

Proceedings of Meeting No. 25

of the

SPECIAL INDUSTRIAL RECOVERY BOARD

held in

The Conference Room, No. 5842

Department of Commerce

Nov. 27, 1933

PERSONAL AND CONFIDENTIAL

Copy No. 6

For Hon. Frances Perkins

Distribution of copies:

1. Hon. Franklin D. Roosevelt
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7. Hon. Charles H. March
8. Hon. Lewis W. Douglas
9. Hon. Hugh S. Johnson, Administrator
10. Hon. Harold M. Stephens
11. Hon. Rex Tugwell
12. Hon. Turner Battle
13. Hon. John Dickinson, Executive Secretary
14. Col. Louis McHenry Howe
15. Hon. Marvin H. McIntyre
16. Mr. E. W. Jensen, Assistant Secretary
17. File

ATTENDANCE AT MEETING NO. 25

Nov. 27, 1933

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

Hon. Harold M. Stephens, Assistant Attorney General

Dr. Rex Tugwell, Assistant Secretary of Agriculture

Hon. Turner Battle, Assistant Secretary of Labor

Hon. Charles Wyzanski, Solicitor, Department of Labor

Hon. Charles H. March, Chairman Federal Trade Commission

Hon. Lewis W. Douglas, Director of the Budget

Hon. Alvin Brown, Assistant Administrator

Mr. Russell Hardy, Assistant to Judge Stephens

Mr. E. Willard Jensen, Assistant Secretary

Mr. B. P. Foote, Reporter

SPECIAL INDUSTRIAL RECOVERY BOARD

AGENDA

Meeting No. 25, Nov. 27, 1933

1. Approval of minutes of Meeting No. 24, held November 20.
2. Discussion of major activities during the past week.
3. Refer to the Board's responsibilities in connection with the approval of codes.
4. Consideration of memorandum from Dr. Tugwell with reference to amendment of the Model Code.
5. Further discussion of the second and third points in the report of the Executive Committee.
6. Report of the Price Policy Committee, including recommendations for an Executive Order.
7. Approval of additional personnel.

Proceedings of Meeting No. 25

of the

SPECIAL INDUSTRIAL RECOVERY BOARD

November 27, 1933

2:30 P. M.

CHAIRMAN ROPER: Are there any corrections in the minutes? I hear none so they will stand approved as you have read them.

Mr. Brown, we will hear from you if there is anything you wish to say.

MR. BROWN: There were no codes approved during the past week. A number have been submitted to the President.

CHAIRMAN ROPER: Twenty-five?

MR. BROWN: That is a little high; I think about 20.

CHAIRMAN ROPER: One hundred twenty-two have been actually approved?

MR. BROWN: To date, yes, sir.

Two things might be mentioned which occurred during the past week. The General authorized a statement with regard to the method of code administration which I imagine has been pretty generally circulated, and I suppose there is no need of going over it in detail. It is very much in line with what we have discussed in the past.

CHAIRMAN ROPER: Are there any questions anyone wishes to raise? Do you wish Mr. Brown to give you a general outline of it?

Suppose you speak of it in a general way, Mr. Brown.

MR. BROWN: I have the release here. Perhaps it would be just as well

to read the summary in the beginning. The General says in the release that it is the duty of the Deputy Administrator to see:

- "(a) That the administrative provisions appropriate to the particular industry are included in each code.
- "(b) That the Code Authority is organized in such a way that it may promptly and efficiently administer the code.
- "(c) That the Code Authority does efficiently administer the code.
- "(d) That the Government moves promptly to administer the code where the Code Authority has failed or is unable to administer the code, or is abusing its authority.

"There are two aspects to code administration; one, planning and progress and two, compliance.

"The term 'normal code administration' is intended to include such functions as:

- "(a) Economic planning and research for the industry.
- "(b) Reports and recommendations of the conditions in the industry.
- "(c) Collection of statistical data, preparation of cost accounting methods, etc."

Then he deals with "administration for compliance" in which he says it is intended to include--

- "(a) The instruction and education of those subject to the code as to their responsibilities thereunder so as to anticipate and avoid complaints of non-compliance."

The fundamental approach to compliance, as the General states here, as of course we have discussed before, is that where an

industry is so constituted as to be able to administer compliance with assurance that the interests of labor will be protected equally with those of the industry, the industry should have the responsibility of administering compliance. Until the industry has set itself up to administer compliance in that way, it must continue to be the function of the government.

CHAIRMAN ROPER: What effort are we making to coordinate the administration where the AAA and the NRA are affected?

MR. BROWN: That question really is not of much importance yet, because they have no codes there. So far as I know, there has been no discussion of the subject. I suppose when they have some codes to administer it will be a subject which we should discuss.

CHAIRMAN ROPER: The reason I raised the question is that the President just before he left asked through a memorandum, as I recall, that Mr. Peek and the Secretary of Agriculture proceed as rapidly as possible with the codes, and it just occurred to me that it was necessary for us to begin to think about a proper coordination between the enforcement of the AAA and the NRA. I believe that many of our difficulties, even the difficulties that have arisen between those two great Acts, can be ironed out satisfactorily if each one is constantly in touch with the other in the consideration of the problems in administration as they arise. As Mr. Brown says, however, the AAA people have not yet gotten out any codes. The only code, I believe, that they have issued of which I have any knowledge is for the date packing industry.

MR. BROWN: I think it would hardly be desirable to have two separate administrative organizations for compliance.

The other thing I was going to mention, Mr. Secretary is the appointment of a committee for study of methods of organization for administration under the codes.

CHAIRMAN ROPER: That comes right in with this.

MR. BROWN: Yes, sir; the function of this committee will be to assist Deputy Administrators and the industries themselves in setting up the machinery of code administration which will enable them to assume the responsibility of self-government.

CHAIRMAN ROPER: How about when the AAA codes are involved? Why not associate in this committee organization somebody representing them? That would meet the very point I have in mind.

MR. BROWN: I will suggest that to the General.

CHAIRMAN ROPER: Do you all agree that where the AAA comes into the picture they should be represented in working out the methods of administration? We will just leave the matter with Mr. Brown. He says he will take it up with General Johnson.

MR. BATTLE: Will members of the Board receive copies of that release?

MR. BROWN: I am ashamed to say I do not know to what extent our releases to the press reach the members of the Board. I do not know whether we send them around or not.

MR. BATTLE: That has already been released to the press?

MR. BROWN: Yes.

MR. BATTLE: That is not Bulletin No. 18, is it?

MR. BROWN: No, it is not Bulletin No. 18. I can give you a copy of it.

(Mr. Brown then handed his copy to Mr. Battle.)

CHAIRMAN ROPER: Would any other members like to have a copy of it?

JUDGE STEPHENS: I would like one.

CHAIRMAN ROPER: Mr. Secretary, will you look after that?

