a major drug firm. This was 7.7 grain tablets of sulfathiazole contaminated with one of the barbiturates--I'm not sure

which one it was now. All of the professional employees of the Food and Drug Administration, including all of the lab personnel, were involved in this medicine cabinet recall. At that time Iowa was a part of the St. Louis territory. I was sent from St. Louis by Malcolm R. Stevens who was the station chief to work in Iowa first for training with Chester Hubble who was the Resident inspector in Des Moines, and then on my own. I actually went from wholesale drug houses to retail pharmacies to homes of citizens tracking down this contaminated sulfathiazole tablets. There had been deaths nationwide.

The Food and Drug Administration, shortly after the passage of the 1938 act, gave a great deal of attention to food standards. One of the big projects then involved the standard for jams and jellies. The people in the food division in Washington felt need to obtain better authentic data on jams and jellies in order to be able to prove by chemical analysis whether or not a jam or a jelly contained the necessary 45 parts of fruit to 55 parts of sugar. In those days fruit was the expensive ingredient and sugar was the cheap ingredient. Authentic packs of jams and jellies were prepared in various regions of the United States, but for purposes of laboratory efficiency it was decided that all of them would be analyzed at the St. Louis station. So these samples came in from all over the United States

to St. Louis and I was early assigned for training purposes to work with Sam Alfend, who was a laboratory chemist, and with Dr. J. Thomas Field, who was a laboratory chemist. I was fresh out of graduate school in Missouri U., and I had a great interest in trying to do this analytical work as rapidly as possible. I found out it was highly repetitious so I did a time/motion study and eventually, instead of being the trainee, I became the person who organized primarily Dr. Field into a tight schedule as to when we would do the K_2O , P_2O_5 , ash, water insoluble solids, soluble solids, etc. and we turned out an enormous number of samples by the technique that I devised. This suddenly became very practical as World War II started. The military was buying large quantities of foods and they suspected that some of the foods were substandard in quality. So samples were sent to St. Louis of all the jams and jellies that the military was buying. One of the early cases involved a Fresh Grown Fruit Preserving Company of Brooklyn, New York. Our chemical analysis, using the authentic data that we had, we were able to show that on cherry preserves, as an example, cherry preserves contained as little as 5 parts of cherries to 55 parts of sugar instead of the required 45 parts of cherries to 55 parts of sugar.

P. - Didn't we do--we really did all of the analysis for foods for the army, didn't we?

F. - Yes, we did.

P. - They didn't have the capability themselves?

F. - They didn't have the capability initially. Later they started acquiring the capability primarily at Chicago, a laboratory that Virgil Wodicea worked in and eventually came to head. But, initially the Food and Drug Administration was doing work of that type.

Early during my stay at St. Louis station we did work on what we later came to call 301K violations on foods stored in warehouses. A favorite project was to examine flour during summer months, because the flour rapidly became infested with insects. A man in Washington in the old division of microbiology named Wildman built the Wildman Trap. We used the Wildman trap, salt solution and gasoline to separate the insects and insect parts from the flour, and there were many, many seizures of shipments of flour because of insect contamination.

P. - Wildman worked directly for B. J. Howard in those days.

F. - That's correct. Wildman was directly under B. J. Howard.

Because of the repetitive work that I was doing on fruits and finished jams and jellies, I wanted to try and evaluate more modern instruments in the Clifford Neutral Wedge Photometer which was used in the determination of P_2O_5 . While I was a graduate student at Missouri U. in 1938, I had used a much more modern instrument devised by another graduate student. I was also aware that the Beckman DU spectrophotometer had just appeared on the market. I persuaded the Chief Chemist at St.

Louis, Carl Stone, to get one of the St. Louis supply houses to let us use a Beckman DU spectrophotometer and I compared it with the Clifford Neutral Wedge Photometer for the P_2O_5 determination. I wrote a rather glowing report and it was rather deflated when Dr. W.B. White, who was the head of the Food Division in Washington, came back and deprecated the Beckman DU Spectrophotometer and spoke of the time-honored Clifford Neutral Wedge Photometer. To my knowledge I was the first field chemist to evaluate a Beckman DU Spectrophotometer but as you can see with rather poor results.

A project that was dear to the heart of J. O. Clark, Chief of the Central District, involved the production of butter from sour cream. He had actually set up cream tasting squads that toured the Central District during the summer months to try and improve the quality of cream used for churning butter. During the time I was at the St. Louis Station a cream tasting school was held, and for some reason they picked my laboratory bench to set up the small, so-called shotgun cans of cream in various stages of decomposition. The principal teacher was the then Chief Chemist at New Orleans Station, Ray Vandaveer. One of the principal expert tasters was Tom Bellis who was the Resident Inspector at Omaha. Another was an inspector in St. Louis, Sam Ahlmann. I can remember watching the inspectors go down using tongue

depressors, taking a little taste of cream and then spitting it into the sink at the end of my work bench there. I can also remember one so bad that Vandever got ill and vomited from it.

Later on in this interview I will talk more about the preoccupation of the Food and Drug Administration with filth and decomposition in cream and butter and how successful the program finally became.

During that period of time, from September, 1939 to June of 1942, I can remember the initial work the Food and Drug Administration undertook on illegal sales of prescription drugs. Paul B. Dunbar who was the deputy commissioner of the Food and Drug Administration came to St. Louis and talked about the need to do something about illegal sales of prescription drugs in drug stores. These were both over-the-counter sales and refilling prescriptions without authorization of a prescriber. The regulatory approach at that time was to issue warning notices of hearing or warning citations to the offenders. You will remember that not long thereafter the famous Sullivan case took place around a military camp in Georgia where a pharmacist there was refilling prescriptions, I believe, for sulfa drugs, or maybe actually selling them over-the-counter to GI's who had gotten gonorrhea.

P. - Wasn't that case sort of precedent in terms of interstate commerce and these things too?

F. - Yes, the precedent nature of the Sullivan case was that the drugs in question had been shipped into Georgia from some other state and then the wholesaler had shipped them within the state to the retail pharmacist and the defense was that they were no longer in interstate commerce and the holding of the Supreme Court was that once they got into interstate commerce they stayed in interstate commerce.

I'll now turn to the second place where I worked in the Food and Drug Administration. In June of 1942 I was transferred to the Cincinnati station. One of the first things that I received training in was mold counting in butter and in tomato products. The mold in butter indicated that the cream had started decomposition and it actually had a green scum or mold form on it. The mold in the tomato products indicated that rotten tomatoes had been used to make the tomato catsup or the tomato paste or the tomato juice. My principal trainer was a man who had at one time been Chief Chemist at St. Louis. His name was W. G. McCarthy. He was a kind and competent mold counter and I found him a very good teacher. During that period of time at St. Louis I first met Henry Welch. B. J. Howard had retired as the Chief of the Division of Microbiology or whatever the name of the unit was and Henry Welch was hired from one of the eastern state health departments--I

believe he came from the state of Connecticut. Welch visited Cincinnati not long after joining FDA because penicillin production had started in the Cincinnati station territory and Welch had persuaded the superiors in the Food and Drug Administration, who in turn had persuaded the military of the need for certification. The principal project at the Cincinnati station engaged in during the time I was there from June of '42 until I entered the navy in August of '44 was drug analysis for the military. We received many, many samples and the laboratory that I worked in with Iman Schurman and with Rupert Hyatt, the three of us spent nearly all of our time on drug analyses for the military. We became sort of the drug chemists there.

P. - Did you get the samples from all over the country there?

F. - No, those samples merely came from drug firms in the Cincinnati station territory. The Cincinnati station, you will remember, included Indianapolis where Eli Lilly was located, and it included many small firms around Indianapolis and some in Tennessee, like Chattanooga Medicine Company and S. E. Massengill and firms of that nature. And, they all had army contracts.

One other rather interesting project that we did some work on involved the deceptive packaging of gift boxes for servicemen. These were being sold in gift stores and department stores throughout the Cincinnati station territory. They were primarily packed, I believe,

in New York City and they were grossly deceptive. They were great big impressive looking boxes with a beautiful top layer, but when you got below the top layer there was either a cardboard shelf holding it up with space underneath it or something like easter egg grass.

P. - I remember it. I collected samples on that project myself in Denver.

F. - I returned to the Cincinnati station in June of 1946 from my tour in the Navy and was there until June of 1950.

That first summer a man named Fred Hillig from Washington, Heiny Lepper from Washington, Reo Duggan from New Orleans came to Cincinnati to work primarily with Sam Ahlmann who was at Cincinnati now having been at St. Louis when I first met him, to try out two new chemical indices of decomposition in cream and butter, again, this being a principal project of the Central District Director J. O. Clark. Hillig had developed a method for water insoluble acids in butter. The water insoluble acids were a result of decomposition of the fat molecule and there was an attempt to correlate the level of water insoluble acids with the tasting ability of Sam Ahlmann, who was by this time was considered the best cream taster in the country. Reo Duggan had developed a method for triptophane in butter and there was an attempt to correlate the triptophane findings in the butter with the taste testing of Sam Ahlmann. I can remember how unpleasant it was to work in Cincinnati laboratory during that summer.

