

Proceedings of Meeting No. 22

of the

SPECIAL INDUSTRIAL RECOVERY BOARD

held in

The Conference Room, No. 5842

Department of Commerce

Nov. 6, 1933

PERSONAL AND CONFIDENTIAL

Copy No. 6

For Hon. Frances Perkins

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ATTENDANCE AT MEETING NO. 22

Nov. 6, 1933

Hon. Daniel C. Roper, Secretary of Commerce, Chairman

Hon. Henry A. Wallace, Secretary of Agriculture

Hon. Frances Perkins, Secretary of Labor

Hon. Charles H. March, Chairman Federal Trade Commission

Hon. Harold M. Stephens, Assistant Attorney General

Hon. Alvin Brown, Assistant Administrator

Mr. E. Willard Jensen, Assistant Secretary

Mr. Russell Hardy, Assistant to Judge Stephens

Mr. B. P. Foote, Reporter

SPECIAL INDUSTRIAL RECOVERY BOARD

AGENDA

Meeting No. 22, Nov. 6, 1933

1. Approval of minutes of Meeting No. 21, held Oct. 30.
2. Discussion of major activities during the past week.
3. Appointment of committee to study Tariff Question.
4. Advisability of having weekly reports on the price of representative articles for the guidance of the buying public.
5. What are the NRA suggestions to States with reference to coordinating legislation?
6. What is the status of the Organization Chart?
7. Has the skeleton code been revised so as to contain a suitable provision on the reporting of statistics?
8. Approval of additional personnel.

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SPECIAL INDUSTRIAL RECOVERY BOARD

November 6, 1933

2:38 P. M.

CHAIRMAN ROPER: What about the minutes? (Pause) We will assume that they are correct.

Mr. Brown, do you wish to answer topic 2, "Discussion of major activities during the past week"?

MR. BROWN: I haven't anything outstanding, Mr. Secretary. We presented about 25 codes to the President, and it is becoming more or less routine work now.

CHAIRMAN ROPER: Have they been signed?

MR. BROWN: About 10 or 12 of them have been signed; the remainder were sent to him Saturday afternoon. I do not know whether they have been signed yet or not.

CHAIRMAN ROPER: Any questions you wish to ask?

JUDGE STEPHENS: How is the Ford situation?

MR. BROWN: I think the newspapers have given the latest information. I do not know of anything new.

JUDGE STEPHENS: Does he really have to lay off those men to come within the Code?

MR. BROWN: I do not understand what he means, myself.

COMMISSIONER MARCH: I should think he would put on more men.

MR. BROWN: No code requires any employer to lay off men.

JUDGE STEPHENS: I was wondering if there was some peculiar condition there.

MR. BROWN: I think there is a provision of the code which permits the industry during any particular period to exceed the number of hours in a particular week. I do not remember just what the maximum is, but the standard number of hours is 35, and in order to keep operating in a straight-line performance such as the automobile industry, where one department might hold up the whole works, there is a flexibility up to 40. They may work 40 hours in some particular week and compensate by laying off in another week. That is perhaps the plan he is using.

COMMISSIONER MARCH: What is the time he is working them now? He is working more than 35 hours now without putting the code into effect.

MR. BROWN: Presumably he has been.

COMMISSIONER MARCH: Now you reduce the hours and he lays off men. I don't understand his reasoning.

MR. BROWN: I don't either.

CHAIRMAN ROPER: He is certainly very inconsistent.

JUDGE STEPHENS: Has the Motion Picture Code been acted on?

MR. BROWN: No, and it will not be until the General gets back, I think. He specifically excepted a few, and I think the Motion Picture Code was one of them.

JUDGE STEPHENS: We sent down some information that might be of interest to you before it is acted on.

COMMISSIONER MARCH: That is a rather dangerous code.

CHAIRMAN ROPER: I wonder if all of you have received a copy of this so-called standard code, or rather this memorandum explaining the same. It is a very interesting document to me. I have been quite entertained by reading the memorandum that has been furnished me here on the so-called standard code. I thought Mr. Brown might tell us if there is anything further that he would like to say about that, and also whether it has been distributed, or whether it came to me as Chairman with a view to my bringing its contents to the members of the Board. If so, I think each and every member should be furnished a copy of it.

MR. BROWN: I consider this code, as yet, entirely unofficial, Mr. Secretary. It is the product of a committee which has been studying the standard code provisions for some weeks and in the main I think it is quite good. There are some things in it I would not entirely approve of. I do not think it should be considered as official until the General has approved it, which he has not yet. This is marked "Confidential."

CHAIRMAN ROPER: The outline is so interesting to me, though, that I think probably a copy might go under the same confidential label to each member so that if we have suggestions to General Johnson, they might be made in time.

SECRETARY PERKINS: Is it the intent to have one standard code?

MR. BROWN: No, it is the intent to suggest a code with certain standard provisions.

SECRETARY PERKINS: Standard provisions as to what?

MR. BROWN: The ones which ordinarily come up, such as hours and wages.