MR. JENSEN: Yes, sir.

CHAIRMAN ROPER: The next item on the agenda is, "Refer to the Board's responsibilities in connection with the approval of codes." The full record of the matter will be best presented by the following correspondence.

Mr. Jensen then read the correspondence referred to, as follows:

LOUISVILLE, KENTUCKY,
NOVEMBER 14, 1933.

HON. DANIEL C. ROPER PERSONAL
SECRETARY OF COMMERCE DEPARTMENT OF COMMERCE
WASHINGTON, D.C.

UNDERSTAND THAT IN MY ABSENCE AT SUGGESTION OF TUGWELL AND WITH YOUR CONSENT PROPOSAL WAS MADE AT RECOVERY BOARD MEETING TO QUERY EXECUTIVE COUNCIL ON WHETHER ALL CODES SHOULD BE APPROVED BY BOARD. CODES ARE RESULT OF EXHAUSTIVE HEARINGS AND STUDY AND SOMETIMES NEGOTIATIONS. A BOARD HAVING NO KNOWLEDGE WHATEVER OF THEIR PRELIMINARIES COULD SERVE NO USEFUL PURPOSE WHATEVER BUT THEY COULD AND WOULD DELAY AND PARALYZE ACTION THE SLOWNESS OF WHICH IS ALREADY THE PRINCIPAL CAUSE OF CRITICISM AND DISCONTENT WITH NRA. REQUEST THAT YOU DO NOT BRING MATTER UP FOR DISCUSSION IN MY ABSENCE. IT COULD HAVE BEEN DISCUSSED AT ANY TIME IN THE PAST FIVE MONTHS WHEN I WAS THERE AND WITHOUT WAITING UNTIL I WAS NOT PRESENT TO DEFEND MY OWN ADMINISTRATION AND BRING THE ACTUAL INFORMATION AND BACKGROUND ON WHICH ANY SUCH ACTION SHOULD EVEN BE CONSIDERED.

HUGH S. JOHNSON.

November 14, 1933

General Hugh S. Johnson,
Administrator,
National Recovery Administration,
Washington, D. C.

Dear General Johnson:

Referring to your telegram, I would advise that I have not presented the matter referred to therein to the President and will not do so but leave the matter entirely in your hands. The Board was simply concerned with a proper interpretation of its duties with regard to the codes and put the question as recorded in the minutes in the following form:

"The question whether all codes should be considered by the Recovery Board in advance of their submission to the President has been raised. The regular procedure, as indicated by the terms of reference of the Board, would seem to hold it responsible for approval or rejection. This procedure is not usually being complied with, and the Board would like to have a definition of its responsibilities in the matter."

If you and the President feel that, under all the circumstances, it is in the interest of expedition that the codes go directly from the NRA to the White House, the Board will not, in my opinion, contend against that procedure.

Very sincerely,

(Signed) Daniel C. Roper
Secretary of Commerce.

November 18, 1933

Honorable Daniel C. Roper,
Secretary of Commerce,
Washington, D. C.

Dear Mr. Secretary:

I have your letter of November 14th. It is not, in my opinion, such a question as you raise. It is not

what the President and I feel. It is a question of common sense. If 1200 people working night and day, guided by an Industrial Board which you have selected, informed by a territorial organization which you have selected, and giving weeks and sometimes months, cannot arrive at a decision with justice to all concerned, then I am quite sure that a board which can devote perhaps two hours a week to these problems cannot decide these codes with any intelligence unless they are ready to devote an equal number of intelligent hours to the same problems and, if they do, they will have no hours to give to other problems. This is especially true as to the farm people, some of whom, I am told, have openly stated an intention to delay and prevent codes.

As far as I am concerned, I am willing to discuss and explain any code to you. Submission of all codes to the Board is administratively impracticable.

Sincerely,

(Signed) Hugh S. Johnson
Administrator

CHAIRMAN ROPER: General Johnson's letter of the 18th is his interpretation of our responsibilities, which is to the effect that he does not think we are charged with the responsibility of passing upon these codes as a Board and that to do so would unduly delay the procedure. That is the way I interpret his letter. The Board, as you recall, was not undertaking to argue the point at all, simply trying to get its responsibilities fixed; and with your permission, we will just record this complete correspondence.

Next on the agenda is Dr. Tugwell's memorandum on the Standard Code. He is not here.

MR. JENSEN: Evidently he is planning to be here, as we have a message asking him to call his office when he arrives.

DIRECTOR DOUGLAS: Has that been passed on to General Johnson and Mr. Brown?

MR. BROWN: I received my copy only a little before noon today. It was delayed, undoubtedly due to the General's absence.

DIRECTOR DOUGLAS: I want to go on record as "agin it" !

CHAIRMAN ROPER: Do you wish to suggest that action be deferred or that it be referred to a group for study? It involves a very important line of suggestions which to my mind should be given very careful consideration not only by General Johnson and Mr. Brown but probably by somebody that you might want to select from this Board or maybe your labor or industrial group. They are major questions. But would you prefer to wait a few minutes for Dr. Tugwell before taking that action?

JUDGE STEPHENS: We would like to have Dr. Tugwell present.

CHAIRMAN ROPER: Then we will leave that item for the moment and pass to No. 5. This refers to the second and third points of the report of the Executive Committee held over from last week because of General Johnson's absence, and General Johnson is not here today. We will have to hold that over until the next meeting.

MR. BATTLE: I understand the Secretary of Labor saw General Johnson and they decided to postpone any action on the Model Code for the present.

CHAIRMAN ROPER: What is this Board to do about it? Shall we keep it on the agenda for further consideration or shall we act now?

JUDGE STEPHENS: I don't quite understand. Have the Secretary and General Johnson come to an agreement?

MR. BATTLE: They have agreed, as I understand it, to postpone the issuance of the Model Code.

JUDGE STEPHENS: It seems to me we can do nothing but postpone action on that, Mr. Secretary.

CHAIRMAN ROPER: Shall we record a minute to that effect?

MR. BROWN: A minute to what effect?

CHAIRMAN ROPER: Namely, that Mr. Battle reports that the Secretary of Labor and General Johnson have reached a conclusion that no more copies of the Model Code shall be distributed for the present. Mr. Brown, what would you say about that?

MR. BROWN: I am not informed on the matter.

JUDGE STEPHENS: I move that action be postponed on Item No. 5 until the next meeting.

CHAIRMAN ROPER: Without objection, that will be done.

Now No. 6 on the agenda will be taken up. It reads:

"Report of the Price Policy Committee, including recommendations for an Executive Order." Here is a communication from Mr. S. M. Du Brul, Secretary of the Price Policy Committee, reporting on this matter. Would you like to have this communication read?

COMMISSIONER MARCH: I would like to have it read, Mr. Secretary.

CHAIRMAN ROPER: All right, Mr. Secretary, read the body of this.

