

History
of the
U.S. Food and Drug Administration

Interviewee: Henry P. Roberts

Interviewer: Robert A. Tucker

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Interview with Henry P. Roberts

June 20, 2006

TAPE 1, SIDE A

RT: This is another in the series of FDA oral history interviews. The interview today, June 20, 2006, is with Mr. Henry P. Roberts, former Director, Minneapolis District, FDA. This interview is taking place at the FDA Minneapolis District office.

Henry, as we open the interviews, we like to cover some of your personal history, where you were born, educated, any professional work you did prior to FDA, and then follow the track of your FDA career. With that, would you proceed?

HR: Well, I was born in Edgely, North Dakota. Nobody ever heard of it. I'm not even sure the town is still there. And my father was a veterinarian, and he went broke, bankrupt, during the Depression. So we moved to Fargo, North Dakota, and he became dairy and food inspector for the city. So, for all intents and purposes, I was raised in Fargo. Graduated from Fargo High, went into the Army for two years, got out. Dummy that I was, I signed up

for the Reserves, so I was recalled for the Korean War, another two years, came back, went to the University of North Dakota, received a Bachelor of Science degree.

RT: That's the one in Grand Forks.

HR: Grand Forks.

RT: Your bachelor's degree was in . . .

HR: Natural science. They don't even give that degree anymore.

RT: Was that . . .

HR: It was a combination of chemistry, physics, and biology, those three.

RT: That was in what year, Henry?

HR: I graduated in '54.

RT: Nineteen fifty-four, okay.

HR: See, that's why that date is off.

But anyway, I was looking for a job and I couldn't find anything I wanted, and they had a notice in the post office of a Civil Service examination, so I took it and I passed it.

RT: What was that term again?

HR: Civil Service.

RT: Yes, but for what, did you say?

HR: Examination.

RT: Like the federal service entrance examination (FSEE).

HR: Whatever the hell they called it.

And then I got a call from Bud Kerr, who was director at that time in Minneapolis, for an interview, so I drove down, interviewed him and John Guill, who was the chief inspector. In a couple weeks, I got a call and said, "You've got a job if you report to St. Louis," so I packed up the old '41 Mercury and went to St. Louis, and worked there for a year.

Roy Pruitt was the director, Leo Cramer was the chief inspector. And I was the first new inspector they'd hired in about six years, so, of course, I got all the crap work, you know, sampling and all that stuff, good training, and a lot of travel, because I was single, and a whole six dollars a day per diem.

RT: Now, in those days, field personnel went out all week or maybe two weeks out of the month, didn't they?

HR: Yes, yes.

So then Mr. [Allen] Rayfield, who was then the Bureau of Field Administration [Director], who everybody thought was the devil incarnate, you know -- he really wasn't; he was a very, very nice guy, strict, very strict man.

Everybody was scared to death of him. Well, he wasn't anything to be afraid of. He was just an ordinary person.

RT: He certainly did command that kind of respect.

HR: But the three things that he would not tolerate was lying, disloyalty to the Food and Drug Administration, or extramarital fooling around. If you did any of those three things, you were gone. You'd never get promoted for the rest of your career. You might as well quit. He just had a thing about that.

But he came to . . .

RT: Now, in those days, Henry, with regard to dismissal for any of those reasons, was that less complicated than it later became to have a hearing and have all this?

HR: Disloyalty to the outfit was not a federal crime, but, you know, extramarital relations, because everybody was having it, even the President of the United States, for God's sake. So all he'd do is he'd transfer them, transfer them to New York.

RT: Someplace they didn't want to go.

HR: Someplace they didn't want to go. Boop, they were gone. And, of course, in those days, you didn't get paid to transfer. They'd pay you per diem and mileage, period, nothing for household expenses, nothing for

anything. So, of course, they'd quit. That's what he wanted them to do. Out the door.

I went to New York, transferred me to New York District.

RT: Was that because you were a problem?

HR: No, because I was single and I didn't cost them very much money. See? He paid. I drove my car from St. Louis to New York, but he would only pay me bus fare, one-way bus fare. That was it.

But anyway, I stayed there a year and a day. And Ken Lennington was the chief inspector when I was there, and then he went to Washington to be chief inspector for the administration, and Fred Lofsvold took over.

So they transferred me to Cleveland, Ohio, the second man there, was one of the only -- it wasn't the only one; it was one of the very few that had two residents.

RT: That would have been when, about 1953 or so?

HR: No, '58.

RT: Fifty-eight.

HR: Fifty-seven, because I bought a new car that year, the first new car I ever owned, the worst car I ever owned. But anyway, that's beside the point.

Joe Belson was Senior Resident and Sam Alfend was the Director of Cincinnati, assigned to Cincinnati District.

Well, then Detroit District was formed, which was a new district, they moved us to Detroit, and George Daughters was the director.

So I get a call from George Daughters. He says, "How soon could you be in Louisville, Kentucky?"

I said, "I can be there this afternoon."

"Oh, no, damn it, no. They want to transfer you there."

I said, "Why?"

He said, "Don't ask me." He said, "Ask Sam Alfend."

So I called Sam down in Cincinnati and I said, "What's this?"

He said, "I want you to be my resident in Louisville. I looked at the damn list and you were the best choice I had." Sam was quite a character.

So I went to Louisville, there 18 months, I think, and then transferred to Washington, D.C.

RT: When you went to Louisville, did you get a grade from Washington?

HR: Oh, yes, yes.

RT: You would have then been what, a journeyman?

HR: Twelve. And I went to Washington as a 12 and worked Internal Investigations, it was called, under the

tutelage of Frank Clark and John L. Harvey. That was a crazy assignment because I didn't have much to do.

RT: You mentioned that that was sort of Criminal [sic] Investigations. Was that then . . .

HR: Personnel.

RT: I see.

HR: Personnel type. Somebody accused somebody of being a homosexual, or somebody accused somebody of stealing something, or somebody accused somebody of doing something.

RT: So that was really criminal investigations of staff.

HR: Yes.

RT: Agency staff.

