105-43E?
Era Reich N.D.

United States Court of Appeals

FOR THE FIRST CIRCUIT

No. 5160

WILHELM REICH, ET AL.,

DEFENDANTS-APPELLANTS,

v.

UNITED STATES OF AMERICA,

APPELLEE.

RECORD APPENDIX TO BRIEFS FOR APPELLANTS

VOL. II

TRIAL RECORD—May 3 to 7, 1956

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DISTRICT COURT OF THE UNITED STATES

DISTRICT OF MAINE

(Southern Division)

IN THE MATTER OF:	Criminal No. 5003
UNITED STATES OF AMERICA	Criminal Contempt Proceeding
vs.	
THE WILHELM REICH FOUNDATION, a Maine Corporation, WILHELM REICH, AND MICHAEL SILVERT	Federal Courtroom, Portland, Maine May 3, 4, 5, 7, 1956

INFORMATION AND APPLICATION IN

CRIMINAL CONTEMPT

The trial began before the Honorable George C. Sweeney, Chief Judge, United States District Court, Boston, Massachusetts, and a jury duly impaneled, accepted and sworn, on May 3, 1956.

—APPEARANCES—

For the Government — HONORABLE PETER MILLS, U. S. Attorney
HONORABLE JOSEPH MAGUIRE, Acting Assistant Gen. Counsel, Pure Food and Drug Adm.
HONORABLE CHESTER D. CRAM, JR., Asst. U. S. Attorney

The defendants appeared pro se.

The Corporation appeared through its Clerk, Mr. William Moise.

MORRIS COX,

A witness, called by and in behalf of the Government, first being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: Will you state your full name, please?

MR. COX: Morris Cox.

MR. MAGUIRE: Are you the clerk of the United States District Court for the District of Maine?

MR. COX: I am.

MR. MAGUIRE: Mr. Cox, do you have your official records with you with respect to civil action numbered 1056?

MR. COX: They are here in the courtroom.

MR. MAGUIRE: Will you tell us whether or not there was a decree of injunction entered on March 19, 1954, in the case of the United States of America, plaintiff, against the Wilhelm Reich Foundation, Wilhelm Reich and Ilse Ollendorff?

MR. COX: In the case referred to, a decree of injunction, signed by Judge John D. Clifford, Jr., dated March 19, 1954, at 2:45 p. m., was entered in the office of the Clerk at 2:45 p. m., at Eastern Standard Time on March 19, 1954.

MR. MAGUIRE: I offer Government's Exhibit No. 1.

DR. REICH: No objection.

THE COURT: Admitted.

(The document heretofore marked Government's Exhibit No. 1, for identification, was received into evidence.)

MR. MAGUIRE: Now, Mr. Clerk, referring to the same case and to May 5, 1954, was there a petition for intervention filed in this Court, one of the parties to the petition being the defendant, Michael Silvert?

THE COURT: I wish you would designate to the Court

what you want him to do. We haven't got the time to wade through all of these records.

MR. MAGUIRE: Well, I would like to ask the defendants if they might admit that Michael Silvert filed a petition to intervene.

THE COURT: Well, ask them. The question is, will you admit that Michael Silvert filed a petition to intervene.

DR. REICH: We never denied that we did not obey the injunction. We never denied that.

THE COURT: Well, what are we trying here?

DR. REICH: I would like to shorten the procedure.

THE COURT: In what way?

DR. REICH: We never denied that we did not obey the injunction.

THE COURT: May I ask you if you have violated this injunction?

DR. REICH: I did not violate the injunction.

THE COURT: You just said that you never denied it.

DR. REICH: I will put on witnesses later.

THE COURT: Well let's get down to the case. Are you willing to admit that Doctor Silvert filed a petition to intervene?

DR. REICH: Oh, yes.

THE COURT: All right, the jury understands that the admission has just been made by the doctor. Can't you answer a simple question? Will you admit that whatever you are talking about happened?

DR. REICH: Yes.

MR. MAGUIRE: The next item was the denial of that order, November 17, 1954.

MR. COX: I have here an order and an opinion of the application for intervention in this matter which was stamped as filed on November 17, 1954, signed by John D. Clifford, Jr., Judge

of this court, on which it is ordered adjudged and decreed that the application for intervention filed by the applicant on May 5, 1954, be hereby and is denied.

MR. MAGUIRE: Was there on November 30, 1954, a notice of appeal filed by the intervenors, including Doctor Silvert?

MR. COX: The notice of appeal filed in the name of the applicants for intervention by counsel was stamped as filed in the clerk's office on December 3, 1954.

MR. MAGUIRE: Was there a motion for a stay of the provisions of the injunction and an order entered thereon on January 18, 1955?

THE COURT: Mr. Maguire, the defendants said the injunction is outstanding. Now, why isn't that enough?

MR. MAGUIRE: Well, these dates dovetail into certain actions taken by the Government.

THE COURT: If you are trying to dovetail everything in this one case, you will be here all year.

MR. COX: On January 18, 1955, there was filed an order on motion for a stay of enforcement of the provisions of the decree of injunction, which was signed by Judge John D. Clifford, Jr., the last paragraph reading as follows: "It is further ordered that the motion for stay be and hereby is denied, in all other respects." The preceding paragraph reads as follows: "After hearing and due consideration of the motion, it is hereby ordered that so much of the decree of injunction filed March 19, 1954, as directs the destruction of books and apparatus, is hereby stayed pending final determination of the appeal from the order denying application for intervention, or pending further order from this court."