Mr. Jensen then read the following:

The Price Policy Committee appointed by your Board on September 20, 1933, has been giving consideration to the problems arising out of provisions in N.R.A. codes dealing with allocation of production, cost protection (loss limitation) and price fixing. The problems of specific industries are so varied, however, that no blanket recommendations on these subjects have yet been developed by your Committee and a recommendation on general policy must await further study on our part.

Many codes have already been approved containing provisions of the above mentioned nature. The Lumber

Code, for example, gives the Lumber Industry the absolute right to fix prices, control and ration production, and the price of lumber under the operation of the Code has increased very materially. As another example, the Retail Dry Cleaning Code sets up local committees with the power of fixing prices for cleaning and dyeing services with a more nominal than real control by the Government. An examination of these and similar provisions in other codes, together with observation of the rate at which the prices of many manufactured goods are increasing, has convinced your Committee that, since the safe guards of competition are reduced whenever any element of price or production control is introduced into a code, special safe guards must be established to protect the consumer. As a first step in this direction it seems essential that the Government be placed in a position to make such investigations into costs and prices as may be required to determine if monopolistic prices are being resorted to under these provisions.

"Accordingly, it is the unanimous recommendation of this Committee that your Board, by appropriate resolution, request the President to exercise his power under Sections 3 (a) and 10 (b) of the National Industrial Recovery Act and issue an executive order to the effect that every firm subject to any code containing any measure of cost protection, price fixing, or production allocation, be required to submit upon request of the President, the Administrator or their authorized agents any accounting or statistical reports pertaining to production costs and selling prices which may be requested; that all books and records of such firms shall be open during business hours to such authorized agents for the purpose of verifying any reports; and that the cost of furnishing such reports and conducting such examination as, in the opinion of the President or the Administrator, are required to protect the buying public, be met by the Code Authority of the industries whose codes give them such special protection against losses.

"It may be of interest to your Board to note the type of provision of this nature which has already been included in all codes and agreements approved by A.A.A. Reports.

Section 1. The members of the industry shall severally, from time to time, upon the request of the Secretary (or the Secretary or the National

Recovery Administrator in case of information relating to hours of labor, rates of pay, or other conditions of employment) furnish such information, on and in accordance with forms of reports to be supplied, as may be deemed necessary for the purposes of (1) assisting in the furtherance of the powers and duties of the Secretary or the National Recovery Administrator with respect to this Code and/or (2) enabling the Secretary or the National Recovery Administrator to ascertain and determine the extent to which the declared policy of the act and the purposes of this code will be effectuated, such reports to be verified under oath.

" Sec. 2. The members of the industry shall severally permit, for the same purposes and/or to enable the Secretary or the National Recovery Administrator to verify the information furnished on said forms of reports, all their books and records and the books and records of their affiliates and subsidiaries, to be examined by the Secretary or the National Recovery Administrator during the usual hours of business.

" Sec. 3. The members of the industry shall severally keep books and records which will clearly reflect all financial transactions of their respective businesses and the financial condition thereof, and shall see to it that their respective subsidiaries and affiliates keep such records.

" Sec. 4. All information furnished the Secretary pursuant to this article shall remain confidential in accordance with the applicable General Regulations, Agricultural Adjustment Administration.

Yours very truly,

(Signed) S. M. Du Brul, Sec.,
Price Policy Committee."

CHAIRMAN ROPER: What will you do with this report?

COMMISSIONER MARCH: I thought, Mr. Chairman, the Federal Trade Commission was to make this investigation. That was the understanding I had, that the law gives us all the power that could be derived from the order of the President under the Act. I think the Act demanded that the Federal Trade should make these investigations.

CHAIRMAN ROPER: It seems to me that is correct.

MR. WYZANSKI: Can the Federal Trade undertake all that additional work?

COMMISSIONER MARCH: We could add to the staff. We have the skeleton and we have been doing work similar to that for fifteen years. No new body could be set up that would equal the Federal Trade Commission in making these investigations. I think General Johnson appreciates that fact.

JUDGE STEPHENS: It seems to me this suggestion is akin to those made by Dr. Tugwell. Perhaps it should be considered at the same time as Dr. Tugwell's memorandum.

MR. BROWN: Was it the understanding that this committee would be a standing committee or was it not, as I understand, a committee to which was delegated the task of making a special study and a report on that subject, and would it not be more in keeping with the task entrusted if it would study and make a report rather than furnish these random suggestions. For example, this suggests what shall be done in case of codes which have price fixing provisions. I think it is conceivable that some might think no code should have any price fixing provision.

DIRECTOR DOUGLAS: It seems to me that is the question this raises. Are you going to have price fixing, or aren't you?

CHAIRMAN ROPER: In view of this broad situation that we are developing suppose we follow the suggestion of Judge Stephens and ask Mr. Tugwell (who had just arrived) now to present his memorandum so that we will have the whole picture before us.

DR. TUGWELL: I think it is not necessary to read the whole thing, is it, Mr. Secretary?

CHAIRMAN ROPER: Is there anyone who would like to have it all read and comment on it as we go along?

COMMISSIONER MARCH: I would like to have it read and discuss it as we go along.

CHAIRMAN ROPER: I think that is the best way.

DR. TUGWELL: In my letter to you, sir, I said:

"The suggestions for the change in Article VI and for the change in Article VII seems to be of major importance. If industrial self-government is to mean anything more than the government by the proprietors of industry, it would seem that explicit recognition of the other parties at interest in industry should be given."

That is the first part of it. The second is this:

"The second major alteration in the character of the proposed outline is covered in Proposed Changes in Article VII. It is there proposed that if any powers of control over price or production are granted in the code, any such clauses should be segregated into a special article and definite conditions should be attached, namely (1) that in exchange for the important grant of powers, the government should receive access to the books in the industry, and (2) that since these powers are very definitely curtailing the protection of the consumer, consumer representatives on the code authority should be increased to at least three."

That, of course, presupposes the same question that Mr. Douglas raised--the question whether you are going to have price fixing or not. If you are, this seems to me to be the bare minimum of things which ought to be reserved to

the Government; but if you are going to have price fixing then it seems to me that in the first place that raises very grave questions as to make-up of the Code Authorities and so far membership in an industry has been confined to the manager group. The other parties at interest have not had any recognition of a substantial kind, either workers or consumers, and I should think that ought to be looked into rather carefully.

Then you will find in reading the Model Code there are a number of references to price fixing, and our suggestion was that those be segregated and put into one section; and if price associations are going to be allowed to deal with prices the Government ought to reserve at least the right of free access to books and it ought to guard very carefully the membership of the Code Authority so that all parties at interest have a chance to be heard there. Those are the main things and the other suggestions are suggestions in detail for working that into the Model Code, which I think it is not necessary to discuss here because really the matter at issue is the principle of the thing.