There was no air conditioning. I was assigned a rather menial chore of running a pilot churn which was set up in a storeroom connecting into a safety shower, and I got so hot that I'd finally would strip to the waist, just as a worker would in a dairy plant. The pilot churn was about a 20 gallon churn. I also was allowed to determine the fat by the Babcock method in cream. But, I was not allowed to do any of the work on WIA with Hillig. I listened to him, and he in my eyes, was a very important man from Washington. The sequel of that is, about a year later it was decided that Hillig's method had merit, and since I had supposedly worked with Hillig I was selected as the field chemist to evaluate his method. There was great consternation when the method would not work in my hands! At first Hillig's view was that I was slightly inferior as a chemist and I kept repeating again and again, and I got a man named Halver VanDame, who at that time worked across from me, to do the same thing. He got the same results that I did. So it was decided to have Dr. W. B. White, Chief of Food Division, watch what Hillig did in Washington and then come to Cincinnati and watch what Sam Fine did. The interesting observation of Dr. White was that Hillig had a step in his method which he had not written into the procedures, and once Dr. White pointed that out, and that was given to Sam Fine the method then worked in his hands. The triptophane method of Reo Duggan was

evaluated by Halver VanDame and myself. The final conclusion was that there was no real correlation between triptophane and taste testing. The triptophane results were too erratic. But, WIA did become a very useful tool and was used in this ongoing campaign to clean up the sour cream that was used for making butter in the country.

Now, in the addition to the mold test and the WIA test, we actually did a filtration on butter. We dissolved it in a solvent and filtered it and got out filth elements. We also started developing some whole can testing methods that went beyond the cream gun. You remember the cream gun that you once used?

P. - Yes.

F. - I'll talk a little more about that later on because a man from industry actually perfected an even better whole can testing technique than Food and Drug had. That man's name was Shadwick. He was, I guess, Chief Chemist or a Quality Control Man for Beatrice Foods in Chicago.

P. - You know, I mentioned it to a number of people, and I don't think they ever used them in the Central District. But, in the Western District, on milk we were using the old Wisconsin sediment tester which looked like a little stainless steel cup with a framework in which the pad was put, and you stirred the can with a stirrer and then dipped this cup which held exactly a pint and then when you pulled this framework out of it, it had a gasket and you'd pull the framework out of it and it actually

forced all that milk through the pad and I don't think they used them to my knowledge--

F. - They were not used in the Central District.

P. - And then we switched to what you were using about a year after I came in.

F. - Right. Another big project at Cincinnati in the period June of '46 to June of 1950 involved filth in cornmeal. Kenneth Milstead was determined to clean up two industries in his territory. One was the cornmeal industry and another was the tomato products industry. Cornmeal was made by grinding corn as it had been ground since probably the colonial times. The corn became contaminated with rodent excreta pellets. There were no good techniques for separating the rodent excreta pellets from the shelled corn because they had about the same size and the same weight. So in the event you ground corn and pellets together, in the laboratory we had a technique for getting rodent excreta pellet fragments. As you know, rats lick themselves and the hairs pass through the GI track into the excrement and that's the way you identified the rodent excreta pellets. While Milstead was at Cincinnati, he had so many cases develop that he could not handle all of them even though he had Stone who was the Chief Chemist hold some hearings and write some of the S&R's (Summaries and Recommendations) and he had George Sooy who was the Chief Inspector hold some of the hearings and write some of the S&R's. So he

conceived the idea of having another employee added to his staff called a Food and Drug Officer. The first field Food and Drug Officer appointed was Kenneth R. Lennington. Until he was given that job he had been a resident inspector, I believe, at Cleveland which was a part of the Cincinnati station territory. Lennington in turn could not handle all the workload so Milstead for training purposes started having Sidney Weissenberg who was an inspector start holding hearings and he also had me start holding hearings. This was very good training as far as I was concerned. It started me on leaving the lab and doing administrative work. Lennington was eventually transferred from Cincinnati to Minneapolis as Chief Inspector and for a period of some months I moved into his office and moved out of the laboratory and did only Food and Drug Officer type work. On the corn-meal prosecutions, I can remember we prosecuted one small firm in Kentucky twice and were getting ready to do it the third time when the man became so disturbed that he committed suicide rather than face a third prosecution by the Food and Drug Administration.

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Some few years later, one of the major firms, I believe, Quaker Oats developed a technique which enabled them to actually wash the corn and get the rodent pellets out. So that helped clean up that particular industry.

On the tomato products industry, Cincinnati worked very closely with the state of Indiana where many of the

plants were located in southern Indiana. Indiana was fortunate in that the Director of the State Food and Drug activities there was a man named Tim Sullivan. Tim was an outstanding individual who even persuaded the University of Indiana to institute a course to specifically train inspectors for the state Food and Drug operation. I became interested in the use photomicrography in the filth work after Milstead sent me to Washington on a one month tour where I worked primarily with Bill Eisenberg and Kenton Harris and Milstead was able to get funds from J. O. Clark to enable me to set up a very elaborate photomicrographic laboratory at Cincinnati. I had the best Bousch & Lamb photomicrographic setup that Harris and Eisenberg could recommend to me. We took many photomicrographs and macro photographs of filth elements which we used in our filth cases. In many instances it was not necessary for the U.S. attorney to go all the way into trial. He would receive the photographs along with something Milstead had devised called an "outline of case". And he would show the photographs to the defense attorney and the defense attorney would sort of throw up his hands in horror and say, I'll plead my client!

During this period of time, Cincinnati did receive a Beckman DU spectrophotometer. This goes back to my earlier comments. At this time, Jonas Carol was a

file

chemist at Chicago station and he was doing a good bit of work, and he persuaded J. O. Clark to buy a Beckman DU. Carol wrote two or three papers that appeared in the Journal of the AOAC and I talked to Milstead and told him about my earlier experience at St. Louis before I'd gone into the Navy. We got the second one in the Central District at Cincinnati and it was assigned to me. I had many uses for that instrument in drug analysis that we were doing. Cincinnati, again because of concentration of drug firms around Indianapolis and around Chattanooga, had a big drug project, and I was primarily a drug chemist at this time. One of the interesting cases that we had involved a small firm near Indianapolis, C. D. Kendall Company, who made a mistake in making procaine hydrochloride injectible. What they were doing was making this in normal saline solution, but instead of making the normal saline solution in the conventional way from sodium chloride they made it by reacting sodium bicarbonate with hydrochloric acid for some reason. Procaine hydrochloride, a plant employee made a mistake and added hydrochloric acid twice so they ended up with an injectible which was used primarily by dentists that had a pH of less than 1--very acid. So when this was injected by the dentist, instead of pain relief, it caused pain and necrotic ulcers at the site of injection. The firm found out about this and attempted a recall without telling Food and Drug

Administration. Some M.D.'s used the product in addition to dentists. The Food and Drug Administration was advised about it by the American Medical Association at Chicago after doctors started writing Chicago headquarters of AMA, and I happened to be the chemist who was assigned to the analysis of this. I ultimately found out that not only did the product have a high acidity, low pH, but that in autoclaving with the high acidity the procaine molecule was hydrolyzed in part and broken into its constituent parts, and thus you no longer had a pain killer. But, by the old conventional method of analysis you could not detect this. Using a technique that I had read in the Journal of AOAC, of Carol's, I applied that technique to the procaine hydrochloride injectible and was able to show decomposition, and I wrote a contributed paper for the Journal of the AOAC.

While I was in Washington in 1948 on a one month training tour, a major reorganization of the Food and Drug Administration was announced. The old three district setup was done away with. Instead of that the stations became districts. The Cincinnati station became a district. J. O. Clark, Chief of the Central District, was transferred to Washington to head something that I believe was called Program Planning and Evaluation, some similar title. J. L. Harvey was transferred from the West Coast to Washington to head something that was originally called

the Division of Litigation and later became the Division of Regulatory Management. Bill Wharton who was Chief of the Eastern District chose to retire. Rayfield, who had been sort of his principal deputy, was transferred into Washington; and Rayfield became responsible for the field force.

P. - You know, somebody I talked to told me that actually Wharton's retirement triggered the thing. It had been in the wind and when he decided to retire they thought that would be the obvious time to do it because we were eliminating the jobs of those district directors.

F. - I'd never heard of that. All I knew, you know, was the announcement that was made while we were in Washington. We were there and a great meeting was held in that big auditorium of the HEW building and all of the people got to make little statements. I remember Wharton made a statement and J. O. Clark made a statement and Harvey made a statement and Alan Rayfield made a statement. I was much impressed.

P. - Yes. Well, somebody I've interviewed in the course of this project had told me that, and it was the first I'd ever heard of it.