MR. MAGUIRE: Isn't it a fact, Mr. Cox, that the Circuit Court of Appeals, for the First Circuit, denied the appeal in its entirety?

MR. COX: I believe that is correct.

MR. MAGUIRE: You may examine.

DR. REICH: No questions.

THE COURT: You may step down.

ILSE OLLENDORFF,

A witness, called by and in behalf of the Government, first being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: Will you state your name, please?

MISS OLLENDORFF: Ilse Ollendorff and also Ilse Ollendorff Reich.

MR. MAGUIRE: Where do you now live, Miss Ollendorff?

MISS OLLENDORFF: Sheffield, Massachusetts.

MR. MAGUIRE: How long have you known the defendant, Dr. Reich?

MISS OLLENDORFF: Since October, 1939.

MR. MAGUIRE: And how long have you known the defendant, Silvert?

MISS OLLENDORFF: I do not recall exactly, but I think it must have been 1946 or 1947.

MR. MAGUIRE: If the court will permit me to impose some leading types of questions, I think we will get along faster with Miss Ollendorff.

MR. MAGUIRE: Miss Ollendorff, isn't it a fact that you came to this country about 1939?

MISS OLLENDORFF: That is correct.

MR. MAGUIRE: Is it or is it not a fact that you have been associated with Dr. Reich since December of 1939?

MISS OLLENDORFF: That is correct.

MR. MAGUIRE: And have you since, about that time, been employed either personally by him or some affiliated corporation?

MISS OLLENDORFF: Since January 1, 1940.

MR. MAGUIRE: Since January 1, 1940?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: Does that include services for the Wilhelm Reich Foundation, the Orgone Institute Research Laboratory, Inc.?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: And then isn't it a fact that there are other names that had been used in this group such as the Orgone Institute Press?

MISS OLLENDORFF: I have not been an employee of the Orgone Institute Press.

MR. MAGUIRE: You have performed some duties for the Orgone Institute Press?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: Did you have anything to do with orgone energy accumulators?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: When did you first start to have anything to do with the accumulators?

MISS OLLENDORFF: From the beginning of their inception.

MR. MAGUIRE: When would that be?

MISS OLLENDORFF: I think I can place it in 1944.

MR. MAGUIRE: Did you have anything to do with the books, pamphlets and literature which were used in connection with Orgone energy accumulators?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: Now, Miss Ollendorff, isn't it a fact that the various items of literature which I now show you . . . . .

THE COURT: Has this something to do with the alleged violation?

MR. MAGUIRE: Yes, Your Honor.

THE COURT: What has it to do with it?

MR. MAGUIRE: These are samples of the literature that the Government claims was shipped down from Rangeley at the insistence of Dr. Silvert. They are copies of items that were sold in New York. They are very intimately involved.

THE COURT: Can't you show the actual shipment sent instead of asking us to read those books?

MR. MAGUIRE: We are not going to ask anybody to read those books, but to identify them, so that the other witnesses can identify them.

THE COURT: Are you telling me, as an officer of the court, that these same books were shipped to New York?

MR. MAGUIRE: No, I am not.

THE COURT: Well, I can't see that there is any value to it.

MR. MAGUIRE: I think it would be valuable for identification purposes for the benefit of the witness.

THE COURT: You allege that this defendant has an injunction before him. You allege it has been violated. I am not interested in anything that took place prior to the issuance of the injunction.

MR. MAGUIRE: If it please the Court, we must, in order to prove the Government's case, show that there was concerted participation on behalf of the earlier defendants with Dr. Reich.

THE COURT: Well, go ahead, but be very brief about it.

MR. MAGUIRE: Miss Ollendorff, I will read to you the title of books and will you indicate to me whether or not they are books which were employed in connection with the sale, rental, and distribution, generally, of Orgone Energy Accumulators, and whether or not they are the ones you recognize? They are:

The Discovery of the Orgone by Wilhelm Reich
Volume 1—The Function of the Orgasm
Volume 2—The Cancer Biopathy

The Sexual Revolution by Wilhelm Reich
Ether, God and Devil by Wilhelm Reich
Cosmic Superimposition by Wilhelm Reich
Listen, Little Man by Wilhelm Reich
The Mass Psychology of Fascism by Wilhelm Reich
Character Analysis by Wilhelm Reich
The Murder of Christ by Wilhelm Reich
People in Trouble by Wilhelm Reich

MISS OLLENDORFF: None of these books were used in connection with the sale of accumulators.

MR. MAGUIRE: Isn't it a fact, Miss Ollendorff, that these books could be ordered by anybody who submitted the order to the Wilhelm Reich Foundation or any one of its affiliates?

MISS OLLENDORFF: Yes, but independent of the Orgone accumulators. They were issued and published by the Orgone Institute Press and were shipped to people who ordered them from the Press, but they were not in connection with Orgone energy accumulators.

THE COURT: Are they banned in the injunction decree?

MR. MAGUIRE: Yes.

THE COURT: Well, what is the sense of going over that. You have the books and you have the injunction.

BY MR. MAGUIRE: I will read you another list. Isn't it a fact that these were employed in connection with the distribution of the accumulators? They are:

Catalogue Sheet,
Physician's Report,
Application for the Use of the Orgone Energy Accumulator,
Additional Information Regarding Soft Orgone Irradiation,
Orgone Energy Accumulator Its Scientific and Medical Use,
Orgone Energy Bulletin,

Orgone Energy Emergency Bulletin,
International Journal of Sex Economy and Orgone Research,
Internationale Zeitschruft Fur Orgonomie,
Emotional Plague Versus Orgone Biophysics,
Annals of the Orgone Institute, and
Oranur Experiment.