SECRETARY PERKINS: I wondered what was the idea of having a standard at all.

MR. BROWN: To insure the preparation of the codes in the best form.

COMMISSIONER MARCH: We adopted that plan with the Federal Trade Commission. We found that rules would work in that should be the same in different industries and so we adopted certain standards for that particular subject. It was very helpful to us. It clarifies it a great deal.

MR. BROWN: There are many provisions which are similar in the various codes and the standard code is for the purpose of suggesting the best form.

COMMISSIONER MARCH: We found that we might change one word and change the meaning of the whole rule, whereas we wanted it just the same.

JUDGE STEPHENS: I suppose there are a number of code provisions that are constant.

MR. BROWN: Yes, such as minimum wages and hours.

SECRETARY PERKINS: Again I see they have made the same old error with reference to the collection of statistical data for Government agencies. That should not be a subhead under Code Authority. In the outline it is in the wrong place. It is independent of the code. It keeps cropping up. It shows that somebody has got this thing definitely in his mind with a dogged determination to keep it in the Code Authority rather than where it

belongs. If we could find the group and let them experience conversion, perhaps we would not have to watch so closely.

MR. BROWN: Perhaps Madam Secretary is a little suspicious on that point.

SECRETARY PERKINS: No, I am not one of these people that have suspicions. I just know that somebody in that great organization got that idea in his head. That is not where it belongs, but several of them happen to be in a position where they write these things and they are cropping up in every code.

MR. BROWN: I don't think the one who wrote that intended at all to stultify the provisions, but felt that was the logical place to put it. It doesn't make a great deal of difference.

SECRETARY PERKINS: Yes, I think it does make a great deal of difference. I think it is one of the general things and does not belong under the Code Authority.

CHAIRMAN ROPER: I presume, Mr. Brown, this is just simply a rough draft to be used as a basis for study. The only reason I brought it up was I was not sure the members of the Board had access to it and it interested me. It occurred to me it might be well to have it, with the confidential label, given to the other members of the Board. Do you think well of that, sir?

MR. BROWN: I see no objection to it.

CHAIRMAN ROPER: The next item is with reference to the appointment of a committee to study tariff questions. It is my understanding that General Johnson has already organized that under Mr. Ryder, who has come over from the Tariff Commission.

MR. BROWN: That's right.

CHAIRMAN ROPER: Mr. Ryder came in to see me a few days ago and I told him I thought it would be well to have their study coordinate very closely with the State Department. He has, as I understand, prepared a working arrangement with the State Department for this study.

COMMISSIONER MARCH: Mr. Secretary, perhaps the Secretary of Agriculture can tell us about a good deal of grain that is coming in, especially rye. It occurs to me that matter should be taken care of.

CHAIRMAN ROPER: I think the Secretary of Agriculture has given a great deal of thought to that subject, have you not, Mr. Secretary?

SECRETARY WALLACE: The President has directed the Tariff Commission to initiate investigation in regard to rye.

COMMISSIONER MARCH: Under this law can he not stop it without too much delay?

SECRETARY WALLACE: If you will read the particular provision of this law I think you will see that the President cannot invoke the National Recovery Act to stop the importation of rye, because the embargo is to be imposed in carrying out a certain section that has to do with making codes effective, and I don't see how shutting out rye would serve to make any code effective. Am I right about that, Mr. Brown?

MR. BROWN: I don't know.

JUDGE STEPHENS: The section provides, Mr. Secretary, that "on his own motion, or if any labor organization or any trade or in-

dustrial organization, association or group, which has complied with the provisions of this title, shall make complaint to the President that any article or articles are being imported into the United States in substantial quantities or increasing ratio to domestic production of any competitive article or articles and on such terms or under such conditions as to render ineffective or seriously to endanger the maintenance of any code or agreement under this title, the President may cause an immediate investigation" and so on. Whether that covers Agricultural Adjustment agreements, I would not like to answer offhand. You don't have actual agreements with the farmers anyway, do you?

SECRETARY WALLACE: No, it was urged by Governor Olson last week that that provision might be used to shut out rye; but without making any legal inquiry it seemed doubtful. It seems to me, furthermore, on this whole tariff matter that the Democratic Administration might be in serious danger of stultifying itself if it engaged in embargoes on the slightest pretext.

CHAIRMAN ROPER: It doesn't look like lower tariff.

SECRETARY WALLACE: As a matter of fact, as a creditor nation, as this nation is and will be for some time to come, and with the need of building up at least \$500,000,000 or possibly \$1,000,000,000 more purchasing power, if we import products from abroad in order to furnish a market for extra wheat and cotton and lard and tobacco, it would seem to me most

unfortunate if we allowed each particular group which comes in squawking to stampede us into the same kind of attitude on the tariff that the Republicans have had. I say again, for a creditor nation to behave that way appeals to me as being intellectual insanity.

CHAIRMAN ROPER: True;

COMMISSIONER MARCH: But isn't it almost necessary, under some of these codes, to invoke that provision of the Act?