F. - During this period of time at Cincinnati a major project dealt with the illegal sales of prescription drugs. There was a young woman married in Cincinnati who had become addicted during World War II to barbiturates. Her original prescription was probably for either 12 or 24

Seconals, but she kept getting refills and the store where she was getting the refills was Tishbinds which was the leading ethical pharmacy in Cincinnati. The young woman's mother became so concerned about it that she wrote Harry Anslinger who was then Commissioner of Narcotics. Anslinger wrote her back and said he was sorry the Bureau of Narcotics had no control over illegal sales of barbiturates. So the mother then wrote Harry Truman who was the President. The President's office directed the Food and Drug Administration to investigate this case. The young woman's husband was the War Assets Administrator for that part of the United States and he and his wife had traveled extensively and she obviously had many sources of drugs other than Tishbinds. But, this was sort of the triggering incident that caused the Food and Drug Administration at Cincinnati to launch an all out investigation. We ended up we had twenty drug stores in Cincinnati that each had at least one addict that they were maintaining either by illegally refilling or by selling directly over-the-counter. We did the close out on all twenty stores on the same day. Again, this was such a big operation that we had to use chemists as well as inspectors to do it, because we just didn't have a big enough inspection force. I was one of the chemists that was assigned to work with inspectors. We would put two people to a store to do

this. At the time this attracted a great deal of attention and caused the state of Ohio to enact a rather strict law for those days on the sale of barbiturates. It was one of the triggering incidents that lead eventually to the Durham-Humphrey Amendment which came along two or three years later.

Another program that was launched at that time was an investigational program on filth in wheat. Food and Drug Administration had started working on filth in bakery products not long after the enactment of the '38 law and had done a lot of work on bakeries, and had forced some major clean ups but we still found filth. So, we went back beyond the bakeries to the flour mills and did a lot of work on the flour mills and forced some major changes there, but we still found filth and we concluded that the problem was in the wheat itself and not just in the flour mill. So with the cooperation of the National Grain and Feed Dealers Association and the Department of Interior the Food and Drug Administration started a data gathering program, and investigational program, on wheat that was to last some time. We'll hear more about that in my next tour. We also were doing a good bit of work on health food spielers at this time and we were using recording devices. I can remember one incident--the principal inspector who was doing most of this work at Cincinnati was Sidney Weissenberg. I remember that he had planted a microphone in a lecture

hall where Adolphus Hohensee was giving a health food lecture, and Hohensee found the microphone, traced it down to the recording instrument, found Weissenberg and he kicked Weissenberg. This was a very interesting development.

P. - Weissenberg deserved being kicked just in general anyway about once a day!

F. - In June of 1950 I was transferred from Cincinnati to Denver to serve as the Chief Chemist there. At this time Paul Dunbar was the Commissioner of Food and Drugs. He had followed Campbell who had retired possibly while I was in the Navy--sometime in the period late 1944, early 1945--but I'm not sure of the date. I soon found at Denver that I was a combination Chief Chemist and Food and Drug Officer. Early on Wendell Vincent was holding a hearing where the attorney for the people in the course of the hearing was Ben Stapleton, Jr. I knew who Ben Stapleton, Jr. was. I'll talk about that in just a minute. We'd gotten into the hearing about 10 minutes, and I thought what if Mr. Vincent asks me to dictate the summary of the hearing. I'd better take notes. So I took notes, and sure enough Mr. Vincent asked me to dictate the summary.

Ben Stapleton, Jr. had a famous reputation by this time because he had been the attorney on behalf of the Imitation Food Company of Denver that had defeated the Food and Drug Administration in the imitation jam case. Ben Stapleton, Jr. had made it possible and the case

went all the way to the Supreme Court---that a standardized fruit jam could legally be imitated the way the law was written. One of the humorous things some years later when I was dealing with Stapleton on some other issue, he was talking about establishing a standard for imitation jam because his client was suffering economically when a competitor was making an imitation of the imitation.

P. - You know, I can add to that because I was involved with that. The Pure Food Manufacturing Company and they really made a good product.

F. - They had about 25 parts fruit to 55 parts of sugar.

P. - Good flavor and good--and I thought a good quality. It didn't meet the standard, of course, but it was good quality.

F. - At that time the Food and Drug Administration had jurisdiction over the poultry plants. There was a big industry in Colorado and in Utah on New York dressed, chickens and turkeys. Do you remember the New York dressed chickens and turkeys?

P. - Yes.

F. - Do we need to say what a New York dressed bird is for the record?

P. - Go ahead, if you'd like.

F. - A New York dressed bird is one where the feathers have been removed, the bird has not been gutted. I can remember that Eugene Spivak who was an inspector at Denver and a very good amateur photographer took some beautiful 35 mm color slides of a poultry plant in, I believe,

Colorado, showing extensive rodent damage to the New York dressed birds in a cooler in a plant. Frank Clark was the Chief Inspector and the two of us were very interested in photography. We had a dark room in Denver and we set up and we made 8x10 color enlargements to use in a case against that poultry manufacturer. The dark room was located right behind Mr. Vincent's office. In fact, there was a door that was permanently locked between the two. Mr. Vincent got very concerned when he found both his chief chemist and chief inspector locked in a dark room for all of one day making color prints!

One of the most traumatic experiences that I had while at Denver was dealing with Mr. Vincent. Mr. Vincent had been a great man in his early days in the Food and Drug Administration. He had been very innovative, he had many friends, I think he had become a station chief at Seattle when he was quite young, later he had become the chief of the old western district.

P. - He came in in 1926 and by 1931 he was Chief of Western District.

F. - Right. He had a charming personality. Unfortunately, Mr. Vincent liked to gamble on horses and he also, by the time I knew him, drank too much. Frank Clark was transferred from Denver about a year after I got there, and I suddenly found that not only was I the Chief Chemist and Chief Inspector but most of the time I was the District

Chief, too, because Mr. Vincent would go to lunch. He would say, "I'm going down to the Oxford and have lunch with some friends." Mr. Vincent would get back late in the afternoon and he would not be able to sign his name because of drink, in many cases. I got to where I could sign his name better than he could sign his name. Shortly thereafter, charges were brought by someone, and I don't know the details, that Mr. Vincent had accepted money from industry to adjudicate a seizure. Winton Rankin came from Washington to investigate these charges. I suffered through a period of about, I believe, four months when Mr. Vincent was sure that I had caused the investigation until Mr. Vincent decided to retire. Mr. Vincent carried on a public feud in the newspapers with Roy Clere, who was the Director of Colorado Health Department, and made headlines in the Denver Post. I was in Mr. Vincent's office one day when Dr. Dunbar phoned him. I heard Mr. Vincent's end of the conversation. It went something like this: Now, Paul, you know that is not true. Now, Paul, you know I didn't say that. Now, Paul, you know how these newspapers are. Mr. Vincent did retire and was replaced by Ralph Horst.

About this time, or shortly thereafter, the Federal Security Agency became Department of Health, Education and Welfare, and the first Secretary was Orveta Culp Hobby. The wheat investigational program was winding down and the time had come to start a regulatory program. So the Food and Drug Administration announced the regulatory program,

and as soon as this happened, the regulatory program was attacked by the industry and by the farmers generally. Mrs. Hobby and the Secretary of Agriculture, Ezra Taft Benson agreed that there would be a study before the regulatory program was actually put into effect. So, the wheat program was delayed while that study went on. Spivak was an inspector at Denver who was the expert in flour milling and in country elevators and things of this sort. He was much depressed by the delay caused by this. Not long after the Republican administration under Eisenhower came into being, FDA had its first RIF (reduction in force). We were Taborized.

P. - I remember.

F. - Should I talk about what caused that?

P. - I don't have any record of that yet. I'd appreciate it.

F. - A man named Tabor was chairman of a subcommittee in the House of Representatives which dealt with the appropriation of money for the Food and Drug Administration. Tabor had as one constituent a firm in New York which came up with a process to make little beets out of big beets. Little beets would get a better price than big beets. Unfortunately, if you take big tough beets and cut them down to little beets, they're still tough. The Food and Drug Administration had a dim view of this and took legal action. Mr. Tabor thought this was a waste of money so the Food and Drug Administration was Taborized.

Food and Drug had grown slowly over the years until the time Mr. Tabor got literally control of the purse strings. We had a staff of about 1,100 people. By the time Mr. Tabor got through with us in successive years, we were down to about 830 people. The principal effect it had on my laboratory was that I had two helpers, a black woman and a black man, and I had to let the black woman go because she had the least seniority. The black man was a veteran and the black woman tried to commit suicide one day in the lab, her name was Rhoda Whitehead. It was a very sad day.

P. - Rhoda is still alive, Eloise still sees her on occasion.

F. - Is that right.

As a result of the Tabor activities, the Commissioner-- and I don't know whether it was Crawford or Larrick. Crawford had to retire because of health problems not long after he became Commissioner, and it may have been Larrick--conceived the idea of the first Citizens Advisory Committee to study the Food and Drug Administration to try and combat the tendency in the Congress to constantly cut us back. That first Citizens Advisory Committee made its report in 1955. On the committee happened to be the Dean of College of Pharmacy of the University of Colorado. I met him and dealt with him, made speeches to some of his classes, but I can't remember his name now.