HR: See, they'd had a problem a couple years before. I don't remember what it was about. The Commissioner at that time, Mr. Larrick, had promised Congress that he would set up an internal investigation within the agency. Well, that was me. Well, I didn't have anything to do, so they turned over the Hazard Substances Labeling Act to me, which they didn't know anything about, I didn't know anything about. So I wrote the regulations, the first regulations for the Hazardous Substances Labeling Act, which later changed to something else, to something else.

And the only thing I remember about that is
[Commissioner George P.] Larrick called me in and he says,
"Damn you, Roberts."

And I said, "What did I do now?"

He said, "You just cost me \$2 million."

I said, "What do you mean I cost you \$2 million?"

"You put the skull and crossbones on turpentine, and
guess who's the chairman of the committee. It's the senior
senator from Georgia, where turpentine comes from."

RT: And that was Senator . . .

HR: I can't think of his name now. He's long dead.

A very powerful man.

RT: Not Russell, was it?

HR: I don't think so.

RT: No, probably not.

HR: But I don't remember it all.

I said, "I argued against it, Mr. Larrick. It was
Frank Clark that insisted that it be put in there." I
said, "He's going to label matches as being flammable." I
says, "What the hell do you think a match is made for, for
God's sake? You know, you don't buy a match because it
doesn't light."

"Well, yes. We're getting a little bit, we're doing
crazy things with that labeling."

I said, "Well, we've got to step back and look at what we're doing here, or we're going to be labeling everything, knives and forks and spoons and frying pans because they can hit their husband over the head with a frying pan. Are we going to label that 'Dangerous Weapon?'"

RT: That's almost like the State of California did with regard to carcinogens, and it's still a maverick law in that regard.

HR: I got in a big fight with Rayfield. It was over a personnel matter, and he disagreed. We had a big hearing and I voted against him, and he didn't like that too well. It happened to be a case in Minneapolis.

But he says, "You're stubborn, Roberts."

I said, "No, Mr. Rayfield. They messed it up." I said, "They screwed up the damned case in Minneapolis. When you sit in on a hearing, you're like a judge. You've got to take the evidence, and if it isn't there, you can't find the guy guilty. It's that simple."

"I still don't agree!" and he went out of my office, slammed the door.

About a week later, Harvey called me, and he says, "Would you be willing to go to San Francisco as a supervisor?"

"Under Rayfield?" I said yes. I said, "This job is turning into nothing."

RT: Now, Rayfield, at that juncture, he was still Director of BFA?

HR: Yes. So I transferred to San Francisco.

RT: Who was the District director at that time?

HR: McKay McKinnon, Jr.

RT: The man of many, many years' service.

HR: Yes. Started in 1926. Big man (fat).

RT: Yes.

HR: So I worked out there eight years, and I was chief inspector for the last two years in San Francisco. There was a change in EDRO. Paul Hile was the director then of whatever they called it, BDAC [Bureau of Drug Abuse Control] or BF or EDRO or whatever the hell it was.

RT: Executive Director of Regional Operations.

HR: So he asked me if I wanted to stay in San Francisco, and I said, "Not if Irv Berch is going to be the director, because he and I don't get along." He was going to be the regional director. But I said, "I can't work for Berch." I said, "It would be a disaster."

In the meantime, McKinnon had retired, and I was acting director for the District.

"But you could be District Director."

I said, "I just can't."

"Well," he says, "I've got places you can go. Minneapolis or Detroit?"

I said, "I'll take Minneapolis." I never even thought about it. I wasn't going to Detroit. That was a terrible place to go.

RT: Now, what year was it that they wanted you?

HR: Seventy.

RT: Nineteen seventy.

Now, while you were at San Francisco, I'm sure you got involved as administrator or manager, in some important regulatory issues and matters. Do you recall any of those?

HR: Well, things were pretty common. The biggest, if we had any problem that was a big one was pesticides on a food product -- lettuce, carrots, a lot of cold crops, a lot of field crops out there. But with the cooperation of the State of California, which had one good law, we would work it out. And we had a mobile laboratory. We would move around the valley as crops came in. And Washington keeps saying, "Well, you aren't finding anything, you aren't finding anything."

I said, "Good, good, goody. You find something. You find something on the grapes, every damn grape in California is going to be contaminated because they spray

the same thing at the same time all over the whole valley. So don't, at least we could tell the people there's no pesticides or danger, chemicals on the food they're eating."

But, you see, there was no devices. We had some problems with Cutter Laboratories, was it, with their -- with their fluids. Intravenous fluids were contaminated. We had a hell of a time with those people. Finally got that straightened out.

And then dangerous drugs. Now, we were still in the dangerous-drug period. See, BDAC [Bureau of Drug Abuse Control] hadn't been formed yet, and neither had the, what was it, the drug-control outfit now. But we had amphetamines and all of that stuff. We had all the drugs except narcotics. That was the old Department of Treasury, the old narcotics unit. But we had amphetamines and all of those. We had LSD, big deal. We charged makers of that all over the damned state. We had a lot of undercover agents scare the hell out of me because we weren't trained in undercover work. You know, we didn't carry any weapons. These were just plain inspectors, you know, and they'd disappear on me, and I'd think they'd be floating upside down in the Bay, you know. We didn't have any kind of --

and they didn't have cell phones, so you couldn't communicate with them.

RT: I guess at that point, though, they did use the mini phone to record conversations.

HR: Yes, but they were big. You had that damned thing. Well, that thing is small. They were this big and they had a wire in them, and they had these big batteries, and they were heavier than hell, and they didn't work very good.

I loaned one to the FBI. It was a wire recorder. Had the spools of wire. And I told them, I said, "Do not under any circumstances take that wire out of this recorder." Well, of course, they did. Well, you know what happened. It went [loud noise]. And they bring this thing back to me. I said, "You just bought a spool of wire for \$200." They (FBI) didn't pay the \$200.00 (cheapskates). "You don't take the wire out of these because it's under tension, you know." Well, they don't use those anymore. This is all cassettes. But they didn't have these then. This was the best equipment they had.

So drugs were a big thing.

RT: Right.