SECRETARY WALLACE: I think it is singularly unfortunate that that particular thing is in the National Recovery Act. That ought to be well centralized in the hands of a body that has power to manage it not from the standpoint of pressure from a particular group, but from the standpoint of a broad, national policy.

JUDGE STEPHENS: That is certainly true.

SECRETARY PERKINS: That was one of the agitations that developed during the passage of the Act.

SECRETARY WALLACE: We have a tariff man over in the Agricultural Adjustment Administration and we have one here and we have one in the State Department. It ought to be integrated into a national policy.

CHAIRMAN ROPER: That will have to be done.

We will now pass on to the next item which I put in here to get some information myself,--"Advisability of having weekly reports on the price of representative articles for the guidance of the buying public,"--the thought being this:

I understand that some effort is being made to carry that out. My thought was that it might be possible to set up a study under proper people--maybe your Statistical Committee--that would undertake to ascertain the actual bona fide increase in costs brought about through the Recovery Act so that you could apply that in a differential to a long list of articles that would give the people some idea as to how much a given line of articles should be or might be increased because of the administration of the Act.

SECRETARY WALLACE: Could you break it down in this way, perhaps: first the increase since April 1 as a result of increase in raw material prices; second, as a result of the processing tax; third, as a result of the imposition of N.R.A. or code requirements; and fourth, as a result of other things which may grow out of the increased profit-making possibilities because of exemption from antitrust, or other possibilities which have been opened up, so that the thing could be examined under those four heads and measured with some exactness.

CHAIRMAN ROPER: That is my idea. I think we must enlist the cooperation of the public in enforcing these laws and also in keeping down extravagant price increases. We can not afford to go into price-fixing, but if we can give the purchaser some help, he will help us to enforce these laws and keep prices within reason. There should be some way of helping the public to help us in that matter. I see no other

way to safely administer the law except through the co-operation of the purchasing public. We have the agencies through which this information could be channeled and there ought to be some way of transferring that information from Washington to the proper local units for the general guidance of the purchasing public.

SECRETARY PERKINS: Don't you think the whole subject of the study of prices is a broad, intricate one? I don't believe we could get anything on this that we would want to give out to the general public within a short time. If the Economic Research Division of the N.R.A. would make a report on it, I should personally prefer that that report be submitted first, with the method and technique they used, also to the Central Statistical Board. It might then be brought here after it has come through these highly critical agencies and we might get a pretty good guide as to what is useful and how to estimate in these various ways the reason for any price increases that are noted and come to some conclusions as to their justification. There are fluctuations taking place in prices all the time and the reasons for those are not always justified. We ought to be able to dissociate them and I think it would be highly desirable to have the report made by the Research Division of the N.R.A. and then criticized by the Central Statistical Board.

CHAIRMAN ROPER: I am just trying to start something. Maybe you have stated it clearly enough for the stenographer.

SECRETARY PERKINS: May I say this, that I have a conference with Mr. Frank Walker, Secretary of the Executive Council, as to a plan which has been referred to him for what has been called Retail Price Checking. The plan which has been submitted to him is apparently closely related to the other plan for the dissemination of information. I think before we go ahead with this it might be well for me to take this up with him and suggest that he see you and make whatever plans seem best. What plan has the N.R.A., Mr. Brown?

MR. BROWN: I don't know.

SECRETARY PERKINS: I know there has been discussion of it because Mr. Walker has taken this matter up with me. He tells me that originally it was a resolution of the Consumers Advisory Board of the N.R.A. to the effect that it would hold itself responsible for promoting the idea of retail price checking, which is quite different from retail price fixing, provided that the work would be done under the supervision of the Research Division and that General Johnson O.K'd that, but it had never gotten under way because of all these other things that come from the Executive Council.

MR. BROWN: I have not been in on that discussion. I understand we do handle complaints of unduly high prices, but we have never undertaken to study prices in general with reference to what they should be.

SECRETARY PERKINS: It has not been actually undertaken, but there has been some resolution to that effect and it apparently was to be done by the Research Division.

COMMISSIONER MARCH: We had some talk about cost accounting. Does it come under that?

SECRETARY PERKINS: No, this is checking on the actual retail prices, but you cannot determine what is a justifiable price until you know the cost.

COMMISSIONER MARCH: I was wondering if they would not run right in together?

SECRETARY PERKINS: They will.

CHAIRMAN ROPER: I should say to the Board that when I was reflecting upon the advisability of this, Mr. Jensen went down to the N.R.A. and conferred with Mr. Du Brul, who is taking the place of Dr. Sachs, and he sent up here a memorandum which I am going to ask Madam Secretary to look over, as it might be of some assistance to her in taking it up with Mr. Walker.

SECRETARY PERKINS: Thank you.

CHAIRMAN ROPER: Next, "What are the N.R.A. suggestions to States with reference to coordinating legislation?"