P. - It wasn't Harold Heim, because--

F. - No. Harold Heim was in the Department at that time, but he was not the Dean. Harold Heim had been an employee of the Food and Drug Administration, left and got his Ph.D., and then came back and then went into academia.

The report of that first Citizens Advisory Committee was very heartening to the Food and Drug Administration. Their recommendation was the Food and Drug Administration was very important to the health and welfare of the American consumer, and that we should not be starved to death as Congress was doing to us, that we should be encouraged and should be given funds and should be increased in size some 5 to 10 times the size that we were at that time. Then Congress starting implementing those recommendations. We were vigorously enforcing the Durham Humphrey Amendment to the Food, Drug and Cosmetic Act during those years at Denver. One of the most interesting cases involved Dr. Thomas Guy Brown of Dumas, Texas. Dr. Brown sold over the counter large quantities of both amphetamines and barbiturates without a proper doctor/patient relationship. The two inspectors who made the case for the Food and Drug Administration were Eugene Spivak and Bob Keating. We'd had a complaint that Dr. Brown had hooked the radio announcer at Dumas and he had the man hooked on both amphetamines and barbiturates, both uppers and downers. Also that he had

some people who were almost slave laborers on his ranch outside of town. Serving as Food and Drug Officer, I mailed a notice of hearing. Brown answered it only by mail. He didn't come in for a hearing. We exchanged a little correspondence. I recommended prosecution; prosecution was approved. Brown fought the case all the way to the Supreme Court. By this time Brown got a competent attorney and his defense was that he had a proper doctor/patient relationship, and our case was that there was no such relationship. We won the case. Eventually Brown had to serve a short penitentiary sentence and was fined what was in those days a rather substantial fine.

Another interesting case during that time involved imitation grape jelly made by the famous Pure Food Manufacturing Company of Denver. Do you remember that case?

P. - I remember it well. In fact, probably you and I are on different sides of that case. John L. Harvey issued the assignment to get samples and I was resident in Albuquerque. I had previously inspected this plant a time or two and I felt--I made a little policy--I just didn't ever get around to doing that assignment. I got in trouble. Frank Clark went down personally and collected the samples in Santa Fe, which was what the case was based on. (Note, this comment by Porter related to an earlier case and not the one being discussed by Fine.)

F. - Is that right.

Well, let's talk a little bit about the case because from a laboratory standpoint it was very interesting, and it represents an error on my part as Chief Chemist and on my chemist's part too, which we ultimately corrected. What happened, we received a report from I guess the State of Idaho that students at a junior college at Nampa, Idaho, I believe, were rendered ill after eating a meal, and the state epidemiologist finally narrowed it down that it had to be this imitation jelly manufactured in Denver. It came in and we started doing all the tests we could think of, and we couldn't really find anything wrong with it by the tests we were making. I remember Bob Keating came into the lab. Bob Keating was sort of a character. Bob Keating said, "There's nothing wrong with that stuff. That epidemiologist has made a mistake." He took a tablespoon and dipped up and he ingested a tablespoon, and I watched him get sick.

P. - Is that right.

F. - So I knew there was something wrong with it! We got sort of frantic trying to find out what it was. We didn't have the best laboratory instrumentation in those days, but there was a very elaborate laboratory either at Geological Survey or part of the Bureau of Reclamation out at the Federal Center there at Denver, and I'm not sure which laboratory we used. They both had laboratories there including a mass spectrophotometer. So I con-

ceived the idea of going out there and trying to get them to do a mass spectrophotometric analysis, and they readily agreed. Their chemist made a mistake. We did not fix the ash so we lost one vital element. We did pick up, however, that there was an enormous amount of magnesium and silicon in the ash from this material. And that didn't make sense to us. I talked to one of the chemists in Washington--it may have been Les Ramsey--and he said have you checked for fluorine. Once I did check for fluorine we then had an abnormal amount of magnesium, an abnormal amount of silicon and an abnormal amount of fluorine. One of the inspectors who was working on the case was Einar Wulfsberg. Einar was a very good chemist. Einar came up with the formula for the product after he and I had looked at the amounts and decided that the compound had to be magnesium silico fluoride. Then came the question of how magnesium silico fluoride got in this imitation jelly. He found that the magnesium silico fluoride is used industrially as a concrete hardener. We found that the firm routinely bought salvaged sugar. Salvaged sugar is sugar where the multiwall paper bags have been broken by a forklift in a warehouse or maybe in a truck and it's rebagged. It's rebagged in paper bags unlabeled, unfortunately. Sugar is white, magnesium silico fluoride is white. The crystal size is roughly the same. He found that the jelly manufacturer had had some concrete work done on the floors. We found

the contractor, and the contractor had remembered delivering to the site a bag of magnesium silico fluoride and it was unlabeled. He remembered he'd only used half of it and he didn't know what happened to the other half. Well, circumstantial evidence was very strong that it just went into the jelly. I think that the calculation that we did--that jelly had calculated as elemental fluorine 1700 parts per million of fluorine and it was fortunate that it wouldn't kill you. There was so much it served as a violent emetic. As soon as you ate it, you vomited. And that's what saved people from really getting hurt seriously. I guess I was sort of gleeful in dealing with Ben Stapleton, Jr. on this one because I held the hearing and he came in and he in essence said "you got me" and I said "you bet I got you." And he plead his client and they got a fine on that case. I did get some satisfaction out of that.

One of the interesting stories of this period involves a visit of Bradshaw Mintner made to the Denver District. Mintner was an assistant secretary of health under Oveta Culp Hobby. He had been the general counselor, I believe, for Pillsbury. The story I heard was that Mintner had been one of the people who had gone to Europe and had persuaded Eisenhower to run for the Presidency on the Republican ticket. Mintner told the story about FDA--how little it was really known

to the layman at that time. He said I believe you can go out on any American street corner and ask the first twelve people that you meet what is the FBI and any one of them will give you a pretty coherent answer. Ask the same twelve people what is the FDA and you get a blank stare from nearly all of them; as you and I know, that situation has changed.

I also remember during that period of time a statement that I saw in one of the trade press publications that FDA was one of the lily whites of government; that no scandal had been connected with FDA. This was on the national level. During that period of time the 50th anniversary celebration of the passage of the 1906 act was held, and I was fortunate enough to be chosen to go to Washington from Denver to observe really some of the events. I can remember speeches being made. I remember that Jim Doughty was the President of the Association of Food and Drug Officials of the United States and he presided at some of the meetings. I remember that Harvey W. Wiley's widow was still alive and she was present. She actually made some statements at some of the banquets that I attended. It was very interesting to hear--

P. - That was the year they struck that Wiley medal, didn't they?

F. - Yes.

It was during that period of time following the first Citizens Advisory Committee report that FDA started growth. We started recruiting quite actively. The Chief Inspector at Denver, Arnold Morton, and myself did much of the recruiting ourselves. We went to places like the University of Colorado and set up interview schedules just as industry was doing, and we interviewed people and we started hiring people for the Food and Drug Administration--both chemists and inspectors.

Just toward the end of my stay at Denver the first scandal of national scope broke. This involved Henry Welch. As I recall, Henry Welch was rather curt with a reporter named John Lear from the Saturday Review--and again I'm not exactly sure about the name of John Lear or the magazine, but that's my recollection of it. Out of that came an investigation that Henry Welch had used his position to accumulate a lot of money that he should not have. He had teamed up with a doctor who had a Spanish surname (I can't remember his name) in publication of a journal that dealt specifically with antibiotics where there was much advertising by the producers of these antibiotics and I remember hearing that Welch had made as much as \$200,000 extra because of this and he had not told George Larrick what he was doing.

P. - Harvey Young and I were talking about that yesterday,

and he, because one of Harvey's students is doing a paper at this meeting in Kansas City today on that Welch episode. He said that Welch merely told Larrick that he was getting an honorarium

F. - That's correct. That's my recollection.

P. - And, Larrick assumed that an honorarium is an--

F. - An honorarium.

P. - Yes, it usually isn't very much money involved, and actually according to Harvey Young it was about \$250,000 he'd made.

F. - Right.

In February of 1957 I was transferred from Denver to Kansas City to become the District Chief at Kansas City. Not long after I was there one of the things that all of the District Chiefs underwent was a grilling by a three man team about our holdings. This was a follow on to the Henry Welch affair. It was done in a most unusual fashion. I had to return to Denver where I was interviewed not at the Denver office but in sort of an abandoned garage across the street from the office by this three man team--one was an FBI agent, one was, I think, a dean of a law school (Notre Dame), and I've forgotten who the third one was. They asked me all sorts of questions about my holdings and I had no holdings, of course. But, this was my first taste of what the Welch affair was beginning to mean to the Food and Drug Administration.