Now, you mentioned pesticides. In California, was there any particular volume of goods coming over from Mexico that was a pesticide concern?

HR: Well, we didn't see -- San Francisco District didn't go down to Mexico. That was L.A.

RT: Okay.

HR: So what we would do when we got done with the trailer -- we had a big trailer -- we'd send it down to Mexico, or down to L.A., and they'd take it down to Nogales, which I understand they just left it there. I think it deteriorated by now. Hell, that's 50 years ago. And we redid it, much to the consternation of Washington. It had a big autoclave in it and stuff which we didn't need. It was just taking up space, so I had it ripped out. And Reo Dugan, who was the chief chemist at the time, he just raised holy living hell, because that trailer was his baby, and it was supposed to cover everything. Well, we didn't do microbiological stuff in that trailer. This great big autoclave weighed 1,400 pounds. You had to have gas tanks and [groaning noises]. I said, "Take it out."

"What are you going to do with it?"

I said, "I don't know." I said, "Get a hold of GSA and see if they've got a garage you can store the son-of-a-bitch in, hope they lose it."

But anyway, dangerous drugs were getting -- LSD was a big problem, and some of the other drugs. And then we lost them. BDAC, Bureau of Drugs or whatever it was, took over then, and that was the happiest day of my life. I was not good at undercover work.

When I was in Louisville, I drove a truck, an over-the-road truck making buys, you know, so I was not comfortable doing this. Not my style. But you had to do what you were told, you know.

RT: Yes. Well, the field did do a lot of that work. Donald Martin was the resident in Indianapolis.

HR: Indianapolis, yes.

RT: We shared an office, and Don would attempt undercover truck-stop buys of amphetamines and the like. Well, first of all, the state health department loaned an x-ray truck, and the x-ray logos were taken off. But that was very much of concern to the state health commissioner. So that ploy didn't last very long.

I went out with Don on a few of those things, but Don Martin just didn't look like a truck driver.

HR: He didn't work out very well.

RT: No. And that was a part of it.

There was a guy over in Cincinnati, Verne Schover.

HR: Schover.

RT: Schover. And he was a pharmacist, too.

HR: He was crazy.

RT: His wife wouldn't move from Missouri.

HR: Kansas City.

RT: So he spent all of his time on the road, and Sam Alfend loved Schover because he could send him out almost full-time on all this crap. Verne looked enough like a trucker that he could pretty well pull it off. He looked more like a trucker than he did a pharmacist.

HR: Verne was a certified cream taster, and, of course, the sour cream in those days was used to make butter. And he was a liar. He would condemn cans of cream that were all right just to get the count up so FDA could go seize the butter, you know. And they finally fired him.

RT: Is that right?

HR: Yes. They had to fire him because he cheated on expense accounts. He was a crook. He was just a damned crook.

I worked with him once. I told Sam Alfend, "I won't work with the son-of-a-bitch again. Don't send him down here because I won't work with him." I said, "He's just a cheat; he's a crook."

Anyway, Verne was quite a character.

RT: He was.

Now, California always was kind of a hotbed on the west side of the country for drugs, wasn't it?

HR: Well, that was during the hippie era, see. The hippies were in Haight-Asbury, free love, all of that kind of stuff going on. So the designer drugs came in, and they'd mix them up and kill a lot of people. And we tried to control them, but that was very difficult. You spend an awful lot of time on one case. And the best we could, the best cooperation we could get was from Customs, if we could get stuff coming in. We'd get the Customs agents to work with us; we could really nail them right to the wall, because Customs could seize their vehicles. We couldn't do any of that. But, see, they could seize everything. [unclear] We had to go through the courts and da-da. That's the way it worked.

RT: It took a lot of time, sure.

The state of California always was an active state across the board. What was your assessment of their expertise as related to FDA interests?

HR: Good.

RT: Was it?

HR: We had -- I can't think of the old guy's name.

RT: Well, there was a fellow who was there about 50 years, Milton P. Duffy.

HR: Duffy, yes. He was easy to get along with. I never had any trouble with him.

RT: Interesting. When I first came into FDA, we handled the correspondence from the states, and Milton Duffy was one of the two most frequent writers from states. The other most frequent writer was Ralph Horst. Now, when you gave an answer to Milton Duffy, he took it. He didn't argue it. If he didn't like it, he ignored it. But the other guy, Ralph Horst, who'd been a District director in Denver, he'd argue it.

So one of the first adverse experiences I had as a new FDA'er, was when I wrote him the official line, and he wrote my boss, Jim Pearson, and said, "You've got a young fellow there who didn't answer my question." So Jim just handed me the letter and said, "Well, write him another one." So he didn't get rid of me anyway. He still got the same FDA staff member writing him the second time.

HR: We had good relations with the state of California. If we needed an embargo, they'd go embargo. Just don't abandon them. If you're going to embargo it, we had to promise we'd seize it. We didn't leave them hanging. The states did not like that. You don't leave a state hanging.

RT: That is true.

HR: You do it once, and you never get them to embargo a damned thing, because when I was in Louisville, I worked with . . .

RT: Sarah Van Dugan?

HR: No. Well, she just went out and the other crazy man came in.

RT: Oh, yes. That was, he was President of AFDO later. Shelby Johnson?

HR: Shelby Johnson. He was easy to work with, crazy as a March hare, but a good man. He liked to drive fast. I wouldn't ride with him. I would not get in a car with that man.

RT: Is that right?

HR: Oh, God. He'd go -- he had the biggest Ford with the biggest engine you could buy. He'd go wide open, 100 miles an hour. If he didn't like somebody on the road, he'd drive them right into the ditch and keep right on going. He was something else again.

RT: I always thought you were an adventuresome sort of a fellow, but maybe not quite that adventuresome.

HR: Well, death, you know -- I was fairly young then. I wasn't really looking forward to it. It's funny he didn't get killed, but he never did. Yes, Shelby was quite a character.

RT: You were then in Louisville. What principal experiences did you have there?