MR. BROWN: I think I will have to plead guilty there of forgetfulness. I believe I undertook to have copies of those submitted, but I forgot to follow it through.

CHAIRMAN ROPER: We will give you another week, then, on this situation. We will pass that now and retain it on the agenda for next week. Mr. Brown will enlighten us then.

This next item was put down, Mr. Brown, as one of the things we have not yet completed: "What is the status of the Organization Chart?"

MR. BROWN: That is in the hands of General Johnson. I understand he

intends to take it up with the President when he has the opportunity. I sent copies of the chart to Madam Secretary and Judge Stephens, who had expressed a special interest in it. However, that was only the tentative chart.

CHAIRMAN ROPER: Mr. Brown, may I have a copy of that?

MR. BROWN: Surely.

CHAIRMAN ROPER: Now we come to No. 8. We have a considerable list of additional personnel here in journal form. The salaries of \$5,000 or above are as follows:

James B. Dickey, Deputy Administrator, Whiteside's Div.	\$5780	Net
Robert W. Strange, Asst. Attorney, Legal Div.	5000	"
L. H. Peebles, Deputy Administrator, Simpson's Div.	5780	"
Rev. Francis J. Haas, Technical Adviser, Wagner's Div.	5000	"
Milton Handler, Legal Adviser, Wagner's Div.	6000	"

MR. BROWN: I understood, Mr. Secretary, we were to give you information concerning those whose salaries were \$5000 or above and I attached to the journal a memorandum with reference to Mr. Dickey and instructed the Chief Clerk to prepare one on Mr. Strange.

CHAIRMAN ROPER: They are not here.

MR. BROWN: I can only go back and inquire what happened to them. As to Mr. Peebles, he has already been mentioned here, and I thought there was no need of a memorandum with reference to him.

CHAIRMAN ROPER: He is the man we sent to California and he did a splendid job out there.

MR. BROWN: Yes, he did. Haas and Handler are appointees of Senator Wagner, and we have only a nominal jurisdiction over those, and I have no information except that the first one has been

and still is a member of the Labor Advisory Board, so there could hardly be much question on him. But I understand Mr. Handler is a thoroughly well respected lawyer of New York City.

JUDGE STEPHENS: He is a member of the faculty of Columbia University and is said to be a very good man.

CHAIRMAN ROPIER: Is there any further information anyone wishes to secure about these men? If not, will you approve of the tentative action of the Chairman in approving of these Journal sheets?

JUDGE STEPHENS: I might add that Mr. Justice Stone recommended Mr. Handler to us in the Department of Justice for legal work. He gave him a very high recommendation.

SECRETARY WALLACE: Felix Frankfurt recommended him to us for solicitor.

JUDGE STEPHENS: I move the personnel be approved.

CHAIRMAN ROPIER: Is there any further discussion? If not, all in favor indicate it by saying "Aye"; those opposed by "No"; it is so ordered. (See Appendix for full list.)

JUDGE STEPHENS: Mr. Brown, we receive from time to time in the Department of Justice requests from various persons in the N.R.A. We had one request recently from a member of the Labor Advisory Board, Mr. Myers, and another request from somebody I am not able to identify from this memorandum, having to do with the Lumber Code, and it occurred to us that all those matters should be run through your Legal Department before they come to us, because your Legal Department might rule against a prosecution and we would not proceed ourselves to prosecute without first consulting your Legal Department.

MR. BROWN: I should like very much to know from whom the communications came.

JUDGE STEPHENS: The first was from A. Howard Myers respecting a complaint in the cigar situation. I cannot tell from this memorandum who sent the complaint on the lumber situation. I will try to find out and let you know. Mr. Hardy, my administrative assistant, tells me we have quite a large number of these matters coming from people calling up with these complaints. They probably ought all to be routed through your Legal Department before they come to us.

MR. BROWN: It is our plan to designate a liaison man through whom these inquiries would flow. Do you think that is a good idea?

JUDGE STEPHENS: I do, yes.

MR. BROWN: I have asked the Legal Division to select a lawyer for that purpose.

JUDGE STEPHENS: Very good.

CHAIRMAN ROPER: I have here a note from General Johnson in which he says:

"I will be in touch with my office every day and if there is anything you particularly want me to do, if you will get in touch with either Col. Lea or Alvin Brown, my assistants, they will assist you in every way possible and will bring the matters to my attention if necessary."

We have here, prepared from our own Department each week, certain data which comes in, I suppose, from our District Offices very largely. Is that right, Mr. Jensen?

MR. JENSEN: Yes, sir.

CHAIRMAN ROPER: Will you pick out any items there which may be of special interest.

Mr. Jensen then read the following paragraphs:

"District Offices and Office of Field Director - The number of signed agreements received and tabulated by the District Offices to the close of November 4 was 2,269,930, the number of certificates of compliance was 2,183,347 and the number of employees affected by the signed agreements totaled 14,532,663.