The wheat program that had started back in the late '40's came to fruition right after I got to Kansas City. I looked at the various projects and programs in my territory and I concluded that Kansas City's biggest problem dealt with wheat. We had the heaviest concentration of grain elevators, terminal elevators and country elevators that you'd find any place in America because the territory at that time included Oklahoma, Kansas, Nebraska and northwestern Missouri. I invited myself to make speeches to the Grain and Feed Dealers Associations of the various states. They all had annual meetings, and in no uncertain terms I told them that Food and Drug Administration was going to clean up the wheat industry. I was about as popular as the plague as the result of this. I can remember a meeting in Omaha where there were 800 farmers and elevator operators there and I underwent the most hostile questioning I'd ever undergone before or since in my career from those people. But, I implemented the program. I can remember making a seizure of one car of wheat in Kansas City, and I can't think of the man's name right now of a man who had been chairman of the Grain Sanitation Committee of the National Grain and Feed Dealers Association. He had worked closely with George Larrick during the investigational phases of the program. This man got me out of bed one night at about one o'clock in the morning and

I found he got Larrick out of bed at two o'clock in the morning in Washington to talk about that seizure. He didn't want it to take place. Joe Greg was his name. The seizure took place. Neither Larrick nor I would back down. I got the first injunction against a country elevator in the country. This was against a small elevator in eastern Kansas. I got the first massive seizures and the first prosecution against a small country elevator in southeastern Nebraska. All of this created a great deal of interest in the grain industry. They decided that Food and Drug Administration did mean business on this.

About a year after that one of our inspectors inspected one of Joe Greg's grain elevators in southwestern Nebraska, and it was really an atrocious old elevator of the old wood frame metal clad--just impossible to maintain sanitation in. I read the report, and the inspector had taken some beautiful photographs and I phoned Greg. I said, "Joe, how would it look if I enjoined the chairman of the Grain Sanitation Committee of the National Grain and Feed Dealers Association for operating a filthy elevator," and I named the town in Nebraska. Greg said I'll come see you. He came over to see me and I showed him the photographs. He looked at me and said, "I will bulldoze it into the ground if you will not enjoin me." So we made a deal. He bulldozed it into the ground.

P. - The whole elevator?

F. - The whole elevator! He bulldozed it into the ground.

The next program I gave a great deal of attention to while I was at Kansas City involved federal/state relations. I found that I had one of the leading, if not the leading, state Food and Drug law official in the nation to deal with. His name was Evan Wright of Kansas. Evin was a very forthright, hard-hitting, state law enforcement official. We became good friends and allies, but he and his boss, the director of health department in Kansas, very frequently were severe critics of Food and Drug Administration because both of them felt we did not go far enough in dealing with certain abuses. I would counter that we had limited resources and we had to decide what was more important to do with our limited resources. To my way of thinking, they frequently were more interested in what I considered minor misbrandings than in more significant health problems. We did work closely together and became close friends.

One of the programs of interest during that time involved penicillin contamination of milk and dairy products. Penicillin was used by dairy farmers to control mastitis in cattle. There was a carryover and farmers or dairy makers first noticed they had a problem when their cheese wouldn't set because of the excessive amounts of penicillin. We enlisted the cooperation of

both state and local officials and did receive excellent cooperation from them in dumping milk that had excessive levels of penicillin. I made many speeches about this to the dairy associations in all four states. I can remember doing this again and again.

One of the interesting cases involved the third prosecution of a health food store operator named Lloyd Shanklin. Shanklin believed in the merits of Alovera. He had been twice prosecuted by Sam Alfend, who was my predecessor at the Kansas City District. At Kansas City the Republican appointee of the Eisenhower administration U. S. Attorney office was right above my office. This man was personally very interested in cases of the Food and Drug Administration, and he had several young assistants who were very interested and very cooperative. I can remember that we found that Shanklin after he had been in the federal penitentiary started right back again in extoling the merits of Alovera for cancer and other serious ailments. We again used a secret recording device, where in this case the microphone was a tie clip. We recorded his spiel. I took a tape recorder up to the U.S. Attorney's office and I played the tape. I said what are we going to do with Shanklin. Shanklin called himself a doctor. I said what are we going to do with Dr. Shanklin? He said I've got a grand jury sitting now. Let's indict him. I said I'd have to get permission from Washington to do

this. I thought about it and decided the way to do it was to use a little reverse psychology on Gilbert Goldhammer who was at this time the Head of the Division of Regulatory Management in Washington. I phoned Goldhammer and I said, "Gil, you wouldn't let me go before a grand jury today to indict Lloyd Shanklin for a health speil would you?" And that was all I needed. Gil said why not? So with the U. S. Attorney, not an assistant, I went before a sitting grand jury that same day and we got an indictment against Shanklin.

Then came a curious chain of events. His attorney was a young ex-marine who was real gung ho and the U.S. Attorney, Ed Shorfler, and myself conceived the idea that what we should try to do was, that Shanklin was probably a rather disturbed personality, we should try to get him committed to the federal institution at Springfield, Missouri for continued observation just to keep him from going again to this. But, his attorney was so clever that he proved that his client did not need to be committed there for observation, but should stand trial. He stood trial and this time he got a two year penitentiary sentence at Leavenworth, Kansas, which was the much more severe penalty, I believe.

During my stay at Kansas City, I reached the conclusion based on work we did on cream and butter that the long campaign that had been started by J. O. Clark back in the mid '30's had come to an end. We had cleaned

up the butter industry. It had been done at great expense to the small dairy plants of the country. Most of them were out of business by this time. The whole can filtering technique which had been devised by Shadwick of Beatrice Foods had paid off. We'd utilized WIA and so the little firms after a few more were prosecuted, they just stopped churning butter from sour cream, by and large. The dairy industry in Kansas and in Oklahoma, which were the two big dairy states in the Kansas City District territory, pretty much became concentrated in the hands of a very few firms. That campaign paid off.

One episode which created quite a headache for me involved the use of 24D in wheat. The last spring when I was at Kansas City (1960), there were unusual climatic conditions which resulted in heavy weed infestation in wheat fields of Kansas. Many of the farmers resorted to massive spraying with 24D to knock down the weeds so the wheat could be combined easier and there would not be contamination of wheat with weed seeds. After talking with Frank Clark in Washington who had talked with Deputy Commissioner John L. Harvey about this, I made certain statements to the press and to county agents that immediately got me in hot water in the halls of Congress. I was accused of disrupting the wheat economy of the nation because of this. It was sort of a traumatic experience. I knew I was being transferred

to Dallas to open a new district there, and I finally decided it was a good thing I was being transferred to Dallas because my name was personam non grata by this time to the wheat industry of Kansas. When you consider my earlier activities involving filth in wheat and now this incident on 24D in wheat.

I got to Dallas officially in August of 1960. The district building was a hole in the ground with foundations for the first floor. I did not have a staff other than Eugene Spivak who was the resident inspector from New Orleans stationed in Dallas. So I had the interesting experience of--since I had very little to do other than receive supplies and inspect some of the supplies coming into the new building--of making inspections with Eugene Spivak.

P. - You became a resident inspector for a while, didn't you?

F. - Yes. One of the most interesting inspections that we did involved the Morrison Milling Company of Denton, Texas. I knew about the Morrison Milling Company of Denton, Texas. I knew that back in the late '40's that the senior Morrison had been one of the leaders seeking an amendment to the Food, Drug and Cosmetic Act to prevent the Food and Drug Administration from taking action against flour millers for filth violations. Spivak told me that because of Morrison's activities

Mr. Boudreaux who was the Chief at New Orleans had become so frightened of Mr. Morrison that no inspection of Morrison Milling Company had been made since the '40's and here it was the fall of 1960. I said, "Why not! Let's inspect!" So Spivak and I went to inspect. We found the senior Morrison was not there. He was away at some sort of a flour millers convention and we met his son who was a man about my age. Spivak and I had on white coveralls, the traditional garb for inspection of a flour mill. We crawled all over the elevator and we found some insect contamination in some of the elevator boots and we found a little rodent evidence. Then we had a very unusual experience. Morrison, Jr. wanted to be sure that everything was reported to his father precisely as we said it. So in essence we held a hearing in his office with a tape recorder. As you know, at the end of an inspection you're suppose to give a report of your observations. Well, Morrison, Jr. would not just accept a report--we had to talk about the report. Spivak and I sat there with the tape recorder running and we held a hearing sort of in reverse, if you will, on what was wrong. We did not develop any sort of a legal action against the Morrison Milling Company, but I think it had a very salutary effect on the firm because they promptly corrected those conditions. I didn't go back again--Spivak did. All of the conditions had been corrected.

One of my crosses to bear when I got to Dallas was Joe Lakey of Texas. Lakey was regarded as one of the leading state Food and Drug officials of the United States. By this time Evan Wright had given up for the present being the secretary of the Association of Food and Drug Officials of the United States and Lakey had the job. Lakey was, like many Texans, suspicious of the big federal government. As the Dallas district with Jim Anderson as Chief Inspector and Sam Fine as the District Director started taking legal actions in Texas, Lakey became more and more antagonistic. He disliked that. He thought it reflected upon him. He started making comments to Jim Pearson of the Division of Federal/State Relations in Washington about what a poor job Sam Fine was doing in Texas. About that time Hurricane Carla hit the Texas coast and Rayfield in Washington issued a statement to the press that created great problems for me. He said that the Food and Drug Administration was moving 45 people into Texas to direct the clean up, and this was just the wrong thing to say as far as Mr. Lakey was concerned. Soothing Lakey's ruffled feathers took some years as far as I was concerned after that. Ultimately Lakey died of cancer and his successors I got along with much better.