HR: Well, most of it was just routine. There was nothing really -- a lot of inspections, cornmeal mills, a lot of flour. Pillsbury had some big operations down there, a lot of cream, a lot of cheese plants. They had a lot of cheese plants down in the southern end of Kentucky. Of course, I was good at pulling the damn sediments. Well, they don't do that anymore, you know. I was kept busy.

RT: Were you a single resident, or were there others?

HR: Just me.

RT: Just yourself.

HR: Yes, that was it. I think Cleveland was the only one that had two. But the other big thing in Cleveland was the Hoxsey cancer cure. I chased that damned drug all over the state of Ohio, drove me crazy.

RT: A lot of people in that area were taken in by that one.

HR: Amish and Mennonites.

RT: Mennonites.

HR: Mennonites. They didn't believe in doctors, you know, so they wouldn't cure well. They wouldn't talk to you.

RT: That's what I was just going to ask you. Were they cooperative at all in investigations?

HR: They were honest as hell, but they didn't volunteer anything. You had to ask them a specific question, and they would say, "I prefer not to answer that." You might just as well stop. They were honest.

RT: They took the Fifth Amendment.

HR: They were nice. They didn't get angry or anything. I never had any problem with them, but you never collected any samples either, and we needed the samples to show interstate commerce, you see.

RT: Sure.

HR: It came out of Pennsylvania or . . . God, I chased those things for months. I chased those damned samples. They had Buffalo District cover the clinic over there in Pennsylvania, and they'd send these license numbers over, and we'd have to go to the state, find out who they were and who the license number belonged to. We had to chase them around. It was just kind of a fruitless option, a fruitless thing. Well, we finally got Hoxsey and put him out of business, but it took a long time and a lot of manpower. As you well know, this was a lot of fruitless -- you go down a lot of roads that don't, they just end up

that there's nothing there, and you have to turn around and go back.

But anyway, I came to Minneapolis in '70 as District Director following Joe Durham, and A. Harris Kenyon before him.

RT: A. Harris, of course, went into headquarters.

HR: Yes. He disappeared into the woodwork. I don't know where he went.

RT: I don't recall either.

HR: Nobody cares either. The crazy part about it was, I thought that Bud Kerr was the director and John Guill was the chief inspector when they interviewed me. Then they both ended up working for me out in San Francisco.

RT: I remember John Guill was there. Guill had sort of an unusual credit of having developed, as I recall, the critical dissolution test kit.

TAPE 1, SIDE B

RT: This was used for field testing margarine substitution for butter. He had developed this little field test kit.

HR: Yes, that little box.

RT: They used to try to do this testing in the field. That was his heritage, as I understand it.

HR: Well, see, he ended up out in San Francisco as deputy something or other, because he was the Director of Chicago, and they wanted him out of there. [Commissioner James] Goddard wanted all district directors gone, so he got rid of everyone but McKay McKinnon, the one that survived, because he faked a heart attack, and they wouldn't let Goddard in to see him in the hospital.

RT: Is that right?

HR: Oh, yes. He was quite a character. "Oh, he had a heart attack." He had no more a heart attack than this table did. He survived Goddard. Goddard was long gone.

RT: Well, these are some of the interesting things that come out during these oral history interviews.

HR: See, they can't dispute them because they're all dead. I mean, all of those people are dead.

RT: That's true.

HR: But, you know, it was J. Kenneth Kirk and Malcolm Stevens and all of those people in Washington who were bureau chiefs, and Winton Rankin -- and who else was up there? I don't remember now.

RT: Well, Malcolm Stevens was head of enforcement, as I remember.

HR: Yes, Bureau of Enforcement. He had been formerly . . . The crazy part of it -- I was thinking about it -- most of those Bureau directors came into Washington after they had been District directors. All were field people; see, the field was very, very strong in those days. Headquarters really kowtowed to the field. The field really ran the FDA because we were the eyes and ears out there, and Washington staff was very small, because I remember coming in -- when I came in, the budget for Food and Drug was \$985,000, less than a million dollars. It's a billion now, or whatever the hell it is.

I had a car. The fuel pump was bad. It was a '50 Pontiac. The damn thing, in the summertime, every time you stopped, you'd get a vapor lock. So I had to carry a cream can around in the back end of it with a dipper, and pour water over the damn fuel pump to get the damn car started.

So I called the chief inspector and I said, "I need a new fuel pump."

"How much money?"

I said, "Seventeen dollars."

"Can't afford it. Keep pouring the water over it."

RT: Is that right? Compare that with the almost-wanton spending of today.

HR: Yes. Being out in the field, I remember at the end of one fiscal year, I'm over in Robinson, Illinois. He says, "Your per diem stops at midnight."

Well, it's a five-hour drive from eastern Illinois to St. Louis. It was on my own. I paid for that night's lodging out of my pocket for the motel, because I wasn't going to leave at midnight and drive all the way across Illinois in the middle of the night. That's crazy, you know. So, money was, you know, you had to watch the pennies.

RT: Well, from my impression, Henry, I came into the FDA in 1964, and you were in Washington then because you were one of the first persons who I met, primarily because another guy who was recruited at the same time at the Federal-State was Charles Pogue.

HR: Oh, from Kentucky.

RT: Charlie knew you.

HR: Oh, yes. We worked together down in southern Kentucky.

RT: I was introduced to you about my first day at FDA, and I knew you from then on.

But I was going to say that it seemed to me, coming from a state organization, that this was a very military-structured organization, and there was a lot of awe of the

top manager. You almost genuflected when you went to see some of these people like Ken Kirk and Winton Rankin and so on. At least it seemed that way to me.

Jim Pearson, my boss, when I finally had served my plebship and could go out and represent the headquarters to the states, told me one time, "Well, you go over and see Malcolm Stevens and Ken Kirk and others. Tell them you're going out and you want to know something about important current issues."

Malcolm Stevens immediately set me pretty straight that I didn't walk in on him. Now, Pearson was his equal and he could do that. But plebes like me, I learned, didn't do that. We needed to arrange for an appointment.