"The Liaison Office in the Bureau of Foreign and Domestic Commerce has been discontinued. It now becomes the Office of Field Director, and is to be a part of the Compliance Division of NRA. The new office will continue to use existing facilities of the Bureau in carrying on its activities.

"As the salaries of the 26 managers in the District Office Service are now paid by N.R.A. they are not included on the attached statement giving the employees of the Bureau performing service for the National Recovery Administration. However, it will be noted that 33 other employees in District Offices served a total of 139 days on activities for that organization. Thus it will be seen that this branch of the Bureau's Service is still doing considerable for the N.R.A.

"Public Attitude Toward N.R.A. - The public attitude appears to be more favorable as will be noted from attached quotations from District Compliance Directors.

"Bureau Divisions - All divisions of the Bureau continued rendering assistance to officials of the N.R.A. The Domestic Commerce Division did considerable work in connection with the preparation of a Model Code. It also consulted with N.R.A. on the wholesale and retail grocery trade and furnished estimates of the number of persons engaged in the beverage equipment industry.

"The Economic Research Division prepared estimates for the years 1926-28-30-32-33 for value of products and wage earners in all manufacturing industries in the United States and for motor vehicle industry alone.

"BIRMINGHAM: - On the whole the attitude of the public continues to be very good. Employers have been irked by delay in final approval of codes submitted. Birmingham and other Compliance Boards of the state desire more

authority to settle matters coming before them for attention and Chambers of Commerce resent fact petitions already approved by them being returned for approval of local Compliance Boards, necessitating duplication of effort.

"BOSTON: - About 70% in New England following President's program blindly with sincere desire for it to accomplish results advertised. About 20% are hopelessly confused and slightly irritated, and about 10% are openly hostile to the movement. This latter group unfortunately include many key companies and individuals who are doing much harm among those who are confused or are sincerely desirous of success for the program.

"The chief cause of uneasiness may be traceable to lack of adequate knowledge regarding the results obtained by the Compliance Boards in securing adherence to the Agreements signed. The restriction upon local Compliance Boards to give suitable publicity to the settlement of complaints if removed would go a long way towards clearing up much of the public indifference. At present definite feeling abroad that no one is doing anything to bring about compliance. First the public was led to believe that only conscience and public opinion would be exercised to enforce, and lately through scare headlines in the press the public was informed that the N.R.A. could involve a \$500.00 fine and imprisonment for a violation of the President's Agreement. However, no concrete action has yet been taken, so the public is only smiling and saying 'What is there to be afraid of?'

"More serious, however, is the harmful effect upon local Compliance Boards of the apparent lack of attention given to their serious recommendations for Blue Eagle removals by the N.R.A. in Washington. Such recommendations are not loosely made and the situation within the local community is definitely aggravated by the long delay.

"DETROIT: - Despite the unfavorable condition still existent in Michigan, and particularly Detroit, as a result of bank closings, and despite the added unfavorable condition brought about by the tool and die makers strike, Detroit can report the following highlights:

Public service companies all show increase.

Construction activity in southern Michigan has increased from 100 to 150 percent over 1932. (F. W. Dodge Corp. figures.)

Individual retailers report gains of up to 30 percent, with automobile retail sales jumping one week since buying campaign started to 300 percent over 1932.

One manufacturer reported he had increased purchases of his company between 400 and 500 per cent over a year ago."

CHAIRMAN ROPER: Is there anything from the remote part of the country--
California, for instance?

MR. JENSEN: Here is Seattle and Portland.

"PORTLAND:-- A sort of reaction has come about of late due particularly to the fact that as codes have passed they have not included all that various industries thought they would, especially with regard to unfair practices and feeling is not as strong for the program as it formerly was. This undoubtedly will disappear as codes are operating better.

"In this connection, a number of the logging interests that pay the scale of $42\frac{1}{2}\phi$ per hour are starting the practice of forcing their workmen to board at their camps and are charging as high as 45ϕ per meal which is more than what was charged during war-time prices with the result that the men are getting less net pay than before.

"SEATTLE:-- Increase in loose statements of non-compliance, particularly with regard to employees being improperly discharged. While legitimate complaints received have slightly declined, indications are that there is considerable unchecked non-compliance."

COMMISSIONER MARCH: Is there anything from the Central West?

MR. JENSEN: Here is Minneapolis:

"MINNEAPOLIS:-- There has been no improvement in the attitude toward the President's Plan, particularly in the rural communities in this District during the past week. As we have intimated in previous reports, the farmer is complaining about the great disparity between agricultural and industrial prices claiming the NRA has not improved his situation as had been predicted and hoped. In fact, it is a common statement among most people in agricultural communities that all of their economic losses and difficulties can be attributed to the NRA. There is no distinction made and unfortunately it is difficult to convince them of this fact.

"The farm strike declared over a week ago has made some progress, and there are isolated cases of picketing reported. The NRA is only one link in the entire chain

of the Recovery Program, and as intimated above, public opinion is inclined to believe that all of their problems can be blamed on the NRA. It is hoped that the recent statements from the Administration on the subject of agricultural relief and merchants operating in retail communities will tend to create a more favorable attitude."