One of the mistakes as far as I was concerned, the Larrick administration decided there should be a separate Citizens Advisory Committee to look at the operation of

the Food and Drug Administration. Because of Lakey's position as secretary of the Association of Food and Drug Officials of the United States, he was put on that committee. As soon as I found it out, I phoned Pearson and said you made a mistake. You've got one of the people who dislikes us on the committee. But, the damage was done and we had to live with it. I don't know whether you remember or not, but one of the major recommendations of that committee--and I think Lakey had a great deal of influence on that recommendation--was that Food and Drug Administration should do far less prosecuting and far more educating. That to me was one of the major recommendations of that second Citizens Advisory Committee. Much emphasis on education; far less on the policeman's role. Do you recall that?

P. - Yes, I do. Of course, that's what happened.

F. - Right. It was not too long after that the General came in--General Delmore.

P. - Right. I had an experience with Joe Lakey when I was an inspector and we had west Texas out of Denver. There was a--remember the Analbis investigation. It was a suppository used for infants, I believe. I had the job of going down to the doctor level in all of west Texas on an emergency basis at that time. I had a friend, a fellow I worked with, who worked for Joe Lakey, one of the state inspectors in Lubbock, and I contacted him so he and I could divide up the territory

and we could get around a lot quicker. He said he was already to do it, but he had to call Joe Lakey. Joe Lakey told him that he could do that which would just fit into his ordinary, all ready set up itinerary--period. And I was very unhappy because I was working day and night, you know.

F. - Right.

One of the things that shocked me when I got to Dallas was the attitude of the judges in northern judicial district of Texas. Two examples. The senior judge was Joe B. Estes who had been appointed by Eisenhower. Estes disliked seizures for misbranding. I finally found out what part of the problem was. A seizure had been made of one of the vibrating mattresses for false and misleading claims. You remember the vibrating mattresses?

P. - Yes.

F. - And Estes' wife was the owner of one of those mattresses. Estes would never talk with me personally. I tried to talk to him, I tried to get an appointment, I tried through Jim Bond who was the Regional Director of HEW to get an appointment with him to talk with him, but he refused to see me. He told the U.S. Attorney then, "You tell him (meaning Sam Fine) there will be no seizures for misbranding in the northern judicial district of Texas." By working with the U.S. Attorney and assistants we would get around it by never presenting a case to him

that involved misbranding if I could convince the assistant who was handling the case. The assistant would either give it to Sara Hughes who liked the Food and Drug Administration, who was very supportive of us, or to T. Whitfield Davidson who was so senile that he would sign anything that was put in front of him.

I had my first dealings with T. Whitfield Davidson who I'd heard much about in the fall of 1960. The New Orleans district had been attempting for some three years to get an injunction against a pest control operator in Fort Worth for the misuse of the poisonous rodenticide 1080. They had just not been very successful because the firm headed by a man named Harlan Baker had employed a very prestigious Fort Worth attorney named Young to represent them. I can remember going to Fort Worth on a Saturday to hear arguments on some phase of the case. It was supposed to be argued Saturday morning, but there was some sort of a United States Department of Agriculture milk pricing case ahead of it, and I can remember that Davidson who was quite deaf was wired directly to his ear from a microphone at the lecturn or podium where the attorneys would stand and he would keep shouting to the attorneys to speak up young man, I can't hear you. That went on all morning and he heard that case and he finished with it and disposed of it and then he adjourned and our case was to be the first case starting at 2:00 on Saturday afternoon

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where he was going to hear our case. When it came time, he had forgotten that he had disposed of the morning case and it took our assistant quite a few minutes to convince T. Whitfield Davidson that he had disposed of the case in the morning and now he had to move onto the case involving 1080. And it was very evident, once he was convinced, Davidson had this complete bias against the Food and Drug Administration and against the federal government in general. Sometime later I learned why Davidson had such a dim view of the Food and Drug Administration. He told the story again at the time the new Democratic U.S. Attorney Barefoot Sanders was sworn in and Sanders phoned me about it. During World War II OPA, the Office of Price Administration, brought a case before Davidson involving price fixing on a bakery product. And Davidson heard the case, was not impressed, he did find for the government and imposed a fine of \$1.00. The OPA attorneys from Washington insisted on meeting with him in his chambers to argue the size of the fine. Davidson got so angry that he all but bodily threw them out and because it was a food product he concluded that they were from the Food and Drug Administration. When he swore in Barefoot Sanders he told that story about the Food and Drug Administration and their bread case back in the early '40's. That's what was wrong with the Food and Drug Administration.

P. - Do you know, or do you recall--he held at one time that on a net weight case that we had not established the net weight because we had never weighed the product without the wrapping. He would not accept a mathematical calculation where you subtracted the weight of the wrapping from the gross weight and that that was the net weight. And for when--when I used to do net weight work I weighed alot of bread by unwrapping the bread and carefully stacking every piece of bread and every crumb on a balance in order to make a true net weight and that was because of the Davidson ruling.

F. - I didn't know that.

P. - We also lost some OTC cases.

F. - I knew about that. Who was the inspector?

P. - Herb Ayres - and Davidson said things to him from the bench that caused John L. Harvey first to write Herb and say we know this isn't true and we're not condemning you but there's no point in having you in that district to have to come up before that judge any more and so they transferred him.

F. - Yes. I remember talking to Joe Arnet who was Secretary of the State Board of Pharmacy about that case where Ayres was involved. It was, I think, in Big Spring and the pharmacist was a man named Collins and as a result of Davidson's actions there Collins just sort of ran wild in Big Spring. Because, he'd gotten away with it. I heard about this when I got to Denver that

fall and I found that--I mean when I got to Dallas--I found that Denver had a new case working against Collins but Ralph Horst, knowing his history, was afraid to go forward with it. I talked to Arnet about it. I phoned Ralph Horst and talked to him. I persuaded him to go forward saying that even if we didn't get much of a federal penalty, that I was convinced the State Board of Pharmacy would take action if we could get any sort of a conviction against Collins. So, reluctantly Horst did go forward with that case; and as a result of it, it is my recollection that the State Board of Pharmacy then took Collins' license away from him. Put him out of business. So, ultimately justice prevailed in the case.

P. - Well, I came in just after that--that is, I came into this area; and with Ayres after he had done the case on Collins but before it had come to trial, we built at least a dozen OTC cases in that district and they PA'd them all because they said they'll come up before Davidson and Ayres will be the chief witness and, you know--you're just beating your head against a stone wall.

F. - Right. I can remember reading about the case because I took over all the cases in west Texas from Denver as soon as the Dallas district was really operational which was not until sometime in January or February, 1961. But, Ayres had used as a buyer an employee of the local

health department there, and I believe that that employee was black. I think there was some bias by Davidson.

P. - Well, there were actually three counts. One was a black man. One was a woman who worked in the health department. One involved really a telephone call where Collins merely authorized the sale by a junior clerk on a telephone call. Davidson wouldn't accept the telephone evidence, which is probably--maybe right. He said it couldn't be established that it was really Collins on the other side of the phone. He said in regard to the count on the black man that Collins said one thing and the black man said another thing, and he chose to believe the white man. On the other one, the defense had put in all sorts inuendos about improper association with Ayres and the woman.

F. - Right. I remember that.

P. - Which to my knowledge was not true--I doubt if it was true. But, it cast grave doubt on that count because--

F. - Sure.

When the Dallas district opened I had one type laboratory employee that I'd never had before in all of my previous assignments. I had field microbiologists. I found that I had the senior field microbiologist of the Food and Drug Administration, Jimmy Hyndman, from New Orleans. I found that Jimmy Hyndman was an expert in two particular industries that were very important in the Dallas district territory. One was the breaded

shrimp industry; the other was shelled pecan industry. Using Jimmy Hyndman, and I actually had Hyndman go out with inspectors and make inspections, and the people that we hired. We literally cleaned up those two industries. I found that 2/3 of the shrimp breaded in the United States were breaded in the Rio Grande Valley of Texas. Most of the employees were Spanish Americans. Many of them had very poor sanitary concepts and that breaded shrimp from a microbiological standpoint was really a filthy product. This was also true of the shelled pecan industry which was concentrated around San Antonio, El Paso, Fort Worth and some in Oklahoma; and I persuaded Rayfield in Washington to let me hire more and more microbiologists until at one time I had as many as seven microbiologists at Dallas. Literally, I had a ball with all of these microbiologists. What we did--Food and Drug was expanding and we became the training ground for field microbiologists for other installations. From time to time there was a move by the headquarters microbiological unit to try to take over their direction, and I strongly resisted insisting they were field employees, they were employees of the district director and the district director should use them as he saw fit. Rayfield always backed me on this. It was a very satisfying experience. I really got alot done with Hyndman and the people that we hired to work with him. Very exciting work.