HR: I always walked in on him. They were afraid of me. See, being in internal investigation like that, they didn't know what the hell I was doing. I had the complete run of every office in the Food and Drug Administration, because they didn't know what I was doing. They didn't know if I was after one of them or somebody else, and I would never tell them, you know. So that gave me free rein.

RT: That's good.

HR: That was a good habit. It wasn't very satisfying. That's why I went back to the field as a supervisor, and back into management.

RT: Well, when I first met you, I thought you were -- and I'm sure you were -- a very serious-minded, intense young man, so you probably did carry that charisma in the job you were doing.

HR: I didn't want anybody to know I was doing nothing. What the hell, you crazy? You've always got to look busy. Right?

Like George Goers, my chief inspector. His desk would be piled high with these damned things. I says, "Who do you think you're impressing? You're not impressing me." I said, "Some of those damned things haven't moved for six months. Put them back in the file."

RT: Well, there were people like that, you know, recalling some of the folks.

There was a man, Walter Moses.

HR: Oh, I remember Walter.

RT: Now, Walter Moses was a very nice man for us plebes to get information from to send to the states. No matter how busy he was, he'd lay his pen down and talk to us.

Then there was Sam Fine. I don't know whether you knew Sam when he was in headquarters. Sam never had anything on his desk. It was always in the in-box or the out-box. And when you went in to see Sam, you made your inquiry, and after answering it, he just looked down and started reading. You were dismissed. He didn't bother saying goodbye or anything else.

HR: Well, they were all different. Like Allen Rayfield, everybody was scared to death of him. If they knew the guy, he was a pushover. He was a pussycat, really.

RT: Is that right?

HR: But those things you had to do. He was like a lot of those people, you had to stand up to him and let him know, by God, don't push me. I can push back just as hard as you can.

Sam Alfend was another one. He'd chew people out. He called me up one time and he started chewing me -- I hung up. And he called back and he said, "Did you hang up on me?"

I said, "Yes. And if you start in again, I'll hang up on you again, you little bastard!"

RT: Now, who was that?

HR: Sam Alfend.

RT: Oh, yes, Sam.

HR: And from then on, we never had any problems, never. You know, he'd come up to Cleveland, and worry Joe Belson. He would be scratching around, scratching around. I said to Joe, "Relax."

"Well, Sam . . ."

I said, "Forget Sam. I'm not going to worry about Sam."

RT: Sam was another unique man in many ways. His life was the Food and Drug Administration.

HR: He looked at every piece of paper. The mailbags were put in his office.

RT: I understood at one point he was having headaches and went to an ophthalmologist, and the guy told him, "You're using your eyes too many hours."

And Sam had a very nondescript, non-legible penmanship.

HR: Oh, you couldn't read it.

RT: Donald Martin was pretty good at reading Sam's scribbles. He was a resident at Indianapolis. He'd figure it out. But John McCulloff over in the Columbus, Ohio resident office got one of Sam's hand-script orders one time, and he just sent it back with a note which said, "Have this typed. I can't read it."

HR: Well, I did this a couple times. I mean, Sam wrote this way, and you couldn't read some of them, and they're very short. Remember those little blue memos? They were a half-page. He was great with those. He must have had eight-deep pads on his desk. He was always scribbling something down.

I'd call him and I'd say, "I got your memo, Sam. What the hell are you talking about?"

"What the hell memo is that?"

"Hell, I don't know. That's why I'm calling you."

RT: Well, there were a lot of colorful people in the agency. I don't think there are as many colorful people today as there was in the earlier history of the agency.

HR: Oh, I think you're right. But the agency has changed, you see. It's like our priorities when I came in were seizures and prosecutions. The district that had the most seizures and prosecutions was number one. The inspector that had the most seizures and prosecutions was the top man in the district. He could be dumb as dirt, but he was, he produced, and that's what they gauged him by: how many prosecutions and how many seizures did you have? So you'd go out and seize. The guy would want to throw it away, you know. It was, say, 10 cases of whatever it was. Oh, no. We had to seize it.

RT: Well, that's true. I worked with federal people quite a bit in Indiana, and I was at a tomato factory one time dealing with a very conscientious manager. There was too much untrimmed stuff coming over the end of the belt and it was going to result in a high mold count. And I said to my FDA inspection partner, "Should I tell him?"

"Oh, no," was the answer. "We'll get a seizure."

And I thought, that's kind of stupid.

HR: It is. It's wrong.

RT: Because it took forever and ever a seizure action to be processed and resolved. You'd read about them in the *Enforcement News* FDA publication. Some of those seizure actions went several years before they were resolved.

HR: Oh, yes; oh, yes. I had one here that was a corn cannery over in Wisconsin. It was bad corn, underprocessed. And the guy was not too cooperative, so I put a seizure in, and they seized it. So I put a prosecution in, and they screwed around with that damn thing for two years. And finally, Barton Hutt, or whatever the hell his name was, was general counsel.

RT: Peter Barton Hutt.

HR: He approved it two years later. And I sent it back to him with a note. I said, "I am not going to take this over to the U.S. Attorney. It's two years old." I

said, "That's an insult to me, and it would be an to him -- he'd throw me the hell out of his office."

RT: You're probably right.

HR: Two years? It's a danger to the health of the Americans, and two years later we're going to do something? So I never did file it.

RT: This leads me to ask you, since you served through both phases or styles of operation, we then moved more to voluntary compliance or industry education. What's your assessment of that as compared to the former gotcha philosophy?

HR: Well, see, I was criticized heavily by Hile and [Donald] Heaton because I had more firms under that voluntary -- what they hell did they call it?

RT: Voluntary.

HR: Self-inspection or whatever it was.

RT: Yes.

HR: I had Green Giant and I had Pillsbury and I had General Mills. I had, I don't know. I had a whole list of them. And it worked out well for me. We never found anything wrong with it anyway. I wouldn't have put those people in. When's the last seizure we had on General Mills? It was blueberry pancakes because the pancake mix didn't have any blueberries in it. Well, that's a labeling

problem, not a health problem. Some little dinky thing like that with Pillsbury would be some damn little dinky labeling problem. It would never be a big problem.