MISS OLLENDORFF: Only the very few first of those were used in connection with Orgone accumulators. If you will give me the list, I will identify the ones which were used with the accumulators, because I don't think all of those publications had anything to do with the sale or rental or use of accumulators.

THE COURT: Show her the list first, instead of reading them to the jury.

BY MR. MAGUIRE: Miss Ollendorff, isn't it a fact that all of these items that I have read to you were ordered by the decree to be destroyed?

MISS OLLENDORFF: The injunction said that they should be destroyed. May I add that as I understand it, there was a provision that it should be done under the supervision of the Food and Drug Administration.

MR. MAGUIRE: Now, I understand that sometime, in or about July or August, 1954, you left Rangeley and since have not been associated with the Reich Foundation or the business transactions up there?

MISS OLLENDORFF: That's right.

MR. MAGUIRE: Now, up to the time that you had been there, had any of these items been destroyed under the decree?

MISS OLLENDORFF: No.

MR. MAGUIRE: Now, Miss Ollendorff, at the time that the decree was signed, were there any Orgone Energy Accumulators that were owned or controlled by any of the three defendants?

MISS OLLENDORFF: There were Orgone accumulators

owned by the Orgone institute and by the Wilhelm Reich Foundation.

MR. MAGUIRE: About how many of them were there?

MISS OLLENDORFF: I am unable to give an exact figure, but I would guess anywhere between 125 and 150.

MR. MAGUIRE: Now, in connection with those approximate 125 to 150 accumulators, did you maintain any kind of a record?

MISS OLLENDORFF: Yes I did.

MR. MAGUIRE: What kind of records did you maintain?

MISS OLLENDORFF: I had a card file for the individuals who used the accumulators, and I had a binder, and I had the numbers of the accumulators, when the accumulators were ordered, according to number, and the entries were made for people who used them.

MR. MAGUIRE: Did you keep financial records?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: Did you keep financial records on a loose leaf binder?

MISS OLLENDORFF: No.

MR. MAGUIRE: I show you what has been marked Government's Exhibit No. 2 and ask you what that is?

MISS OLLENDORFF: This is a card for the individuals which I had arranged and kept.

MR. MAGUIRE: Now, when you left Rangeley, what did you do with that set of cards?

MISS OLLENDORFF: I have no recollection to whom I gave it over, but I handed most of my duties, at that time, to the secretary who was engaged to take over my duties.

MR. MAGUIRE: Did you prepare from this set of cards a skeleton set of cards?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: What information was on that skeleton set of cards?

MISS OLLENDORFF: The number for the accumulators, names of the individuals who used them, and the time of the beginning of the using and the amount of the contribution.

MR. MAGUIRE: Did that record contain a card for each one of the persons who had accumulators out on rental at that time?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: What did you do with that skeleton set of cards?

MISS OLLENDORFF: Dr. Silvert asked me to hand it to him. I gave it to him.

MR. MAGUIRE: Can you fix the time when you handed him that set of cards?

MISS OLLENDORFF: It might have been in May of 1955.

MR. MAGUIRE: May I advise the defendants that at the time an Exhibit is presented for introduction into evidence that it is customary to present it to the other side?

DR. REICH: I have no objection to that Exhibit.

MR. MAGUIRE: I offer this set of cards as Government's Exhibit No. 2.

THE COURT: Admitted.

(The document heretofore marked Government's Exhibit No. 2, for identification, was received into evidence.)

MR. MAGUIRE: Miss Ollendorff, I hand you what has been marked Government's Exhibit No. 2 for identification and ask you what that is?

MISS OLLENDORFF: That is a file, a three-ring binder recording the number of accumulators that I made up.

MR. MAGUIRE: Will you explain what each set is and what information is on each set?

MISS OLLENDORFF: Each set has information of the accumulators, the strength, the type, where it went, when it was returned, to whom it was reshipped, and it also contains the name of the physician who ordered the accumulator for the particular patients.

MR. MAGUIRE: I offer Government's Exhibit No. 3.

THE COURT: Admitted.

(The document heretofore marked Government's Exhibit No. 3, for identification, was received into evidence.)

MR. MAGUIRE: Now, Miss Ollendorff, immediately after the injunction was signed what transpired with respect to the rental as to accumulators which were out in the hands of individuals?

MISS OLLENDORFF: It was decided to leave it up to the individual to send in the monthly contribution without forcing, without asking for the contribution, just leave it up to the individual to continue sending in the contributions.

MR. MAGUIRE: How was that gone about?

MISS OLLENDORFF: Most people sent in their contributions anyway.

MR. MAGUIRE: Well, I am asking how it was brought about that it was left up to them to make their own decisions?

MISS OLLENDORFF: Because as I recall, there was immediate talk of the intervention.

MR. MAGUIRE: Well, Miss Ollendorff, my question is how was it left up to these individuals? Did you as secretary of the Wilhelm Reich Foundation compose any letter or send a telegram to each one or phone them?

MISS OLLENDORFF: I composed a letter to each one advising them of the recall, but I did not send out these letters because it was stated in the injunction that they should be sent out under the supervision of the Pure Food and Drug Administration and I had a file already to be sent out as soon as information was provided for.

MR. MAGUIRE: Did you or anyone else, while you were there, ever communicate with the Pure Food and Drug Administration, asking their supervision?

MISS OLLENDORFF: Yes, we sent a telegram to Mr. Mills stating that we were ready in our preparation and that more or less we were waiting for supervision to send out those letters and comply with the injunction.