We gave a great deal of attention to food warehouse sanitation while I was there. One of the most interesting cases involved a man named Kimbal at Fort Worth who was a millionaire. He owned a chain of warehouses in west Texas, I think in southeastern Colorado, and probably in eastern New Mexico. K. Kimbal, he's dead now and he left alot of money to the City of Fort Worth. There's a big art museum named for him. I found that K. Kimbal was of the wrong political party as far as the U. S. Attorney in Dallas/Ft. Worth was concerned, and so when we developed this case--we didn't do it on just one warehouse, I think we had either 4 or 6 of them--the U. S. Attorney had him arrested and fingerprinted. Here was this millionaire being booked and fingerprinted. Very interesting case.

Also we brought a case against the A. W. Cullen Company who owned a local chain of Tom Thumb in Dallas. Bob Cullen was chairman or president of the Dallas Chamber of Commerce and we brought a criminal case against him. He also happened to be the wrong political party it seemed. This did seem to have some in effect in Dallas politics and Texas politics. Some very interesting cases.

Our work on OTC and refill cases continued with great enthusiasm. I received the best cooperation from the state that I think we got any place in the union from the Texas State Board Pharmacy.

One of the most interesting cases involved an old pharmacist in the Oak Cliff area of Dallas. The man was in his early eighties, he had no business practicing his profession. He was selling barbiturates over the counter. I've forgotten who the inspector was who made the case, but at close out the man opened his drawer and showed a 45 or some big caliber pistol there. I considered the case and because of his age how even Sara Hughes would react and I decided that it would be better to present the case directly to the Texas State Board of Pharmacy rather than try to attempt a federal case. Talked with headquarters in Washington and they agreed with me. With the inspector, I believe now it was Sam Young who later went with what is now DEA, we went before the State Board of Pharmacy, presented the case, and the State Board Pharmacy saw the point and they took the man's license away. That was the best way to handle that particular case.

One of the famous cases that we had for illegal sales of large quantities of amphetamines involved Tex Palmer of Houston, Texas, who was marketing imitation dexedrine manufactured by the Smith Kline & French and Tex Palmer served a penitentiary sentence, I believe, at the federal institution at Seagoville as I recall. A very interesting case involving him.

Many of the cases involved old physicians and we got excellent cooperation from the State Board of Medical Examiners. The director or the secretary of the State Board of Medical Examiners was a Dr. Crabb. At one time Dr. Crabb was reproached by some of his colleagues in the medical profession for having physicians write prescriptions for our use in the illegal prescription cases, and he decided that it was wrong and he was not going to do it any more. I heard about it and I went to see Dr. Crabb. I talked to him at some length and he listened to me and looked at me and said, "You know, you're right. I was wrong to do what I did. We'll help you out." And, he continued to help us. He had as one of his investigators an ex-FDA inspector who had gone to work for him rather than take a transfer. I can't remember his name. His nickname was Dutch. I've forgotten his last name.

P. - I don't believe I know.

F. - Both the man and his wife were investigators for the State Board of Medical Examiners. I just can't think of his name. Of course, during this period of time the Drug Amendments of 1962 were passed. One of the interesting experiences that I had was being invited to Southwestern Medical School at the University of Texas at Dallas to explain the amendments and the effect they would have. I believe in the audience was Dick Crout who is now the

director of the Bureau of Drugs. At the time the Dallas District opened the sponsors for the opening ceremony were the Dallas County Medical Society, the Medical School and the Dallas Chamber of Commerce. This gave me a great entre to meet alot of these people. I got to know them very well. I found that Jim Bond who is a Texas millionaire who was the Director of HEW was extremely helpful and very kind and gracious. Rayfield had always been suspicious of him, but Bond was always helpful to me as far as I was concerned. We got along very well. He never made any demands of me that I considered wrong or improper. He just helped me all that he could. He tried to get me started on the right foot in Dallas and in the week that I was there attending the 1960 meeting of the Association of Food and Drug Officials he had a luncheon every day for four days at one of his private clubs where he introduced me to the leaders of the Dallas community which became extremely useful and helpful to me.

One of the interesting things when it came time to dedicate the building in January, there was a snow storm in Washington and Harvey was to come out to dedicate the building and he just couldn't get off the ground in Washington because of the snow storm so I dedicated the building. I made the speech! I found this very interesting. The mayor of Dallas was there and the leaders of the medical community were there. We held it right in the building. The new building for that time, I think

the dedication was at the end of January of 1961, was a very new and modern facility with all sorts of equipment that fascinated me. During that period of time, what we called HRL, the amendments of 1965, which gave inspectors doing the drug enforcement work the authority to carry fire arms and certain other authority was passed. Norman Foster and I toured the Dallas District territory making speeches explaining HRL to pharmacists and doctors. It was a very interesting experience.

James Lee Goddard became the Commissioner of the Food and Drug Administration in early 1966 after George Larrick had retired in the fall of 1965. From my standpoint, James Lee Goddard was an interesting and controversial figure. He came to see me at Dallas I think a month after he entered on duty. We had some interesting conversations.

One of the things that he pushed and I seized upon was the need to have industry workshops to carry out recommendations of that second Citizens Advisory Committee on education. We did have workshops for the shrimp bread-ing industry, for the shelled pecan industry, for the food warehouse industry. We had some for the medicated feeds. The ones on the shrimp industry, the shelled pecan industry and food warehouses were all original with the Dallas District. The ones on medicated feed industry we copied from, I believe, the Boston District.

Then the summer of 1968 CPEHS was established (Consumer Protection and Environmental Health Service). CPEHS in my knowledge was conceived by Goddard. It was his baby and he expected to head CPEHS. Now here I get on a little unfirm ground because part of this was field scuttle butt coming to me via the grapevine. But, I understand Goddard did not get to head CPEHS because he had offended Senator Humphrey or Vice President Humphrey, let's see Humphrey was Vice President by then, he had offended Vice President Humphrey and he'd offended someone else. So Goddard not getting to head what was essentially his creation. He was a career officer of the Public Health Service and retired and Herb Ley became Commissioner on July 1, 1968.

P. -Do you think this had anything to do with Goddard's famous remark about marijuana not being--

F. - Yes, I think marijuana and martinis. I think it had something to do with that. I think he also had offended the man who was the executive of NARD (the National Association of Retail Druggists) and I've forgotten what his statement was there. But, I think he'd offended Willis something who was the head of NARD. He had offended these people so he just didn't get to head it. The appointment of Ley and the establishment of CPEHS had a great effect on my career as you know. With CPEHS being established

several of the Food and Druggers moved out of Food and Drug Administration into what we called the Head House of CPEHS. One of these was Harris Kenyon as you will recall. So I was asked first by Ley to take Kenyon's job and I turned Ley down. But, then when Rankin asked me to do it I felt an obligation as a career employee listening to one of my peers, we had come in at the same time, to take the job and I did go to Washington in September of 1968 as the Assistant Commissioner for Field Coordination. I immediately sensed a great deal of opposition by all of the career employees of Food and Drug Administration to CPEHS. It was so evident--you could almost cut it with a knife.

P. - Right.

F. - I had an unusual experience. I was scheduled to make a speech at the Food Drug Law Institute meeting in December of 1968 and then suddenly there came a slot in some sort of an executive training course at Berkeley, California. I talked to Rankin about it and he said you better take the slot at Berkeley, California. It was a two week assignment, and he would make the speech at FDLI. I think that speech that Rankin made in December of 1968 ended Rankin's career, but it also was the opening gun to end CPEHS, because this speech was widely reported. Rankin attacked CPEHS. Do you remember that?

P. - I don't remember that.

F. - He did. He attacked CPEHS.

P. - I can understand it, because I worked with--you know, I was working for you at that time, and Rankin needed some help on some statistics and I had some maps and they were talking about regionalization and so forth and I went to some meetings with Rankin with the CPEHS group. I don't know what they were. They were kind of a committee that were setting up the things that were going to happen under CPEHS.

F. - Yes.

In the summer of 1969 the Naderites hit us. Do you remember that? We knew they were going to hit us, and I think Rankin conceived the strategy of fighting back through the so-called Kinslow Committee. Do you remember that?

P. - No.

F. - He set up a group of people to do sort of a parallel investigation. It was chaired by Maurice Kinslow who was the Director at Baltimore and Angelotti was on it, and I've forgotten who else was on it. I remember being interviewed by some of the Naderite people, not by Nader himself. I also was interviewed by the Kinslow Committee. In this case I was interviewed by the full committee. It was a very interesting experience.

By the fall of 1969 it was apparent that something was going to happen to CPEHS. To me, it was apparent something was about to happen. I was interviewed by some

bright young people from the Secretary's office working under Fred Malek... They asked me many questions about the organization of the Food and Drug Administration. I think that the answers that I gave caused me to later become Associate Commissioner of Compliance. I'm pretty well convinced of that.