CHAIRMAN ROPER: Is General Johnson scheduled for that section?

MR. BROWN: He is to be at Minneapolis tomorrow night.

CHAIRMAN ROPER: I do not know that there is anything in this group of memoranda that would be helpful to the General.

MR. BROWN: We get copies of that.

SECRETARY PERKINS: Where do they come from?

CHAIRMAN ROPER: They come from our District Offices.

SECRETARY PERKINS: Why don't we all get them?

JUDGE STEPHENS: I would also like to have them for myself and Mr. Cummings.

CHAIRMAN ROPER: We will see that copies are furnished to you.

SECRETARY PERKINS: These reports are made to the Secretary of Commerce and not as a matter of the compliance system.

CHAIRMAN ROPER: I think these reports come to both the N.R.A. and to us.

SECRETARY PERKINS: The use of the District Offices of the Commerce Department as compliance offices is hardly started yet. They have not been implemented for doing compliance work except as they can do it individually. They are holding the fort until some system can be put into effect and that is being worked on; but are they being paid out of the N.R.A.?

CHAIRMAN ROPER: Yes. Our plan is that we relieve from our Commerce work the man who is giving his primary attention to the compliance work and we take that money and employ another man. However, that has not functioned yet, and in the meantime we are using these men and charging the N.R.A., as I understand it, the amount of cost that is chargeable to that service; and I was interested to find here an item like this in this report, that

"at the present time, the estimated cost of work done directly for N.R.A. is approximately \$200,000."

That gives some idea of it.

We will let Mr. Jensen see that these reports are sent by the proper person to each member of the Board. Is that all right?

Is there anything else that anyone has to bring up for consideration?

SECRETARY PERKINS: I have been reading this proposed Model Code since I have been in the room, not having seen it before, and I find that something else has slipped in, probably by inadvertence and because we are so large we are out of step without knowing it.

Among the duties of the Code Authority are cited the following (see page 8):

"(c) To receive complaints of violations of this Code, make investigations thereof, provide hearings thereon and adjust such complaints, and bring to the attention of the Administrator for prosecution, recommendations, and information relative to unadjusted violations.

"(d) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein and to pay such trade associations and agencies the cost thereof, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

"(e) To coordinate the administration of this Code with such other codes, if any, as may be related to the trade/industry, or any subdivision thereof, and to delegate to any other administrative authority, with the approval of the Administrator, such powers as will promote joint and harmonious action upon matters of common interest.

"(f) To create as an Agency of the Code Authority, a Joint Industrial Relations Board, consisting of an equal number of representatives of employers and employees, and an impartial Chairman elected by the members of the Board, to deal with all matters in the Code relating to hours, wages and general labor provisions.

"Section 8. In addition to the information required to be submitted to the Code Authority as set forth in this article there shall be furnished to government agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the National Industrial Recovery Act."

Those items, it seems to me, are not in line with the general resolutions which this Board has adopted from time to time both as regards compliance with codes and as regards the collection of statistical material; and since this is tentative and has only just been proposed, I wish we might have a definite understanding that it will be discussed a week from today. W

CHAIRMAN ROPER: And that each member will have a copy of it.

SECRETARY PERKINS: It would be too bad to have it go out that way.

COMMISSIONER MARCH: I hope you will get it to us tomorrow, or at
once.

CHAIRMAN ROPER: Is there anything else?

JUDGE STEPHENS: I have nothing more, your Honor.

CHAIRMAN ROPER: Mr. Secretary of Agriculture?

SECRETARY WALLACE: Nothing more, sir.

CHAIRMAN ROPER: I hope we will all take notice that we are to hear
from the Secretary of Agriculture tonight at 10:45 over
the radio.

SECRETARY WALLACE: This is an effort to "soothe the savage breast."

CHAIRMAN ROPER: Without there is something else, we will stand
adjourned.

Meeting adjourned at 3:25.