MR. MAGUIRE: Now, Miss Ollendorff, I hand you what has been marked Government's Exhibit No. 4, for identification, and ask you what that is?

MISS OLLENDORFF: Yes, that is a telegram that was sent.

MR. MAGUIRE: Now, Miss Ollendorff, you see the telegram that I hold in my hand? Is that the telegram that you sent to the Pure Food and Drug Administration requesting supervision?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: The telegram reads as follows:

(Rangeley, Maine, March 30, 1954,)

"Peter Mills, District Attorney Federal Court House Portland, Maine. The Wilhelm Reich Foundation is far advanced in preparing full compliance with injunction of March 19, 1954 stop An exact account of measures taken and still in progress will be sent to your office for your information—

The Wilhelm Reich Foundation Ilse Ollendorff
Clerk—"

Is that the clerk who you said notified the Pure Food and Drug Administration to come to Rangeley and supervise?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: Did you send the context of that telegram to anybody else?

MISS OLLENDORFF: I don't recall sending it to anybody else.

MR. MAGUIRE: I show you what has been marked Exhibit 5 and 6, for identification, which purport to be copies of telegrams sent containing the same context?

MISS OLLENDORFF: The copies are there and I don't doubt that they have been sent but I don't recall sending them. I can very definitely recall sending the telegram to Mr. Mills but I do not recall the context.

MR. MAGUIRE: Now, Miss Ollendorff, these are directed to Herbert Brownell, Attorney General of the United States, and to J. Edgar Hoover, director of the FBI, are they not?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: Who directed you to send the telegram to Mr. Mills?

MISS OLLENDORFF: I don't think anybody actually directed me to send it. We had a discussion at that time about measures which were to be taken and about telegrams which were to be sent, and I probably took it upon myself to send that telegram because I thought that was the way the thing should be handled.

MR. MAGUIRE: You say "we" had discussions. Whom do you include in the "we"?

MISS OLLENDORFF: Mostly Dr. Reich and lawyers.

MR. MAGUIRE: Now, Your Honor, there has been some prompting from the table of Dr. Reich and I request that he be directed not to prompt the witness.

THE COURT: Watch it.

MISS OLLENDORFF: I do not recall who was there because at that time people were coming and going continuously. It is very possible that Mr. Moise was there, that lawyers were present. I cannot recall who was there, but I definitely know I had conversation with Dr. Reich.

MR. MAGUIRE: Did you ever notify the Pure Food and Drug Administration further than this notice that you sent to Mr. Mills to come up and supervise?

MISS OLLENDORFF: I do not recall sending anything else.

MR. MAGUIRE: I offer Government's Exhibit No. 4.

THE COURT: Admitted.

(The document heretofore marked Government's Exhibit No. 4, for identification, was received into evidence.)

MR. MAGUIRE: Now, Miss Ollendorff, you indicated that you composed and prepared letters addressed to each one of the accumulator renters?

MISS OLLENDORFF: That's right.

MR. MAGUIRE: You said you didn't send those. Am I correct?

MISS OLLENDORFF: No, I did not send those under legal advice. I wanted to comply with the letter of injunction and the injunction stated that all measures to be taken under the supervision of the Pure Food and Drug Administration, and I was warned that if I sent out letters without supervision, I could not prove that I had sent the letters out.

MR. MAGUIRE: Now, will you tell us what means you took to notify each one of the persons renting an accumulator that it was up to their discretion as to whether or not they continued renting them?

MISS OLLENDORFF: I do not understand the question.

MR. MAGUIRE: Well, you have indicated that you prepared letters for each one of the accumulator holders, but that you did not send them out?

MISS OLLENDORFF: That is correct.

MR. MAGUIRE: I think you said previously that they never got those letters?

MISS OLLENDORFF: That's right.

MR. MAGUIRE: Now, you indicated you left it up to them as to whether or not they would send in their monthly rentals? Now how did you notify them?

MISS OLLENDORFF: I do not recall that they were notified. I think either they heard about the injunction because it was rather widely known, and it was up to their own conscience and to their own decision whether they wanted to use the accumulator under the circumstances.

MR. MAGUIRE: Now, after the injunction, did you or did you not continue to collect rentals?

MISS OLLENDORFF: Yes, monies were received.

MR. MAGUIRE: Was there any substantial difference in the amounts after the injunction or before the injunction?

MISS OLLENDORFF: Well, I would have to see the records to testify correctly on that. I don't recall the figures.

MR. MAGUIRE: Now, Miss Ollendorff, prior and subsequent to the injunction, while you were still at Rangeley, were you handling the collection of the rentals, and the financial records in connection with those?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: Now, I show you what has been marked as Government's Exhibit No. 7, and ask what that is?

MISS OLLENDORFF: This is a journal ledger of the Wilhelm Reich Foundation beginning in January 1, 1954, and kept by me through July 24, 1954.

MR. MAGUIRE: Now, Miss Ollendorff, I show you what has been marked as Government's Exhibit No. 8, and ask you if you have had an opportunity to study this Exhibit and to compare some of the figures on there with figures that are in the book that you have before you?

MISS OLLENDORFF: Yes, I compared the figures and initialed what I found to be correct.

MR. MAGUIRE: Now, Miss Ollendorff, is it a fact that each month prior to the injunction that there was about $1,500 a month income from the rental of the accumulators?

MISS OLLENDORFF: Approximately.