COMMISSIONER MARCH: We have access to books and we have all the powers outlined here without any further powers and the NRA Act provides that it shall not interfere with our Act. If we make the investigations we have the same power as under the Executive Order.

DR. TUGWELL: I think that might be a very good way to handle it.

CHAIRMAN ROPER: I think that is the way it should be handled. Of course the question the Director of the Budget raises is one in advance of that.

DR. TUGWELL: The other is a question not only of access to books but having to do with the make-up of the Code Authority, because if after investigation by the Federal Trade Commission it should be discovered that it was necessary to take action on that, it could only recommend such action to the Code Authority which was naturally inimical to the suggestion.

COMMISSIONER MARCH: We could proceed under our Act which is, I think, the idea of General Johnson too. We have all the machinery set up to make the investigations and go ahead and put it into effect. It seems to me this would be a duplication.

DR. TUGWELL: Has anything of that sort been done?

COMMISSIONER MARCH: I think you referred one matter to us which we are investigating now in regard to the Ice Code.

DR. TUGWELL: I was made uneasy by reading the codes and seeing what it seemed possible to do under them.

COMMISSIONER MARCH: We have read and discussed it very thoroughly and have discussed with Secretary Roper and General Johnson in regard to the matter, and we are prepared to go ahead and make these investigations and proceed under our Act or the NRA Act to put it in force.

DR. TUGWELL: Do you think that settles the matter of the Code Authority too?

COMMISSIONER MARCH: Yes, I rather think it does. I think that our Act gives us power to make these investigations and we have

access to the books under Section 6 of our Act.

DR. TUGWELL: That gives you merely the power to investigate and to re-
quire--what?

COMMISSIONER MARCH: Power to investigate and if we find they have
violated the law--

DR. TUGWELL: What law?

COMMISSIONER MARCH: Under the NRA or the Federal Trade Act.

DR. TUGWELL: The code really becomes law, doesn't it?

COMMISSIONER MARCH: Yes.

DIRECTOR DOUGLAS: What Mr. Tugwell is trying to do is to write new law.

DR. TUGWELL: No, I don't want the codes to write too much new law.

MR. WYZANSKI: I think Dr. Tugwell has a very good legal point.

JUDGE STEPHENS: I would like to say two things. I think, Colonel March,
you have the skeleton organization there, but I wonder, with
due deference, if any organization is going to be large enough
to investigate this whole question of price fixing. It is
going on. We find it very difficult in the Department of
Justice to prepare one suit. We are quite concerned in the
Department of Justice as to whether we are not getting into
these codes, unintentionally, provisions which are innocuous
on their face resulting in price fixing that will bring about
monopolies. I have a memorandum here indicating that in some
of the codes there are a number of such provisions that are
going to work out very badly. It seems to me we ought to meet
this situation pretty soon as to whether we are going to have
price fixing, and if not, lay the means of preventing it.
I should say Dr. Tugwell's memorandum makes some very fruit-
ful suggestions if we are going to have price fixing.

CHAIRMAN ROPER: These are, of course, made on the assumption that we are going to have price fixing. Now, let us settle the first question.

DR. TUGWELL: The reason I did not question that is because we now have price fixing in certain codes.

CHAIRMAN ROPER: As the Judge says, that is very confusing to have it in some and not in others. Here is a thing that requires rather a major study. I doubt if this Board can, at a single session, satisfactorily pass upon it. Why should not we refer this to our Executive Committee and let them utilize such agencies as they wish to make a study of this question.

DIRECTOR DOUGLAS: May I raise a question there, Mr. Secretary?

CHAIRMAN ROPER: Certainly.

DIRECTOR DOUGLAS: You have an Industrial Advisory Committee, haven't you?

CHAIRMAN ROPER: Yes.

DIRECTOR DOUGLAS: And also a Labor Advisory Committee?

CHAIRMAN ROPER: Yes.

DIRECTOR DOUGLAS: Composed of men of practical experience and men of great ability.

CHAIRMAN ROPER: True.

MR. BATTLE: Also, the Consumers Board.

DIRECTOR DOUGLAS: If it is the plan of the Board to refer this to some other agency for report, I don't know exactly what agency that should be, but it does occur to me that it might be a good thing to refer it to men who have had practical experience. I mean, it is very easy for us to theorize on the

question. Personally I have very deep prejudice against price fixing of any sort or description, subtle or otherwise, implicit or explicit; but it might be advisable for men who have had practical experience to be appointed to handle this question. And now may I say that one of our difficulties has been that during the years 1922 to 1929 industrial organizations grew in size and, behind closed doors, fixed prices that helped to bring the depression.

COMMISSIONER MARCH: That is monopoly.

DIRECTOR DOUGLAS: If the fixing of prices illegally prior to 1929 contributed to the depression, I see no reason why we should legalize it.

DR. TUGWELL: My view of that is rather one of despair, because they have done it so much and have got so used to it, and it has been attempted to be stopped so many times without any success.

DIRECTOR DOUGLAS: It was stopped very successfully for a good many years.

JUDGE STEPHENS: There was a time when counsel for leading industries were very careful not to violate the antitrust laws.

COMMISSIONER MARCH: I think it has been quite successfully stopped.

JUDGE STEPHENS: I would like to say with reference to your suggestion, Mr. Secretary, that I was about to say what Mr. Douglas said. While I am chairman of the subcommittee of this Board and will not shirk my responsibilities, I do think this subject ought to be studied by specialists and it seems to me it should be ultimately determined by the President himself.

MR. BROWN: What was the task given to this committee on September 20?

Was it not to study this question?

CHAIRMAN ROPER: I think they were asked to do that.

MR. BROWN: Are we looking for somebody else to do it?

MR. WYZANSKI: Am I correct in understanding that 70% of the codes have some sort of price provision?

MR. BROWN: I am not sure.

MR. WYZANSKI: Someone in my own office has checked the codes rather hastily and the impression is that better than 70% have contained price provisions.

CHAIRMAN ROPER: The Executive Committee could take over this report that has been made to us by the Price Policy Committee and contact the Industrial Advisory Board, the Labor Board, and the Consumers Board. It seems to me now out of order and maybe reflecting on our Price Committee to appoint another outside committee. Somebody I think very closely connected with the Board should take this up and I know of no better group than the Executive Committee. You will have to confer with General Johnson frequently and with him you will probably want to present this matter to the President in time, because he will have to determine this thing finally. But if I am wrong about that, we will pursue any other course the Board wishes to pursue.

COMMISSIONER MARCH: Don't we absolutely violate the Act if we permit price fixing?

DR. TUGWELL: I think not. The legalistic doctrine of monopoly does not have anything to do with prices. If you will read the Supreme

Court opinion on it you will find that monopoly to the Supreme Court is a legalistic thing.

MR. BROWN: The Cleaners and Dyers Code cited in this last report fixing prices for pressing a suit of clothes does not create any monopoly. Do I understand correctly that monopoly is something which keeps others out of industry?