APPENDIX

NATIONAL RECOVERY ADMINISTRATION PERSONNEL JOURNAL

Nos. 62, 64 and 66-72
covering 91 names

<u>Name</u>	<u>Position</u>	<u>Salary</u>	<u>Bureau, Div., or office</u>	<u>Effective</u>
Dickey, James B.	Dept. Administrator	\$5780 net	A.D. Whiteside	10/12/33
Lucas, John A.	Economist	3400 net	Res. & Plan.	10/18/33
Yucum, James C.	Special Asst.	2465 net	Ret. & W'sale Div.	10/6/33
O'Donnell, John	Asst. to Lbr. Adv. Brd.	2250 net	Leo Wolman	10/1/33
Carlson, Virginia	Sr. Sec'y. Steno.	1530 net	Alvin Brown	10/17/33
Purdy, Richard H.	Conf. & Hearing Clk.	1530 net	A.D. Whiteside	10/15/33
Hoffman, George S.	Asst. Statis. Clk.	1452 net	Res. & Plan.	10/9/33
McHenry, John H.	Asst. Statis. Clk.	1452 net	Res. & Plan.	10/12/33
Smith, Dorothy E.	Asst. Statis. Clk.	1452 net	Res. & Plan.	10/6/33
Hayes, Thomas J.	Messenger	918 net	C. C. Williams	10/14/33
Strange, Robert W.	Asst. Attorney	5000 net	Legal Division	9/26/33
Dusenberry, Jas. D.	Asst. Dept.	3825 net	Malcolm Muir	10/1/33
Schultz, E. B.	Asst. Dept. Adm.	3825 net	Tom Glasgow	10/11/33
Brunck, Hermann W.	Special Asst.	3400 net	Leo Wolman	9/25/33
Donovan, John L.	Special Asst.	3400 net	Leo Wolman	10/1/33
Myers, A. Howard	Special Asst.	3400 net	Leo Wolman	10/1/33
Brodinsky, Jos. E.	Special Asst.	2720 net	Leo Wolman	10/1/33
Simpson, Smith	Special Asst.	2720 net	Leo Wolman	10/1/33
Bankson, Virgil L.	Asst. to Lbr. Adv. Brd.	2210 net	Leo Wolman	10/1/33
Lake, Charles H.	Asst. Statistician	2210 net	Res. & Plan.	10/19/33
Prentiss, Mary A.	Research Asst.	1700 net	Leo Wolman	10/1/33
Swan, Olive	Exec. Sec'y.	1530 net	Dexter M. Keezer	10/9/33
Busick, Cornelia E.	Asst. Statis. Clk.	1452 net	Res. & Plan.	10/6/33
Finley, Irene E.	Statis. Steno.	1224 net	Res. & Plan.	10/20/33
Parks, Ethel M.	Statis. Steno.	1224 net	Res. & Plan.	10/20/33
Biddle, Thomas W.	Messenger	918 net	K. M. Simpson	10/20/33
Smith, E. H.	Messenger	918 net	Mail & Records	10/15/33
Stone, Peter A.	Associate Statis.	3825 net	Res. & Plan.	10/1/33
Hoff, William J.	Spec. Asst. to Gen. Couns.	3400 net	Legal Division	10/12/33
Frick, Charles C.	Special Corres.	3060 net	E. R. Stettinius, Jr.	10/10/33
Conner, John L.	Mediator	3000 net	Robert Wagner	9/25/33
Kelly, Thos. P.	Associate Statis.	2720 net	Res. & Plan.	10/21/33
Rawles, William F.	Associate Statis.	2720 net	Res. & Plan.	10/1/33
Rea, Kathryn L.	Sec'y-Steno.	1377 net	C. A. Lewis	10/20/33
Wilson, Thomas E.	Clerk	1377 net	Mrs. Mary H. Rumsey	10/23/33
Lamb, Grace W.	Steno.	1224 net	A. R. Forbush	10/24/33
Lyman, Eliz. Lee	Steno.	1224 net	A. R. Forbush	10/23/33
McGregor, Daniel	Steno.	1224 net	A. R. Forbush	10/19/33
Stead, Maurice	Steno.	1224 net	A. R. Forbush	10/23/33
Shannon, Angus Roy	Spec. Asst. to Gen. Couns.	3825 net	Blackwell Smith	10/9/33
Boffey, L. F.	Supv. in charge of Advisers on Codes	3400 net	Dexter M. Keezer	9/15/33
Huhlein, Fred E.	Adv. on Codes	3400 net	Dexter M. Keezer	10/26/33