MR. MAGUIRE: Now, you just indicated that you have made some markings on this Exhibit and I might explain that this is a chart which indicates the Orgone Accumulators' income from April, 1954, to September, 1955, and for income from the sale of literature and books for that same period. Now, Miss Ollendorff, you have validated the figures on this chart as follows in April of 1954 . . . . .

THE COURT: Don't read that until that is in evidence.

MR. MAGUIRE: It has not been admitted.

THE COURT: Well, you cannot read it if it has not been admitted.

MR. MAGUIRE: I offer this chart, limitedly at this time, and for the figures from April through August with respect to Orgone Accumulators' income with the exception of the one figure indicated by Miss Ollendorff, and through the months of April and July with respect to literature.

THE COURT: I will say to the defendants that if you want to object to having this chart go in, as such, I will sustain your objection, the reason being this: That you have not had a chance to verify this chart with the actual figures, but if you took a cursory look at them and became convinced that they are correct, I would admit them if you did not object.

DR. REICH: I don't doubt at all that they are correct.

THE COURT: All right. I will admit it.

(The document heretofore marked Government's Exhibit No. 8, for identification, was received into evidence.)

MR. MAGUIRE: Then, Miss Ollendorff, the income from accumulator rental in April you verify as being $1,414.25?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: And approximately $950 in May, the first full month after the injunction, May being the second full month. And in June $1,474.57, and in July roughly $1,100?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: Now, would you say that the amount of rental from accumulators was substantially the same after the injunction as prior to the injunction?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: Now, Miss Ollendorff, isn't it a fact that at one time you and Dr. Reich were doing business as the Orgone Institute?

MISS OLLENDORFF: It was very early in the 1940's, a very short time . . . . . The registration was in the County Clerk's Office, and after a very short time Dr. Reich changed that to read for him alone. My name was taken off it.

MR. MAGUIRE: At some time was a certificate filed indicating Dr. Reich himself as doing business as Orgone Institute?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: Now, will you tell us what that business was? Was that in conjunction with accumulators?

MISS OLLENDORFF: At that time there was nothing in conjunction with the accumulators at all. It was mostly for teaching purposes.

MR. MAGUIRE: Now, was he doing business as the Orgone Institute at the time you left in 1954?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: Will you tell us what office he held in the Wilhelm Reich Foundation, if any?

MISS OLLENDORFF: He was the chairman of research, and as such the chairman of the Board of Trustees, I think.

MR. MAGUIRE: Now, his role as chairman would be the same as president?

MISS OLLENDORFF: It probably would in a formal organization be the same as President, but Dr. Reich was very emphatic that nobody in the corporation should have merely formal functions. He was concerned that everybody was a member of the Board of Trustees of the Foundation and should have an actual

function in the Foundation and thus every member of the Foundation and the Board of Trustees was carrying some responsibility and some part of the actual functioning of the corporation.

MR. MAGUIRE: Do I understand that the role he played as chairman was comparable to president of an organization?

MISS OLLENDORFF: I think it could be compared to that.

MR. MAGUIRE: Now, were any major decisions with respect to accumulator literature or the running of the organization made without Dr. Reich's approval?

MISS OLLENDORFF: No, not without Dr. Reich's approval. The major decisions were made at the Board of Trustee meetings and they carried on, but it was not without Dr. Reich's approval.

MR. MAGUIRE: Now, Miss Ollendorff, isn't it a fact that earlier the business transactions were carried on in New York?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: And there did come a time, about 1950, when the operation was transferred from New York to Rangeley?

MISS OLLENDORFF: That is correct.

MR. MAGUIRE: At that time was the business of the Orgone Institute Press, namely, the distribution of literature, being carried on in New York?

MISS OLLENDORFF: That's right.

MR. MAGUIRE: Was there a stock of that literature in New York at that time?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: Was the stock at that time sent up to Rangeley?

MISS OLLENDORFF: Most of the stock was sent up to Rangeley.

MR. MAGUIRE: Was there a portion of stock left in New York?

MISS OLLENDORFF: I think there may have been some stock left. There was a wholesale house and there may have been some stock left in New York. I don't know too much about it. I did not handle actually the transactions of the Press. I am not too familiar with it.

MR. MAGUIRE: Do you know, of your own knowledge, whether any of the business or distribution was handled from New York after the move was made up to Rangeley?

MISS OLLENDORFF: I don't recall, but I don't think so.

MR. MAGUIRE: Miss Ollendorff, I show you a card that I have extracted from the group of cards marked Government's Exhibit No. 2 and ask you to read the notation on that card?

MISS OLLENDORFF: "One pickup—letter, May 14, 1954—ask Dr. Silvert to take care of this matter—accumulator returned, May, 1954."

MR. MAGUIRE: Now, Miss Ollendorff, that was about two months after the injunction was entered, was it not?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: Now, who issued the directive to Dr. Silvert with respect to picking up the accumulator?

MISS OLLENDORFF: I did.

MR. MAGUIRE: On whose order did you so direct Dr. Silvert?

MISS OLLENDORFF: I did not do that under any orders. It was routine business.

MR. MAGUIRE: Miss Ollendorff, wasn't this at the time when such a machine or accumulator under the decree had been ordered to Rangeley?

MISS OLLENDORFF: It may have been, but since it was in New York, there was no use in interstate shipment so it was kept in New York City. That was a decision that was made probably in January not to ship any more accumulators in interstate.

MR. MAGUIRE: Now, Miss Ollendorff, who made such a decision, if you know?

MISS OLLENDORFF: I do not recall who made the decision. I guess it was decided in a general meeting. I do not recall who made such a decision.