You will recall that the cyclamate matter broke in the fall of 1969. And, then came December 12, 1969. The day before that Malek moved I guess and he announced that there would be a new Commissioner. His name would be Charles C. Edwards. Ley was offered another job in HEW and he resigned. Kirk was offered another job and he retired. Rankin was offered another job in HEW and he accepted it because he did not have the years that he wanted as yet as an employee. At 5:00 on the evening of December 12, I was given Ley's speech and said "You are going to make the Commissioner's speech at the FDLI meeting tomorrow morning!" So I sort of gulped and I don't remember who I said "Aye, Aye" to but I said "Aye, Aye." I made the Commissioner's speech that day and it was a very emotion filled day. I cut the speech down. It was too long. I don't know who wrote it. Maybe Walley (Janssen) wrote it, but it was a very long speech and I cut it down. I spent the night cutting it down. I'd cut it some more the next day giving it because Franklin Depew was the executive of FDLI then, and he said it's too long and you've got to cut it some more. So I cut it some more. But,

Malek was there that day and he announced the change in the Food and Drug Administration. I think this was sort of interesting and humorous. One of the questions he was asked from the floor, "Well, what are you going to do with cosmetics?" And, I don't think he'd thought of cosmetics. He'd announced reorganization along with the present bureaus and, "Oh, we'll put it with foods."

P. - That's when the decision was made?

F. - That's my impression of it.

The period December 12, 1969 to the first of, I would say, March, 1970, was an extremely interesting experience. I had scheduled leave because of children being home from the University of Texas, and I canceled the leave. Someone had told Charlie Edwards, the new Commissioner, that the one that he should have to help him the most to get Food and Drug going again was Maurice Kinslow. I decided that I would help too! So, I sort of moved in and helped Kinslow run the Food and Drug Administration with Charlie Edwards. Within, I think by December 29, Edwards had asked me to take Kirk's job as Associate Commissioner for Compliance. Edwards had not yet moved his family from Chicago and Kinslow and I worked very long days and long nights just dealing with the day-to-day crises and the reorganization that was occurring. It was a very interesting, challenging,

hard time. I know how tired I got, and I know how tired Kinslow got.

P. - I can imagine.

F. - It was really interesting. There was friction with the Surgeon General, Jesse Steinfeld, and there was some friction with the Assistant Secretary of Health, Roger Egeberg. There was some inevitable friction with Winton Rankin who was merely trying to do a job as he conceived it, and Edwards was determined to be independent in running the Food and Drug Administration. I think he had seen how Steinfeld and the then Secretary had made all the decisions on cyclamates and he was determined to put a stop to it. And I, frankly, was determined to put a stop to it. So, all during the spring of 1970 we sort of carried on an underground war establishing the independence of the Food and Drug Administration from the Assistant Secretary and the Surgeon General, and as you know, we won that war. We became extremely independent. One of the things that Kinslow and I took great delight in doing was in removing the seal that CPEHS had designed from the podium in the Commissioner's conference room in FDA! That was with great delight. One of the interesting things was dealing with these personalities. In the fall of '69 Ley had required me to attend a planning meeting of CPEHS and I did not like some of the personalities that I saw, but the thing

that really got me was one day Lehy and I had to go from Crystal City over to FB8 to attend a meeting with the CPEHS people. We were told there was no parking place in FB8 for the Commissioner of the Food and Drug Administration. That just really got me, and so I think that Kinslow and I just became ruthless in dealing with the remnants of CPEHS and with some of what we considered the traitors of the Food and Drug Administration, who had left Food and Drug to become a part of CPEHS. I'll tell you bluntly, one of them was Harris Kenyon. Harris wanted to come back to FDA and we said no way-- there is no place for you. This was true of some others.

P. - I know enough about that situation so I can--

F. - You know how we felt.

P. - Yes.

F. - It was refreshing to work for Charles Edwards. I think he was one of the most interesting personalities I ever worked for. We became close business friends, close associates. He trusted me; I trusted him. I liked Jim Grant who he selected as his Deputy. Grant had been the Deputy Director of the 1969 White House Conference on Food and Nutrition. There were many recommendations that came out of that conference including one on nutritional labeling. I became as committed as Grant did trying to implement those recommendations and once Grant saw how committed I was he and I became very close business friends.

We worked very closely together.

One of the interesting things that we had to do was the DESI Program. You know what DESI is--the drug efficacy study implementation program. In the first month, the month of January of 1970, Billy Goodrich who was still our General Counsel presented me after he had reviewed it with a DESI document involving mouthwashes other than Listerine. He pointed out very properly that if we took that action against these products that were covered, we were going to give Listerine, which probably had 80% of the market, 100% of the market if we didn't do something about Listerine which was grandfathered under the 1938 Act.

P. - It wasn't any better. It was just--

F. - They were all the same. They were all the same. He said he thought what we ought to do was to try to persuade the Federal Trade Commission to take on Listerine again, although Federal Trade had lost such a case about 1944 he told me. Edwards and I met with the then Chairman of the Federal Trade Commission, who was Casper Weinberger, and his Executive Assistant, who was William Howard Taft III or IV--I've forgotten which William Howard Taft it was. And, the Federal Trade Commission agreed to take on Listerine again. That case has finally ended now some eight years later. I read about it in the Wall Street Journal within the past few months. And, they do have to

issue corrective advertising, which is very good I think. So that was a very useful liaison activity, and Federal Trade really carried through on that.

Consumerism certainly grew during this period of time. Both Grant and I became convinced that we were going to have to deal with these people in a more forthright, less adversary way. We started by having lunch with Jim Turner and Bob Choate, the two of us. Out of that grew the Consumer FDA meetings that are held on a more or less regular basis now. Difficult meetings, but I think it was much better to have the meetings than to not to have them. Edwards was initially opposed, he didn't want to do it, but Grant and I convinced him that it was important that we have those meetings even though we knew they were going to be somewhat difficult.

One of the big cases that we had involved the massive Abbott recall of large volume pasenterals. I personally handled that. It became a very time consuming, massive case where I had to deal with calls from the Director of Columbia Presbyterian Hospital in New York City and things of that sort. I also got to know the Chairman of the Board, I guess it is now, of Abbott, and some of his people very well. During that period of time we had the Bon Vivant case. Botulism in a commercial can food that killed someone. It was a very interesting case with many ramifications. During that period of time EPA was born, created out of the Food and Drug Administration, the Department of Agriculture and some other units of HEW.

Somewhat later the Consumer Product Safety Commission (CPSC) was also born. It was created in part out of the Bureaus of Food and Drug Administration.

Peter Barton Hutt replaced Billy Goodrich as the General Counsel. Peter Barton Hutt was an entirely different personality than Billy Goodrich. His principal drive was to codify the regulatory provisions, procedures of the Food and Drug Administration. He worked long and hard hours on that. He was one of the hardest working people that I knew. Because of DESI we engaged in long hard-fought battles with the Pharmaceutical Manufacturers Association and its major member firms, and we won by and large most of the actions. We expanded liaison beyond FTC to USDA, EPA, CPSC and other agencies. We had a massive problem with polychlorinated biphenyls, we set up a six unit task force--Commerce, Agriculture, and so on to deal with the problem of PCB's.

A great deal of our time was taken by investigations and hearings by Congressional Committees. At this time most of, while Edwards was Commissioner, most of our problems came from the Fountain Committee and from the two investigators from the Fountain Committee, the ex-employee Goldhammer and Dr. Goldberg. They gave us problems. We were before the Fountain Committee. They did not like the way we had handled the cyclamate matter, as an example.

Dr. Schmidt replaced Dr. Edwards when Dr. Edwards moved up to the Assistant Secretary of Health. One of

the first things that Dr. Schmidt caused us to do was implement the mighty survey of all canned mushrooms on the market. This took a great deal of time because of botulism, and we changed that industry a great deal. We had many recalls of canned mushrooms. Dr. Schmidt became involved in investigations primarily by the Kennedy Committee. Dissidents of the Food and Drug Administration created problems for Dr. Schmidt. He spent much time in answering charges brought by the dissidents.

Peter Hutt worked as the Assistant General Counsel for Food and Drugs for roughly four years, and then he returned to Covington & Burling and Dick Merrill who had been an Associate Dean of the Law School of the University of Virginia became the General Counsel. I found Dick a different personality than Peter Hutt but we became close friends as I had been with Peter, and we worked closely together on many interesting cases.

The last major legislative change--the Medical Device Amendments of 1976, which both Hutt and Merrill worked so closely with the Congressional Committees on.

That pretty much summarizes it as far as I'm concerned. You want to ask me any questions--

P. - I don't know, Sam. I think you've really given us a great tape. It's well organized and it has alot of good information in it. I sure do appreciate it.

F. - I don't know whether this would be useful. I have talked from it and if you want you can have it.

P. - It would be helpful in the transcription.

P. - Okay, thank you very much.