<u>Name</u>	<u>Position</u>	<u>Salary</u>	<u>Bureau, Div., or office</u>	<u>Effective</u>
Peebles, Leighton H.	Dept. Administrator	\$5780 net	K. M. Simpson	10/20/33
Haas, Rev. Francis J.	Tech. Adviser	5000 net	Robert Wagner	10/9/33
Heinritz, S. F.	Adviser	3400 net	Dexter M. Keezer	10/14/33
Silverman, A. G.	Special Asst.	3400 net	Leo Wolman	10/1/33
Austin, Mae	Steno.	1224 net	B. W. Murray	10/19/33
Cyr, Mrs. Helen S.	Steno.	1224 net	B. W. Murray	10/20/33
Ahearn, Edward M.	Messenger	918	Malcolm Muir	10/21/33
Kekich, Emil	Adviser	3060 net	Dexter M. Keezer	9/25/33
Martino, R. A.	Adviser	3060 net	Dexter M. Keezer	10/25/33
Vaughn, Harvey P.	Special Adv.	3060 net	Dexter M. Keezer	10/1/33
Massel, M. S.	Adviser	2720 net	Dexter M. Keezer	10/29/33
Lind, Lewis M.	Asst. to Code Adv.	2210 net	Dexter M. Keezer	10/19/33
Lerner, E. R.	Asst. to Code Adv.	1700 net	Dexter M. Keezer	10/22/33
Ackley, Edna	Indexer	1377 net	A. D. Whiteside	10/20/33
Baxter, William	File Clerk	1224 net	A. D. Whiteside	10/25/33
Doktor, Harriett	Typist	1224 net	H. B. Lindsay	10/23/33
Farmer, Dora	Steno.	1224 net	Steno. Pool	10/30/33
Feldman, Gertrude	Steno.	1224 net	A. D. Whiteside	10/26/33
McGhee, Helen L.	Steno.	1224 net	Dexter M. Keezer	10/26/33
Martin, Mary R.	Steno.	1224 net	Steno. Pool	10/25/33
Mourfield, Mabel	Steno.	1224 net	Steno. Pool	10/25/33
Perkins, Margaret	Steno.	1224 net	A. D. Whiteside	10/26/33
Spangler, John H.	Steno.	1224 net	A. R. Forbush	10/25/33
Pritchett, Duncan	Messenger	918 net	A. D. Whiteside	10/26/33
Toole, J. E.	Messenger	918 net	W. H. Bagley	10/23/33
Ross, Malcolm	Analyst	4000 net	M. H. Rumsey (Mrs)	9/1/33
Wilmotte, Raymond N.	Special Asst.	4000 net	Leo Wolman	10/1/33
Moore, Raymond M.	Sr. Steno.-Typist	1615 net	Blackwell Smith	10/2/33
Brown, Clara	Steno.	1224 net	K. J. Ammerman	10/20/33
Eaton, Mrs. Ruth C.	Proof Reader	1224 net	A. D. Whiteside	10/25/33
Meriam, Ida R.	Steno.	1224 net	Steno. Pool	10/26/33
Rowley, Margaret S.	Steno.	1224 net	A. R. Forbush	10/23/33
Thomas, Mildred L.	Steno. night.	1224 net	A. D. Whiteside	10/21/33
Smith, Margaret E.	Typist	1071 net	A. R. Forbush	10/30/33
Harned, Mark L.	Asst. Dept. Adm.	4000 net	A. D. Whiteside	9/25/33
Wooton, Joseph H.	Jr. Adm. Officer	3060 net	Blue Eagle Div.	10/10/33
Alnutt, Esther T.	Steno.	1377 net	Blue Eagle Div.	10/21/33
Booze, Ruby J.	Steno.	1224 net	Leo Wolman	10/26/33
Fitzpatrick, Dorothy E.	Steno.	1224 net	Steno. Pool	10/20/33
Sample, Lillian	Steno.	1224 net	Malcolm Muir	10/21/33
Shank, Phyllis	Steno.	1224 net	A. H. Forbush	10/30/33
Handler, Milton	Legal Adviser	6000 net	Robert Wagner	10/9/33
Hobart, George F.	Tech. Asst.	3825 net	A. D. Whiteside	10/30/33
James, Allison	Tech. Asst.	3825 net	A. D. Whiteside	10/19/33
Johnson, Julian L.	Asst. Counsel	3800 net	Blackwell Smith	10/24/33
Pixley, Dr. Henry H.	Economist (Math.)	3000 net	Res. & Plan.	11/2/33
Pixley, Dr. Emily C.	Economist (Math.)	2000 net	Res. & Plan.	11/2/33
Epperson, Lawrence	Messenger	918 net	Barton W. Murray	10/21/33
Kirkpatrick, Wm. K.	Clerk-Messenger	918 net	Sol A. Rosenblatt	10/28/33

SPECIAL INDUSTRIAL RECOVERY BOARD
OFFICE OF THE SECRETARY
WASHINGTON

Will you please substitute
this corrected page for page 14
of Meeting No. 22.

*Removed
substituted*

and still is a member of the Labor Advisory Board, so there could hardly be much question on him. But I understand Mr. Handler is a thoroughly well instructed lawyer of New York City.

JUDGE STEPHENS: He is a member of the faculty of Columbia University and is said to be a very good man.

CHAIRMAN ROPER: Is there any further information anyone wishes to secure about these men? If not, will you approve of the tentative action of the Chairman in approving of these Journal sheets?

JUDGE STEPHENS: I might add that Mr. Justice Stone recommended Mr. Handler to us in the Department of Justice for legal work. He gave him a very high recommendation.

SECRETARY WALLACE: Felix Frankfort recommended him to us for solicitor.

JUDGE STEPHENS: I move the personnel be approved.

CHAIRMAN ROPER: Is there any further discussion? If not, all in favor indicate it by saying "Aye"; those opposed by "No"; it is so ordered. (See Appendix for full list.)

JUDGE STEPHENS: Mr. Brown, we receive from time to time in the Department of Justice requests from various persons in the U.R.A. We had one request recently from a member of the Labor Advisory Board, Mr. Myers, and another request from somebody I am not able to identify from this memorandum, having to do with the Lumber Code, and it occurred to us that all those matters should be run through your Legal Department before they come to us, because your Legal Department might rule against a prosecution and we would not proceed ourselves to prosecute without first consulting your Legal Department.