RT: Right. I remember going to a national AFDO conference. And in one of the committees, there was a discussion led by an FDA'er about -- I don't know whether it was an AFDO concern per se. But some of the butter pancake mixes did not have any butter in it. I thought to myself, who the heck cares? I mean, it's not right, but is it worth a national conclave of enforcement people to talk about that? There must be more serious problems.

HR: They could have handled it very simply. You know, we had problems with Pillsbury, I just called them up. The head of quality assurance was right here in Minneapolis. He'd bring over his people and a couple of lawyers, and I'd throw the lawyers out. I said, "Don't bring the lawyers in. I don't want them at the meeting. All they do is confuse the issue of settlement between you and me, you know. Do whatever you've got to do and tell me when it's done, and I'll send an inspector in and we'll see that it's done, and that's the end of it. You get the lawyers in here, you're going to be writing me letters that I've got to answer, and I don't like answering letters, so just leave them out in the hall."

RT: I'm sure that it's more efficient in many ways, isn't it, than in former times. I just wondered what your feeling as a career enforcement person was about the move toward voluntary compliance and industry education.

HR: Well, it's fine as long as it's monitored. If you're just going to turn it over and leave it alone, you've got to get out there with some kind of a plan like we had where you inspected them, they sent the stuff in, we looked at it, but we still went out to the plants during the heavy corn season or pea season or whatever the hell it was and looked at it, because they can tell you all kinds of things on paper. It's like buying a house or buying a car. They can tell you all kinds of things.

Well, we had cooperation with the State of Minnesota. We had an agreement, a written agreement with them.

Bernie, Bernard -- what the hell was his name, the director?

RT: Yes. It wasn't Larson, was it?

HR: No. Bernard Steffen.

RT: I know who you mean. He was up there for many years.

HR: Well, George Steele was there for many years, and he retired.

RT: Well, after Steele, Bernard Steffen -- then Tom Masso came in, didn't he?

HR: Yes. Tom and I worked together, too, you know. And he went up to be Assistant Commissioner of Agriculture, so he left there. I don't know who's over there now, but I really don't care, see. Retired 23 years. This is the first time I've been back here in 20 years.

RT: Well, when you first retired, you used to come back once in a while, didn't you?

HR: Well, because there were people I knew. But then when everybody started to retire, I don't know anybody that's in here anymore. They're all gone. They're either retired, transferred, or dead.

So we have a breakfast every month, the retirees. Twenty of us get together for breakfast and sit there and lie to each other.

RT: Well, that's kind of nice way to keep in touch.

HR: But anyway . . .

RT: Well, as a former staff member, as you look at the agency, do you have any particular impressions in terms of direction or management styles now?

HR: My first impression is they don't do a damn thing. They're doing absolutely nothing. They have to wait until Guidant gets into trouble with their damn

pacemakers or whatever it was, and then all of a sudden it becomes a problem. It's solving the problems after the problems occur.

They get a bad drug. What the hell was it, one they had to take off the market?

RT: Oh, was it Vioxx?

HR: Whatever in the hell it was. It was a big one that Merck or somebody was making. After they killed some people, then they decided to take it off the market, and they've done this with a lot of the new drugs. But it's always after the fact, never before the fact.

RT: Do you think it was more before the fact in days past?

HR: Well, things were different. They were entirely different. We didn't have the same problem. We didn't have the volume of new drugs. How many new drugs came on the market back in the '50s? Damn few. Half a dozen maybe.

RT: Well, that may, I won't say rationalize it. That may be a basis for the problems today, because . . .

HR: Oh, sure, I'm sure it is.

RT: . . . because the volumes, and the Congress, you know, historically adds amendments and so on and then doesn't fund them.

HR: Well, even if they funded it, where are they going to get bona fide people to do this?

You know, you go to the Bureau of Drugs, and I went back there for a couple of meeting. We had just ended meetings. And I'd go upstairs. People are still working like Ron Ottens and some of those people. And I went over to the Bureau of Drugs, and there's a couple of guys I knew over there, used to say hi, because they'd been former inspectors. And I walk by this office, and the guy is in this room. Here's a doctor, had a candle lit in the middle of his desk. All the shades were drawn. This candle was burning, and he was curled up in the bookcase. He said he does this every day. He's meditating. Well, bang and a boom and a boom, you know. Hoo, hoo, hoo.

RT: Was this person of a different ethnic background?

HR: I don't know who he was.

RT: I won't say a foreign culture, but a different culture?

HR: I don't think so. I never saw his face. He was just in a fetal position laying on a shelf in the bookcase.

RT: Well, that's kind of unusual.

HR: Oh boy, oh boy, oh boy, you know.

RT: Well, that's what some of the commissioners, and Goddard, who you mentioned before, Goddard did do this. He

roamed around. He might drop in to this or that office and ask them what are they doing. And other commissioners have been quite aloof in their own way.

HR: Well, one thing about Larrick -- of course we were small then; I don't know how many people were in Food and Drug, but damn few -- he knew everybody. He knew his name, he knew my name, every inspector, every chemist, everybody in the agency he could name.

RT: He did.

HR: Yes.

RT: You know, I was recruited from a state, and Charlie Pogue, who I mentioned, was also recruited from state government. At that time they had a monthly review publication, a little internal rag that circulated in the agency, and they had our pictures in it. George Larrick met me in a hallway after I'd just been there a few days. He came up, shook my hand and said, "Well, I'm glad you joined us, Mr. Tucker." Wow! Why would the top dog take such notice of a new plebe?

HR: Well, Mr. Larrick was a very conservative man. He drove a 1950 Plymouth. Now, this is 1962. It had been painted about five times, an old coupe, stick shift. His wife had a brand-new Chrysler something or other, but he drove this little old damn Plymouth coupe. And, of course,

he had number one, one of the number-one parking spots. But you always knew when Mr. Larrick was in the office because there was his blue 1950 Plymouth coupe.

RT: He was also a man that had come off the perch. He lost part of his finger in a corn sheller on his farm one weekend. I guess he had a home somewhere down in Virginia, and that was a mark of his blue-collar interests.