MR. MAGUIRE: Were you at any meeting when this subject matter was discussed?

MISS OLLENDORFF: Most probably I was present because I was handling them.

MR. MAGUIRE: Well, at any of these meetings was it indicated that these were accumulators which were under the decree of injunction to be recalled to Rangeley?

MISS OLLENDORFF: I don't recall anything specifically pointing that out.

MR. MAGUIRE: Well, do you know that a decision was made at one or more of these meetings that any accumulators which were in New York, and which were under the ban of the decree, were ordered and directed to be returned to New York and not to Rangeley as ordered by the decree?

MISS OLLENDORFF: I do not recall that. I know that we had, even long before that decree was made, to try to save expenses in shipments. We tried to establish centers of distribution closer to the area where most of them had been used, so I do not recall that there was any specific discussion of the accumulators under the decree, but as far as I recall it was decided not to violate the injunction by shipping them in interstate commerce, but rather to keep them where they were.

MR. MAGUIRE: Was such a subject matter discussed by anyone at these meetings?

MISS OLLENDORFF: I wouldn't be able to put it down to any specific meeting or any specific time.

MR. MAGUIRE: But you do say you did not want to violate the decree by shipping in interstate commerce?

MISS OLLENDORFF: That is correct.

MR. MAGUIRE: Despite the fact that the decree said recall all to Rangeley which was a court order?

MISS OLLENDORFF: I know it was a court order but we could not comply with the court order because there had been no supervision of the recall coming from the Pure Food and Drug Administration.

MR. MAGUIRE: I think earlier we had established that you had not asked for the supervision of the Pure Food and Drug Administration.

MISS OLLENDORFF: I think we recall the telegram requesting the supervision. In fact, if I recall, we were expecting a representative to come up and supervise it at that point.

MR. MAGUIRE: I show you what has been marked Government's Exhibits nine and ten and ask you if you had an opportunity to inspect these documents and verify some information on the documents?

MISS OLLENDORFF: Yes, I saw these documents and compared them with my card files.

MR. MAGUIRE: Will you testify for us with respect to the first four columns and tell us exactly what they represent?

MISS OLLENDORFF: They represent the number of accumulators, the names of the persons who received them, the name of the shipper, whether it was shipped prior to the Foundation, whether it was shipped under the name of the Orgone Research Laboratories, and the date on which it was shipped.

MR. MAGUIRE: Now, will you indicate the period covered by those columns? Well, let me ask you this: Isn't it a fact that the information in the four columns indicate that an accumulator was shipped to a certain named individual, the accumulator being indicated by Code No. and that the date of shipment was prior to the date of the injunction?

MISS OLLENDORFF: Yes, very definitely it started in 1947 on that list and went up to 1953 on the first four columns—the first three months in 1953.

MR. MAGUIRE: Miss Ollendorff, there is a check mark

towards the bottom of the first page of Government's Exhibit No. 9. Will you explain to us what that is, and then there is another ink notation in column four?

MISS OLLENDORFF: The check mark concerns with the person who is not familiar with me. It was a card I was not familiar with, and I could not verify, and the other was a correction of the date from which I compared the file card with that list.

MR. MAGUIRE: Now, there are check marks on each page of Government's Exhibit No. 10. Will you tell us what those check marks are for?

MISS OLLENDORFF: These check marks also indicate that I was unfamiliar with the persons named, and I marked on the bottom of Page 3, in my own handwriting, information contained in the first four columns of pages 1, 2, and 3, verified except for four items checked on page 1 and page 3– on page 2, 4, and page 3.

MR. MAGUIRE: Now, isn't it a fact that with respect to the information opposite the check marks that the information came after you had severed your connection with the Foundation?

MISS OLLENDORFF: That's right.

THE COURT: I think we will take a recess here for fifteen minutes. Time: 11:30-11:50.

AFTER RECESS:

ILSE OLLENDORFF RESUMES THE STAND

MR. MAGUIRE: Now, Miss Ollendorff, in the course of your duties at Rangeley, did you from time to time order items that were distributed by the Press—the books, the bulletins, and the journals that we had been talking about?

MISS OLLENDORFF: Did I order them?

MR. MAGUIRE: Did you order them?

MISS OLLENDORFF: No, I did not order them.

MR. MAGUIRE: Did you order accumulators?

MISS OLLENDORFF: Yes, I did.

MR. MAGUIRE: From whom did you order accumulators?

MISS OLLENDORFF: From the firm of S. E. Collins & Son, Rangeley.

MR. MAGUIRE: Is that the firm, while the operation was being carried on at Rangeley, that made the accumulators?

MISS OLLENDORFF: That's correct.

MR. MAGUIRE: How did you order them?

MISS OLLENDORFF: I would send them a letter ordering usually ten accumulators to be built at one time, and then if I found our stock was running low, or several had to be destroyed because of old age or wear and tear, I would usually order ten at a time.

MR. MAGUIRE: Did you ever order by telephone?

MISS OLLENDORFF: I may have ordered by telephone. I don't recall that. I usually would order by letter.

MR. MAGUIRE: Did you know to whom you talked at Collins'?

MISS OLLENDORFF: I may have talked with Mr. Vernon Collins. I may have talked with Mr. Arthur Parker, or Mr. Collins, or anybody who would answer the telephone.

MR. MAGUIRE: Who is Arthur Parker? Do you know what function he performs at Collins'?

MISS OLLENDORFF: I don't know what general function he performs, but I know he was the one I usually talked to about the building of the accumulators and the shipment of the accumulators.