MR. HARDY: Isn't it true that under the antitrust laws the essentials of monopoly are to exclude someone from his right to engage in trade?

MR. BROWN: Precisely.

MR. HARDY: And monopoly is price fixing plus excluding somebody from business. Price fixing, the Supreme Court says under the Sherman law, is one of the evils associated with monopoly. The power to fix prices, when exercised always results in unreasonable and oppressive prices sooner or later.

MR. BROWN: When the Department of Justice enters the list, I am going to shut up!

DR. TUGWELL: You see he will argue with me! (Laughter.)

MR. BROWN: I understand that has reference to unrestrained price fixing, but I have no thought that the Act prohibits price fixing which is controlled by the Government.

MR. HARDY: Even under the Sherman law a monopoly does not usually permit unrestricted price fixing, because a check upon that enters somewhere along the line. You don't have to have absolute power to fix prices to have an illegal monopoly.

MR. BROWN: You can have a monopoly without any price fixing.

MR. HARDY: Why does one have a monopoly?--So that he can get more than he ought to have.

DIRECTOR DOUGLAS: Does not the existence of a monopoly make automatic the power to fix prices?

MR. HARDY: You get the same result, and that is what the law condemns. They condemn monopoly and if you have the same effect from another course, you have the evil that the legislation sought to get rid of.

MR. BROWN: There are other things, too, aren't there? I mean the free right of every citizen to engage in any business he chooses.

MR. HARDY: Under the code I doubt whether a person may enter into one of these businesses.

DIRECTOR DOUGLAS: So far as the history of the Act is concerned, as I recollect, I was the only official member of the Administration that appeared before either committee, either the Ways and Means Committee or the Finance Committee of the Senate, and I remember very distinctly I was asked, before the Senate Committee, whether the Act permitted price fixing. As I recollect, I replied that the Act was so broad that price fixing was permissible under it probably, but that my understanding of those who were to administer the codes was that price fixing was not contemplated, and before the House Ways and Means Committee it was stated as a matter of record that the Act was not to be administered to permit uneconomic units to exist.

MR. WYZANSKI: You testified before the Borah amendment was made on the floor of the Senate.

DIRECTOR DOUGLAS: That was in the Act in the first instance. It was not quite as strong as the Borah amendment, but language having to do with monopolies was in the Act when it was introduced and the extent to which the Borah amendment strengthened that language is something I do not know.

JUDGE STEPHENS: The Department of Justice is worried about this Section 3 (a) which says that "the President may approve a code or codes of fair competition for the trade or industry or subdivision thereof" if "such code or codes are not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of this Title: Provided, that such code or codes shall not permit monopoly or monopolistic practices." Price fixing is a monopolistic practice. While it may be true that price fixing does not necessarily result in monopoly, yet if we get price fixing in our codes there is going to be a very serious question as to whether the codes themselves are not illegal under this Act.

DIRECTOR DOUGLAS: I remember very well conversation with those who are administering the Act having to do with price fixing and it was definitely stated to me by them prior to my appearance before any committee of either House that price fixing was not contemplated under the Act.

CHAIRMAN ROPER: You asked a while ago for the names of the persons who constitute the committee to which this matter was referred some time ago. They are: Mr. S. M. Du Brul, Dr. John Dickinson, Mr. Winfield W. Rieler, Dr. G. C. Means, Dr. Isador Lubin,

Gen. Wm. I. Westervelt and Mr. Harry Slattery. Dr. Sprague is off because he objected to price fixing.

DR. TUGWELL: I, myself, have been accepting price fixing because I supposed that was a settled issue, both because I began seeing it in codes rather regularly and because I could not see the fundamental purpose of the NRA Act as separate from price fixing. I was going on from that to ask myself this question: If industries are now going to have the practices which we once condemned under competition legalized, what are the remedies which the other parties at interest have? But of course this question as to whether we are going to have price fixing is anterior to that.

CHAIRMAN ROPER: Yes, it is senior.

MR. BROWN: There is another question, what is price fixing? You may believe that every limitation of price is price fixing. There is no need for me to speak for myself on that. I know that is not General Johnson's view.

JUDGE STEPHENS: Mr. Brown raises a very interesting question. Of course it is not easy to tell. The courts have had trouble telling what is price fixing. If our policy is not to fix prices, then we have to guard ourselves carefully. It may be this is idle discussion, for perhaps the NRA is already committed to the policy of price fixing, if so many of the codes have price provisions in them. Do you know about that, Mr. Brown?

MR. BROWN: We certainly are committed to price provisions. In general there are two sorts of price provisions--one forbidding selling below cost, and the other in certain service industries,

which of course comes much closer to price fixing, and that is setting a minimum price.

MR. BATTLE: There are several industries I am fairly familiar with. The electrical industry is one. Behind closed doors there were two of the leading electrical manufacturers who got together and fixed prices in such a way that it amounted to a monopoly. They are Westinghouse and G.E. Their Bulletin No. 6 was adopted in the code. That was price fixing which the other manufacturers complained about.

MR. BROWN: Just what did the price fixing code provide?

MR. BATTLE: They were to arrive at all prices according to Bulletin No. 6, which was a "gentlemen's agreement."

MR. BROWN: What does the bulletin provide?

MR. BATTLE: So much cost, so much for overhead and so much for materials. You can almost go to page 342 of the G.E. catalog for cost of a transformer.

MR. HARDY: With reference to this Dyeing and Cleaning Code, a few years ago the Master Dyers and Cleaners were caught red-handed and we got an injunction against them. I know some of the men in that business from having contacts with that case. They have fixed the prices under this Code in precisely the same way as they did before.

DR. TUGWELL: Mr. Chairman, I am prepared to accept price fixing if that is the stage of economic theory we have arrived at, but I must say that I accept it with considerable misgiving which I think Mr. Douglas shares. I think it would be better if

we had an economic system in which prices were allowed to be flexible, but I doubt very much more whether we can get back to that stage. I believe Judge Stephens thinks it is easier than I do. I am perfectly sure that if there are to be these rigidities which are set up among the industries themselves, there will have to be remedies for the other parties at interest.

CHAIRMAN ROPER: Gentlemen, it is a big field. What is the pleasure of the Board with regard to the further study of this subject? We should have a more definite report on policy when you have investigated all the circumstances, which means a contact with General Johnson, a proper understanding of the situation there, a proper study of the Federal Trade Commission (I mean suggestions from them), a proper conference with the Industrial Advisory and Labor Advisory and Consumers' groups, if you wish. In other words, I think we ought to go into it right.

MR. BROWN: After all that is done the opinion of no man at this table will be changed a single iota. We might as well take a vote on it now.

DR. TUGWELL: I might add that the opinion of this Board would make no difference anyway.