HR: I went up to the Hill a number of times for meetings with Congress. Senator Hart, I think, chaired one of the committees that was very important. And he'd be so nervous he'd damn near pee in his pants.

Well, once he got in that room and opened his book -- it was just a small, black three-ring binder -- he had them right in the palm of his hand. He was so slick that it was just like Teflon. They'd give him anything he wanted because they trusted him, because his word was good. I mean, if he said dah-dah dah-dah dah-dah, it was dah-dah dah-dah dah-dah. It wasn't da dah-dah-dah dah-dah. It was dah-dah dah-dah dah. And so he could get anything he wanted.

And, of course, the budget just went from a million to \$2 million to \$3 million, and we built all those buildings or leased, put all those new laboratories in, got the FDA building, which was never occupied very long. Goddard came

in, moved everything out, the building went to hell. I don't know if it's even there anymore.

RT: It's there.

HR: And then, of course, he retired. He got out.

RT: Well, wasn't his problem somewhat with the congressional oversight on the alleged drug lag or drug-approval lag?

HR: Ah, that's bullshit. It was starting to come along. But it was a change in administration, and he survived two or three changes. But whoever came in -- I don't know, Nixon or whoever that was -- just decided -- or Johnson; I don't know. That's too long . . .

RT: Yes, sure.

HR: They decided to change all of those people. And, of course, he served at the pleasure of the President. He gives his resignation, it was accepted, he's out. Boom!

RT: Well, there was a development -- I think it was under the Lyndon Johnson administration -- where they had the CPEHS, the Consumer Protection and Environmental Health Service.

HR: Oh, God.

RT: Which was an intermediate layer of bureaucracy between the Secretary and the Commissioner.

HR: That's where a lot of things got bogged down.

RT: Yes. And that complicated things for the agency.

HR: That didn't last very long.

RT: Not too long.

HR: They did away with that.

RT: Yes.

Well, I was working then for Paul Pumpian, who was head of the Legislative Office. Anyway, I thought this was an example of where Paul was willing to be a sacrificial lamb. Pumpian made a speech that criticized C. C. Johnson, the administrator of CPEHS. I understood that, after that speech, Mr. Johnson said, "Get that monkey out of town," and so he was gone before very long. But maybe Pumpian helped cut down the tree of CPEHS a little bit anyway.

HR: Well, that disappeared, because the new badge, you know, when they redesigned the inspector's badge, it had CPEHS under there. By the time they issued the damn badge, CPEHS was gone, so they had to send them all back and put another overlay on them, see.

RT: Well, those kind of things happened in the rather recent history of the agency.

HR: And it's going to change. But I predict that FDA is not long for this world.

RT: In terms of splitting off foods and drugs?

HR: Splitting apart. Give all the food and all that stuff to the Department of Agriculture, and all the drugs and biologics and everything will go over to NIH. FDA will disappear. It'll be gone. It won't be there anymore.

RT: There are those who have proposed doing things like that, and it may happen.

HR: Well, I don't know when it'll happen or if it will happen. That's my prediction. It's getting, FDA has screwed so many things up lately that they don't got too many friends on the Hill anymore. And this Les Crawford getting wiped out, that didn't help things any either, you know.

RT: That's true.

HR: You know, it doesn't take much. And then [Senator Orrin] Hatch from Utah. He hates us with a passion, you know. He changed the law on labeling of vitamins and all that kind of crap.

RT: Senator Orrin Hatch.

HR: Yes. He's a bad man.

RT: Now, as you look back through your experience with the agency, were there any commissioners, among the many who served after Larrick, who impressed you one way or another?

HR: Well, the one that followed Goddard. What was his name?

RT: Was that Arthur Hayes?

HR: No. Ley?

RT: Oh, I think I know who you mean. I sort of have a mental block right now.

HR: We all do. He was a nice guy. He got killed on the saccharin decision.

RT: Generic drugs?

HR: No. The non-sweetener.

RT: Oh, yes.

HR: Declared it to be a carcinogen, you know, the one that everybody takes that's got diabetes.

RT: That's right.

HR: And he declared it as a carcinogen, and they just killed him on that. Congress passed a law that says it isn't. The story goes back to Theodore Roosevelt, you see, it goes way back. They knew it was bad then, but he was a diabetic and he wanted it, so he had it. The FDA didn't touch that bad stuff for years and years and years. You know what I'm talking about.

RT: Sure. I know because I'm a diabetic.

HR: I can't remember the name of it. But anyway, that killed him.

Ley, Dr. Ley.

RT: Herbert Ley, yes.

HR: He was a good man.

And then [Arthur Hull] Hayes. He got booted out because he cheated on his damn expense account.

And then we had another one in there, I can't remember, the big man. Alexander M. Schmidt, M.D. He didn't last long. And they had a lawyer, a medical lawyer in there, long after I retired, and he was good. And then he left. And they disappear.

These people, the commissioners leave FDA and nobody ever hears from them again. They have a big hole out there they put them in.

RT: Well, again, I guess as a part of the transformation, back to the Larrick-and-predecessor days, the commissioners were career people.

HR: Yes, every one of them.

RT: And then they became . . .

HR: Political.

RT: Political. And some folks who take the job use it as a stepping stone to something bigger and better for themselves. The career person has perhaps more of a sole commitment to the agency, whereas the fly-by-nighters or the revolving-door commissioner can do something

significant, but they're not going to be around long enough to suffer the consequences of errors that may result.

HR: People forget about them.

RT: Yes.

HR: The guy that was commissioner who went on to be president of Stanford. What the hell was his name?

RT: Oh, yes. I interviewed him. He was a good interview.

HR: Smart as hell.

RT: Let's shut it off a minute.

[tape recorder turned off, then on]

RT: I think we were thinking of Commissioner [Donald] Kennedy, the name we couldn't think of a moment ago, who did go to Stanford as chancellor.

HR: He was out there as president.

RT: Right. Then there was Dr. [David] Kessler, who went up to Yale.

HR: Kessler was a good man, but he was there long after I left.

RT: Kessler was certainly a commissioner who had a lot of publicity and did a lot of things that probably favorably presented the agency to the public.