MR. MAGUIRE: Now, when you indicated that some accumulators were retired for repair or old age, were they accumulators that had been shipped out of Maine and used by someone and then returned?

MISS OLLENDORFF: They may have been shipped out of Maine or used in the State of Maine. They had been accumulators that had been used in use in general and had been returned and were inspected and if they were in bad condition they would be discarded. Usually Collins tried to salvage the material.

MR. MAGUIRE: While you were in Rangeley, would you be able to estimate the number of machines that were shipped to individuals for use in the State of Maine?

MISS OLLENDORFF: It is very hard for me to estimate that number—anywhere between ten to twenty, but I am not sure.

MR. MAGUIRE: Now, all of the rest were shipped outside of the State of Maine?

MISS OLLENDORFF: I think so.

MR. MAGUIRE: Now, at the time the injunction was filed, was there a stock of accumulators any place at Rangeley?

MISS OLLENDORFF: Yes, there was a stock of accumulators at the Collins place. They had a shed where they stocked them, and also a shed at Orgone where some of the accumulators were stored.

MR. MAGUIRE: Those that had been out and had come back?

MISS OLLENDORFF: That's correct.

MR. MAGUIRE: When you say Orgone is that the name of the Reich establishment at Rangeley?

MISS OLLENDORFF: That is the name of the property of the Foundation.

MR. MAGUIRE: Your Honor, there has been marked as Government's Exhibit No. 11, for identification, a certificate with respect to documents registered by the Registry of Deeds in the County of Farmington, State of Maine. They are the documents

that Miss Ollendorff testified about with respect to doing business under the name of Orgone Institute earlier by her and Wilhelm Reich, the cancellation of that certificate and the later filing of a certificate with respect to Reich doing business solely as Orgone Institute. I offer that in evidence.

THE COURT: Admitted.

(The document heretofore marked Government's Exhibit No. 11, for identification, was received into evidence.)

MR. MAGUIRE: Now, Miss Ollendorff, I show you what has been marked as Government's Exhibits Nos. 13 and 14 for identification and ask you what these are?

MISS OLLENDORFF: It is a reminder that was sent out to accumulator users to remind them that their monthly contributions for the use of the accumulator would be due.

MR. MAGUIRE: On whose billhead is that?

MISS OLLENDORFF: Wilhelm Reich Foundation billhead, and it says, "Contribution to the Wilhelm Reich Foundation."

MR. MAGUIRE: Would you say that "Contribution" means the same as rental?

MISS OLLENDORFF: Well, it was regarded as contribution for the use of it.

MR. MAGUIRE: Could anybody get one of these unless he would pay this amount of money?

MISS OLLENDORFF: Yes, there were people who received them who paid no monthly contribution if they were in need of one, or unable financially to pay for the use of it.

MR. MAGUIRE: How many such accumulators would you say there were in the year 1953?

MISS OLLENDORFF: You mean free of charge?

MR. MAGUIRE: Free of charge?

MISS OLLENDORFF: I would say about eighteen or so.

I would say eighteen to twenty. It is a guess. I would have to go to the files.

MR. MAGUIRE: Would the card record, which I believe was admitted as Government's Exhibit No. 3, show approximately 18?

MISS OLLENDORFF: That file would show how many there were.

MR. MAGUIRE: You think there are 18?

MISS OLLENDORFF: I think there may have been around 18. I am not positive. I can get an answer to that only when I examine the file and know the exact number.

MR. MAGUIRE: Now, Government's Exhibits 13 and 14, you have indicated are on the billhead of the Reich Foundation, and the dates of these two are July 1, 1953, and December 1, 1953. Now, how long, as far as you know, was the billhead of the Wilhelm Reich Foundation used for billing the monthly rentals or contributions?

MISS OLLENDORFF: I know that I had used them,—I would say up to April, but I have no knowledge what has been done after that date. I do not know.

MR. MAGUIRE: That would be April of what year?

MISS OLLENDORFF: That would be April, 1953.

MR. MAGUIRE: Did you send out the billheads for the rentals for June and July of 1954?

MISS OLLENDORFF: I don't think I sent out any bills. So far as I know, I didn't send out any bills.

MR. MAGUIRE: When was the last time you did send out monthly bills, if you know?

MISS OLLENDORFF: I know definitely March 1st. I don't know if we sent out any after the injunction. I'm not sure. I may have sent some out or I may not have. I don't recall.

MR. MAGUIRE: Now, Miss Ollendorff, I show you what has been marked Government's Exhibit No. 15 and ask you what this is?

MISS OLLENDORFF: This is a copy of an application for the use of an Orgone Energy accumulator which was sent out to people who wrote in for the use of them or on the advice of their physician.

THE COURT: What is the date of that?

MISS OLLENDORFF: May 12, 1952.

THE COURT: What is the purpose of putting that in, in 1952?

MR. MAGUIRE: Well, Your Honor, this is actually one which was issued to a witness who is in the courtroom and who returned the accumulator that was on rental at the time of the injunction.

THE COURT: All right. Go ahead.

MR. MAGUIRE: Now, Miss Ollendorff, isn't it a fact that at any time an accumulator was issued as a rental accumulator that a portion of the contract required the renter to return the device at any time upon request of the Wilhelm Reich Foundation?

MISS OLLENDORFF: That is correct.

MR. MAGUIRE: I offer Government's Exhibit No. 15.

THE COURT: Admitted.

(The document heretofore marked Government's Exhibit No. 15, for identification, was received into evidence.)