DIRECTOR DOUGLAS: That is what I thought was coming.

JUDGE STEPHENS: I fully agree.

DIRECTOR DOUGLAS: Which I am willing to accept.

CHAIRMAN ROPER: At the same time, is this Board not charged with the responsibility of further studying the subject?

DIRECTOR DOUGLAS: Mr. Secretary, I have never had any very clear conception of what the functions of this Board were. The Board was appointed and I remember when it was appointed, but codes did not come to the Board. They originated elsewhere and went to the White House. It didn't seem to me to make very much difference what this Board did with respect to policy. Things were done notwithstanding. I do not say this in a critical way at all. I do not mean to be critical, but I have always been very hazy in my own mind as to exactly what this Board was for and I would like to raise the question now.

CHAIRMAN ROPER: Maybe you wish to put this inquiry in the same form that Mr. Tugwell put the other inquiry with regard to codes.

JUDGE STEPHENS: I think that is a very good suggestion. Seriously, we are all exceedingly busy. If the President and General Johnson desire a study of this subject, I think we should give it serious study and make our report to the President and General Johnson; but if it is not felt that any further study is needed or that a sufficient study has already been given to it and a policy has been adopted, it would be super-erogation on our part to proceed any further. I think that is a very good suggestion.

CHARIMAN ROPER: The Chairman will entertain any motion that you wish to make in that connection.

JUDGE STEPHENS: I move that the National Recovery Administration be informed that we have received this report and that it is

available for their use and ask whether it is their desire that the question be studied further.

CHAIRMAN ROPER: Transmitting a copy of this report from Du Brul.

DIRECTOR DOUGLAS: If we are trying to find out if study should be made and a report submitted by this Board, I was wondering whether we should submit that, because it is not a complete report by any means.

CHAIRMAN ROPER: They suggest an Executive Order. It seems to me mention might be made of that.

JUDGE STEPHENS: I have not seen that. I assumed that it was sent for the use of the NRA.

DIRECTOR DOUGLAS: If we are going to do anything I would like to see us do a good job of it.

JUDGE STEPHENS: Let me amend my motion to say that we have received the preliminary report on this subject of price fixing regulations and ask whether any further report is desired. It seems to me this ought to be brought to the President.

CHAIRMAN ROPER: The question is whether this Board shall make a study of price fixing.

JUDGE STEPHENS: Yes, that inquiry be made of General Johnson and the President as to whether this Board shall make a study of price fixing.

DR. TUGWELL: And whether or not the members of this Board have any responsibility with respect to codes. My Secretary and myself would like very much to know whether we have or not. If we have not, that is all right; but if we have, there are some things about which we have misgivings.

CHAIRMAN ROPER: If you will, please suspend that for a moment until you have read a letter from General Johnson on that subject.

(At Chairman Roper's request the reporter handed General Johnson's letter to Dr. Tugwell).

DIRECTOR DOUGLAS: I second that motion.

CHAIRMAN ROPER: Is there any further discussion? If not, all in favor of that motion, let it be known by saying "Aye"; opposed, to the contrary. Approved. All right, the inquiry then will be made through a communication to General Johnson.

DR. TUGWELL: Is that (referring to General Johnson's letter) the answer to our query about codes?

CHAIRMAN ROPER: Yes, if there is any further action in the matter I think we should confer with General Johnson and he is not here today.

DR. TUGWELL: If that is the answer I see no reason why we should not withdraw from the Board. I really don't.

CHAIRMAN ROPER: I think we should delay further action until General Johnson returns, which will be probably today or tomorrow.

That brings us to the approval of the Personnel Journal which carries quite a number of appointments. The only \$5,000 appointment on the list is that of Herbert S. Morrow, Deputy Administrator, reclassified to \$5,780 net. There are 53 additional appointments. (See Appendix for full list.)

COMMISSIONER MARCH: That makes a total of how many?

SECRETARY ROPER: One thousand four hundred twenty-four.

DIRECTOR DOUGLAS: And a payroll of how much?

MR. BROWN: About \$2,500,000.

CHAIRMAN ROPER: Would you like to have these names read?

MR. BATTLE: I move their approval without being read.

CHAIRMAN ROPER: All in favor say "Aye"; opposed "No." They are approved.

MR. BROWN: Mr. Secretary, I have something in line with this. I dictated a letter, but it was not written in time to bring it here, asking the approval of the Board of the appointment of Mr. Boaz Long at \$7,000 net as Deputy Administrator. He is to be Deputy Administrator in Puerto Rico and the higher salary is asked in consideration of the expense he will be under incident to going down there. That is a salary which has to be approved, of course, directly by the Board.

DIRECTOR DOUGLAS: Any exchange difficulties?

MR. BROWN: I think not.

DR. TUGWELL: There will be some if that fellow goes down there!

MR. BROWN: Will you entertain that now or would you prefer to wait until the written communication comes?

CHAIRMAN ROPER: What is the pleasure of the Board with regard to Mr. Boaz Long's increase in compensation from \$6,000 to \$7,000? He is going out of the country and setting up another unit.

DIRECTOR DOUGLAS: Is that in conflict with the Executive Order having to do with automatic promotion?

MR. BROWN: No, this is a reclassification of duties.

COMMISSIONER MARCH: He will be located in Puerto Rico?

MR. BROWN: Yes, he will entertain codes submitted by industries there or applications to be covered under domestic codes. He will hear them, determine the facts and of course within the authority granted to him will act on them. He will not have full authority, but will be in constant consultation with headquarters here. There has been an endless demand from Puerto Rico for consideration of their difficulties there and we have been too long delinquent in giving them a man. Many industries there need it very badly.

CHAIRMAN ROPER: Are there a number of industries there?

MR. BROWN: Yes, and they have some very bad labor conditions in some of them. The garment making industry, for example.

MR. BATTLE: Do not many of their industries come under the AAA?

MR. BROWN: Sugar and tobacco do. There are quite a number of firms in New York which send materials down there. They have a padrone system. Some man has a string of labor at his command, including women and children who make these garments at home. It is a very bad condition.

MR. BATTLE: Is the AAA to have a representative there and work in cooperation with Mr. Long?

CHAIRMAN ROPER: I think that is a very appropriate question. If they are going to have a man, they might save some money by having one man act for both. Can that be answered by Dr. Tugwell?

DR. TUGWELL: I have heard nothing about it.

CHAIRMAN ROPER: I should think your end of it in Puerto Rico would be larger than that of the IIRA.

DR. TUGWELL: I would too, and I can find out.

CHAIRMAN ROPER: If you would accept this man, that would solve the situation. It might answer both purposes. I do not think there would be much question about approving this increased appropriation for this purpose if he were going to answer all purposes.

DR. TUGWELL: I would have to inquire about it.

MR. BROWN: I am sure General Johnson would be glad to have him of service to the AAA in every possible way.