TAPE 2, SIDE A

RT: We were talking about various commissioners and changes that have been made in the agency during your long term of service.

I also remember you, Henry, as a person who was individualistic. There are a lot of people in government who always are more or less of a yes-men or yes-sir men, who may have figured that's the way to get ahead. But you, on the other hand, were rather refreshing because sometimes you just spoke as an individual who thought, felt, and freely shared your independent ideas with others.

One thing that I recall was the time when Paul Hile, who was then the ACRA, or maybe he was still the EDRO, asking all the field directors for a picture. Do you remember that, Henry?

HR: Oh, yes.

RT: How that was worked out?

HR: Yes. I figured what the hell. Most of the time they treated us as if we were dead anyway, might as well look that way.

RT: So how did you portray this?

HR: Well, I cleared my desk off, got a pillow, lay down on my desk with my hands folded, had a staffer take a picture of me laying there like I was laid out.

RT: Didn't you have a couch that you laid on?

HR: No. I was laying on a desk.

RT: Oh. Okay.

HR: Big oak desk.

RT: Yes. And, let's see. I think you also added your pincer eyeglasses.

HR: Pince-nez. Still got them.

RT: And didn't you have a beret on?

HR: Oh, yes, still got those too.

RT: That certainly was a little different and probably surprised Mr. Hile a bit.

HR: Well, Mr. Hile did not like my office because I had a table in there with a train on it, an HO train with a whistle, and I had that little ditty recorded about, you let me ring the bell but pull the whistle, but I can't run the train?

RT: I believe I've heard you once got a communication from Mr. Bill Clark. Was he then a regional director?

HR: Regional director, Chicago Region.

RT: And you responded to that in a somewhat unique way, too. How did that one go?

HR: I just, well, I answered it on regular paper, and then I took it over to the Xerox machine and I just kept reducing it until it got down to about the size of a

postcard, which of course you couldn't read it very well. So I sent that to him. And then in the next mail, I sent him a magnifying glass and said, "Here, now you can read my memo." The reason I sent it so small was because it didn't deserve any more answer than that big anyway.

RT: And how did Mr. Clark take that one?

HR: Well, Bill had a little bit of a humorous side to him. I thought for sure somebody would ask him to write up the thing.

But I had memos. When I retired, I had about four memos in the bottom of my in-box that had been there for at least five years which I never answered, and nobody missed the answer. I never answered them, and they didn't . . . So obviously, they didn't care whether anybody answered their damn memo or not.

Well, I'd get a call from Jim Simmons out in Cincinnati or when he was over in Detroit: "When are you going to answer that memo from Healton?"

I said, "I'm not."

"Well, really? You've got to answer it."

I says, "No, I don't. I don't have to answer it, and I ain't gonna answer it because it's stupid."

"You could answer if you want to."

"But I'm not going to answer it."

And Heaton never said a word to me, never said a word, because he knew that I, if he wanted to push me, would just let him have it right with both barrels. And, of course, you have to be very careful. I would not do it in writing.

Mr. McKinnon, who was a District director that I worked under in San Francisco, said, "Be sure, if you do something, Henry, that you don't want to be part of the record, don't put it in writing, because you do it, and then you're stuck forever with that damn thing."

RT: That was pretty judicious advice.

Well, that reminds me of a similar situation. There was a guy by the name of Guy Stevens, who was a state official in Utah, and he wrote a letter into the Food and Drug Administration wanting a position or a policy about annatto in butter. I was given the letter to answer and was told, when I went up to see one of the upper management officials, "Don't answer that letter," and I didn't. The state guy wrote in again and the instruction still was, "Don't answer that letter." Being a plebe at the time and just having come from state government myself, I thought, gee, this is a funny way to treat your state counterparts. Whatever the real issue was, it was one they didn't want to put in writing, and so we never did put it in writing. The

state guy died, I guess, without ever knowing what the FDA thought about annatto in butter.

HR: Well, you know, when they first came out with this Teflon-coated frying pan, it was a guy by the name of Gray who was an assistant to one of the congressmen up on the Hill, and he was all after that.

RT: Don Gray?

HR: I think that's what his name -- I don't know. But anyway, he was over there pushing and pushing and pushing. And this old pharmacologist over in the Bureau of Science, he'd been there for years and years, he says, "It's all right if you don't overheat it. It's fine." But he wanted an answer in writing, and John Harvey gave it to Winton Rankin. And Rankin called him up and he says, "I ain't gonna put it in writing."

"Well, I'll be over to see."

He says, "Come on over."

So the guy came over. Well, I was right next to Rankin and I could hear them in there, and they were going on heavy. He says, "I just ain't gonna put it in writing." He said, "I told you. That's all I'm going to do."

"Well, we'll see about that."

Well, nothing ever came of it.

RT: Let's see, Henry. You were just looking at the flag here in the conference room. Why were you interested in the flag?

HR: Well, HEW sent us the HEW flag. We'd never had one. We didn't have one for all the other agencies. It's a beautiful flag. It's maroon and it's all embroidered and it's silk. So I set the damn thing in my office. And the American flag looked like nothing. I said, "That can't be. I've got to have the American flag as number one."

So I called a flag guy up and I said, "I want a flag that's equal or better than the quality of this flag."

He said, "Well, that's a pure-silk flag."

I said, "Then I want a pure-silk American flag."

And if you notice, it's about that much taller than the other one. Look at the standard. And I want a big gold eagle on the top. And so they delivered it.

Well, I never did show anybody what I paid for the damn thing, and it was expensive. But, you know, being a good district director, you hide those things in the budget. They never could find that flag. It was lab equipment or some travel expense. They never could find it. They never did find the money.

RT: Well, Henry, I thought it was appropriate for us to close the interview with a touch on your sense of humor,

your spirit of independence, and yet, although you were an independent thinker and doer in some cases, you were a loyal servant of the agency for many years. We appreciate having this interview with you to record for those who are interested in the oral history of the agency this information.

HR: Thank you.

RT: You're welcome.

END OF INTERVIEW