CHAIRMAN ROPER: Can we approve it with the hope that Mr. Long will answer the purposes of both acts, that is if Mr. Long is approved by the Administrator of the AAA? Would that be satisfactory?

DIRECTOR DOUGLAS: Mr. Secretary, I have no personal basis for an intelligent review.

CHAIRMAN ROPER: Shall we act on this now or shall we wait until we hear from Dr. Tugwell as to whether Mr. Long would be acceptable to them, or can we approve subject to their acceptance of Mr. Long.

DR. TUGWELL: I cannot speak for the AAA or the Department. I should think Mr. Long would be peculiarly suited to our needs. I do not know him but I do not think he knows anything about agriculture, does he?

MR. BROWN: I don't think he has had any experience in agriculture.

DR. TUGWELL: I don't think so, but do not take that as being worth anything in particular. I will find out.

CHAIRMAN ROPER: Suppose we await, then, your inquiry and I can approve if the Board will give me permission.

Now, we get back to this question of the volume of the NRA service at this moment. That involves the question of money--the one that you brought up, Mr. Director--as well as the question of space which is quite a problem with us today. General Johnson's work is needing, as I understand, 20,000 additional square feet at once.

MR. BROWN: No, sir, we need considerably more than that.

CHAIRMAN ROPER: The Home Loan Board is using 20,000 square feet, and by moving them out you could get that much additional space.

MR. BROWN: That would be a big help, but it is not enough.

CHAIRMAN ROPER: Can you give us an idea as to how much space, how many people and what total expense there will be?

MR. BROWN: As near as I can answer, and it is of course bound to be very much of a guess, we should have 2,000 within a space of a month or two and we should have twice as much space as we have now which would permit alleviation of the present crowded condition, as well as take care of the additions.

CHAIRMAN ROPER: You now have 100,000 square feet, as I recall.

MR. BROWN: That is right.

CHAIRMAN ROPER: And you need 200,000 feet.

MR. BROWN: And that would increase our payroll roughly to \$3,300,000.

Now as to the needs for that: There has been a great deal of complaint throughout industry and much evidence to show that we are slow in handling codes. There is no question about it.

Every industry in the country comes in and wants its code handled immediately. We have 910. That is a slight reduction since last week because of consolidations, etc. We have 910 national codes before us, out of which there have been approved 122. Many of the codes present intricate and troublesome problems. We have been working night and day and we are receiving considerable criticism from the labor people as to the hours which our workers are employed, so that in general explanation of the requirement of more personnel you can say it is twofold; one to satisfy the demands of industry to give them what they feel they are entitled to under the Act (that is codes); and the other is to do that with less necessity for working employees long hours. I may add another thing to that. In speaking in terms of writing codes, from all our experience with the administration of codes which have been written, it does not look as though the administration is going to take any less effort than the writing of codes. The instant a code is approved the industry wants our assistance in getting it in operation and in settling manifold questions which come up immediately. I take it that this is a declared policy of the President, and the thing to do is to go ahead and do it.

CHAIRMAN ROPER: Mr. Brown tells us that it will take about 2,000 people at the maximum. We have now 1,424--approximately 600 people more and an additional 100,000 square feet of space which we cannot provide in this building without moving out some of our own units. It is a matter of finding space

and very considerable space outside of this building for a portion of General Johnson's unit, or for portions of the units of the Department of Commerce. I had promised to get the Shipping Board in here so as to give up the temporary Navy building as soon as possible and they would require about 40,000 square feet, but I see no way of doing that.

Now, as to the money, I believe that answers your question, Mr. Director of the Budget--about \$3,500,000.

MR. BROWN: That is for the payroll.

DIRECTOR DOUGLAS: Bringing your total expense up in excess of--

MR. BROWN: Five and one-half million, say.

CHAIRMAN ROPER: You are including, of course, all the field services in your estimate. It says 2,000 people; do you mean people in Washington?

MR. BROWN: I am not including the compliance organization, the size of which at the present moment is very difficult to gauge.

CHAIRMAN ROPER: We are very soon going to have to deal with Congress in an itemized fashion. We have to be very definite about it. It seems to me, Mr. Director, you will be wanting to know for that purpose.

DIRECTOR DOUGLAS: The Act authorized an appropriation of \$3,300,000,000 to carry out the purposes of the Act. General Johnson's organization, the NRA, received an allotment of that to keep them running two or three years.

CHAIRMAN ROPER: They have been getting it along as they needed it.

DIRECTOR DOUGLAS: Yes, out of the Public Works Board. They can get an allotment for several years. That \$3,300,000,000 was appropriated" until expended."

CHAIRMAN ROPER: Don't you think it ought to be done as soon as possible?

MR. BROWN: We have an allotment for the present year which, at the time we asked for it, we thought would be sufficient. It now proves insufficient. We do not like to ask for an allotment for future years until we have an idea of what will be needed.

COMMISSIONER MARCH: How much do you have?

MR. BROWN: Four and one-half million.

DIRECTOR DOUGLAS: The whole idea of the NRA was that it was a temporary thing. The \$3,300,000,000 was appropriated to carry out the purposes of the Act and was authorized to be appropriated subsequently and to remain available until expended. If the NRA is to become permanent, or more permanent than was originally intended, then there is to be an additional authorization.

MR. BATTLE: It was for a duration of two years.

DIRECTOR DOUGLAS: The Act itself was for a period of two years. The \$3,300,000,000 was appropriated until expended.

COMMISSIONER MARCH: The \$3,300,000,000 has already been allocated.

DIRECTOR DOUGLAS: No, it has been appropriated. It is almost all allocated now.

COMMISSIONER MARCH: What has been allocated?

DIRECTOR DOUGLAS: About \$2,900,000,000.

MR. BATTLE: I saw a statement recently that it was \$2,242,000,000.

DR. TUGWELL: There are certain items that do not have to come out of that

DIRECTOR DOUGLAS: I cannot include any appropriation for the industrial

recovery portion of that Act, because there is no authorization for it. If anybody should raise a point of order against it that would knock it out.

CHAIRMAN ROPER: I think it is important that you get that.

DR. TUGWELL: Why don't you ask for \$10,000,000 to carry you through a year or two?

CHAIRMAN ROPER: We are only six months advanced. There are eighteen months yet. I should think you would have to have \$7,500,000 at the minimum.

DR. TUGWELL: I think you would have to have \$10,000,000

CHAIRMAN ROPER: This compliance organization is going to cost some money because people will soon be rather hesitant about spending their own money and will begin to ask for money. We will have to supplant willing workers with hard workers.

DR. TUGWELL: They overlooked the possibilities of taxation. We provided our own sustenance to a certain extent.

DIRECTOR DOUGLAS: As I recall, the Act authorized the collection of fees, did it not?

MR. BROWN: There is some reference to that.

DIRECTOR DOUGLAS: I think so. My recollection is very hazy, but I think it did authorize the collection of fees. I am just wondering whether it might be a good thing to impose and collect fees.

MR. BROWN: It would not be available for our expenditures.

CHAIRMAN ROPER: No, but it would reimburse the Government.

MR. BROWN: I think this is the only reference to it: "The President is authorized to prescribe such rules and regulations as may

be necessary to carry out the purposes of this Title
and fees for licenses--"

JUDGE STEPHENS: What section is that?

MR. BROWN: It is 10 (a)--" and for filing codes of fair competition
and agreements." I understand that subject was considered
with the President and that for reasons of policy it was
deemed undesirable to do it. How serious the consideration
was I do not know.

JUDGE STEPHENS: With only 900 codes applied for, you would not get
much out of that unless you set a big fee.

CHAIRMAN ROPER: That is, I suppose, just a suggestion. Is there any-
thing further on that subject or any other matter anybody
wishes to bring up? If there is nothing else, we will stand
adjourned.

Meeting adjourned at 4 P. M.

<u>Name</u>	<u>Position</u>	<u>Salary</u>	<u>Bureau, Division, or office</u>	<u>Effective</u>
Lund, Charles E.	Newspaper Reader	2201.50 net	Press Intelligence	11/1/33
Conness, Leland S.	Newspaper Reader	1997.50 net	Press Intelligence	10/23/33
CHRISTENSON, C. L.	Economic Advisor	3825 net	Research & Planning	11/4/33
Cunningham, Chas. H.	Asst. Deputy Adm.	3825 net	A. A. A.	11/1/33
Barenboim, A. H.	Assistant Counsel	3800 net	Legal Division	11/13/33
McConnell, Jos. H.	Assistant Counsel	3800 net	Legal Division	11/8/33
McBride, Jno. W.	Associate Economist	2720 net	Imports Division	11/16/33
DuBose, Clarence P.	Proof Reader	2210 net	Printing & Pub. Div.	11/10/33
Chisholm, John R.	Proof Reader	2210 net	Printing & Pub. Div.	11/12/33
Rogovin, Diana	Secretary	1955 net	Division #2	9/30/33
Cerick, Ruth A.	Stenographer	1620 net	Legal Division	11/1/33
Shannon, Reeva I.	Legal Stenographer	1440 net	Legal Division	10/30/33
Sullivan, Cosma M.	Sec'y-Stenographer	1377 net	Personnel Division	11/8/33
Gilfix, Hope	Stenographer	1224 net	Chief Clerk's Div.	11/10/33
Gillis, Dorothy M.	Stat. Stenographer	1224 net	Research & Planning	11/15/33
Houghton, Dorothy L.	Clerk-Typist	1224 net	Compliance Division	11/2/33
Jones, Nancy Marie	Clerk-Typist	1224 net	Labor Advisory Bd.	11/1/33
McIntyre, Agnes P.	Stenographer	1224 net	Correspondence Div.	11/11/33
Brez, Augusta N.	Secretary	1530 net	Division #2	10/14/33
Sams, Hubert Butler	Messenger.	918 net	Mails & Files	11/13/33
Heelen, Hugh M.	Messenger	918 net	Division #4	11/14/33
Murphy, Gwendolyn V.	File Clerk	1071 net	Mails & Files	11/14/33
Milburn, Jessie E.	File Clerk	1071 net	Mails & Files	11/15/33
Rose, Herbert	Executive Assistant	2465 net	Control Division	11/13/33
Moss, Evelyn W.	Secretary	1530 net	Executive Office	11/14/33
Mencia, Patricia C.	Clerk	1436.50 net	Legal Division	11/9/33
Pearsall, Harold B.	Clerk	1436.50 net	Legal Division	11/10/33
Coven, Milton	Asst. Stat. Clerk	1377 net	Dept. of Labor.	11/13/33
Powell, Ruth E.	Stenographer	1377 net	Division #2	10/17/33
Tolle, Chester D.	Special Assistant	3060 net	A. A. A.	11/14/33
Willis, Chas. E.	Aide	3060 net	Division #3	11/17/33
Evans, Jack C.	Liaison Officer	2210 net	Liaison Division	11/22/33
Calnan, Roger S.	Correspondent	1955 net	Division #4	11/20/33
Batten, De Lee	Stenographer	1224 net	Correspondence	11/20/33
Dent, Teresa	Clerk-Typist	1224 net	Printing & Pub. Div.	11/14/33
Caillouette, Vivian	Stenographer	1224 net	Chief Clerk's Div.	11/20/33
Holmes, Helen B.	Clerk-Typist	1224 net	Printing & Pub. Div.	11/14/33
Holovachka, Anne	Typist-Bookkeeper	1224 net	Control Division	11/9/33
King, Lena M.	Stenographer	1224 net	Correspondence Div.	11/11/33
Markey, Leon H.	Stenographer	1224 net	Correspondence Div.	11/20/33
Rooney, Joseph M.	Stenographer	1224 net	Correspondence Div.	11/11/33
Abert, Ross Veirs	Clerk-Typist	1071 net	Mails & Files	11/14/33
Sutherland, Claude S.	Clerk	1071 net	Mails & Files	11/13/33
Rogers, Walter D.	Messenger	918 net	Division #4	11/18/33
Charshee, Thos. R.	Assistant Counsel	4200 net	Legal Division	11/8/33
Shoults, Worth E.	Assistant	2720 net	Consumer's Adv. Bd.	11/6/33
Parrish, Enid Baird	Assistant	1955 net	Consumer's Adv. Bd.	11/9/33
Rhine, Henry	Jr. Assistant	1700 net	Consumer's Adv. Bd.	11/6/33
Pigott, Raymond T.	Stenographer	1377 net	Division #1	11/23/33
Fitzgerald, Margaret A.	Stenographer	1224 net	Division #2	11/15/33
Rogers, Evelyn C.	Typist	1071 net	Division #2	11/8/33
Pettit, John K.	Messenger	918 net	Division #4	11/9/33

Appendix #2

<u>Name</u>	<u>Position</u>	<u>Salary</u>		<u>Bureau, Division or office</u>	<u>Executive</u>
Shipley, Frederick W.	Messenger	918	net	Division #2	11/15/33
Cook, Albert C.	Asst. Deputy Adm.	3825	net	Division #2	11/3/33
Foster, Neal W.	Asst. Deputy Adm.	3825	net	Division #2	11/3/33
Kossorris, Max	Associate Stat.	3825	net	Research & Plan.	10/16/33
Morrow, Herbert S.	Deputy Administra.	5780	net	Division #4	11/3/33
Shields, G. H.	Asst. Deputy	3825	net	Division #1	11/3/33
Tailer, L. S.	Asst. Dep. Adm.	3825	net	Division #2	11/1/33
Upman, Frank, Jr.	Special Asst.	3825	net	Division #1	10/16/33