MR. MAGUIRE: Now, Miss Ollendorff, I show you an exhibit which has been marked Government's Exhibit No. 12 for identification and ask you what that is?

MISS OLLENDORFF: This is a statement which I gave to the Reich Foundation on Feb. 23, 1954.

MR. MAGUIRE: That was about a month prior to the entry of the decree? Isn't that so?

THE COURT: This was between February and April.

MR. MAGUIRE: Would you read that?

MISS OLLENDORFF: "I have nothing whatever to do with either the invention, elaboration or financial affairs connected with the Orgone Energy Accumulator. I am merely the Clerk of the Wilhelm Reich Foundation, and a secretary keeping financial and other records. I derive no personal benefit from the distribution of OR energy research devices."

"I join Wilhelm Reich, M. D., in his request to take the complaint out of court. I shall not appear as a defendant in court against the Food and Drug Administration in matters pertaining to natural scientific research."
February 23rd, 1954

(Signed) Ilse Ollendorff

MR. MAGUIRE: Have you the original, Miss Ollendorff?

MISS OLLENDORFF: No, I do not.

MR. MAGUIRE: I offer Government's Exhibit No. 12.

THE COURT: Admitted.

(The document heretofore marked Government's Exhibit No. 12, for identification, was received into evidence.)

MR. MAGUIRE: I offer 13 and 14.

THE COURT: Admitted.

(The documents heretofore marked Government's Exhibits Nos. 13 and 14, for identification, were received into evidence.)

MR. MAGUIRE: Now, Miss Ollendorff, prior to the injunction and prior to the removal to Rangeley, do I understand correctly that accumulators were shipped in the name of Orgone Institute Research Laboratories, Inc.?

MISS OLLENDORFF: That's correct.

MR. MAGUIRE: Was that a New York corporation?

MISS OLLENDORFF: That's right.

MR. MAGUIRE: Now, after the removal of the business operations to Rangeley, did the Wilhelm Reich Foundation take over all the books and records?

MISS OLLENDORFF: That's right.

MR. MAGUIRE: And then at that time, and from then on to the injunction and subsequent to the injunction, so far as you know, were monies collected by the Wilhelm Reich Foundation?

MISS OLLENDORFF: I can only testify as to the time I was there and up to the time I was there the monies were collected for the Reich Foundation.

MR. MAGUIRE: And they were put in the Wilhelm Reich Foundation's bank account?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: And they were drawn out of that bank account?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: Do you know what the reason was for the change-over from Orgone Research Laboratories, Inc., to the Foundation?

MISS OLLENDORFF: One was a Maine corporation and the other was a New York corporation.

MR. MAGUIRE: And was it merely a matter of convenience because you were up in Rangeley?

MISS OLLENDORFF: Yes, I think so.

MR. MAGUIRE: Miss Ollendorff, at the time of the injunction, were the accumulators owned or controlled by any of the defendants in the possession of Bathsheba Borek of Lakewood, New Jersey?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: Now, while you were there, were directions sent to her to return those accumulators to Rangeley pursuant to the injunction decree?

MISS OLLENDORFF: Not that I remember.

MR. MAGUIRE: Now, isn't it a fact, that for a period of

time, after the injunction was issued, orders for some of the accumulators that were to be returned were sent to her?

MISS OLLENDORFF: It was prior to the injunction and it was continued again to avoid shipping charges and also to avoid interstate commerce shipment. Quite a few years prior to the injunction, Mrs. Borek was handling some of the shipments in order to avoid shipping charges and because of its use and distribution in the New York and New Jersey area.

MR. MAGUIRE: Now, it is a fact that at one time you were married to Dr. Reich?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: And that you are no longer married to him?

MISS OLLENDORFF: That's right.

MR. MAGUIRE: Now, at any time, subsequent to the injunction, did you receive a visit from any Food and Drug Administration personnel with respect to compliance or non-compliance with the terms of the injunction?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: Will you tell us about that?

MISS OLLENDORFF: I had a visit from Inspector Kenyon and another inspector—I don't recall his name—sometime in November of 1954 at the school where I was teaching, and they asked me at that time if I was complying with the injunction. I told them I was working as an employee and was involved as an employee of the Foundation, and since I am no longer an employee, I have no knowledge of compliance or non-compliance with the injunction because I no longer have anything to do with business transactions.

MR. MAGUIRE: Were there future visits to you in the same regard?

MISS OLLENDORFF: There was another visit in June. I think it was late May or the beginning of June, 1955. I talked with them at that time on the telephone. I did not see them personally. I was working in a separate cottage at the school,

and was under great stress because of the work I was doing. I told them, over the communications system at the school, that I understood I was taken out of this matter as a defendant because it was established that I had worked as a clerk of the Foundation and as an employee, and that I had nothing further to say about the matter, and had nothing to do with it.

MR. MAGUIRE: I show you what has been marked Government's Exhibit No. 17 and ask you what that is, and if you have seen it, and had an opportunity to study it before?

MISS OLLENDORFF: This is a statement of the assets and liabilities of the Foundation which I had prepared prior to my leaving. I have the date March 31st. It says here April 1st, which is the same. The figures are correct. I made some notations because in that statement is the inventory as of January 1, 1954, and the depreciation accounts were as of January 1, 1954, but otherwise the figures are correct.

MR. MAGUIRE: I offer Government's Exhibit No. 17.

THE COURT: Admitted.

(The document heretofore marked Government's Exhibit No. 17, for identification, was received into evidence.)

MR. MAGUIRE: Now, Miss Ollendorff, prior to the time of your departure and beginning in May, 1954, subsequent to the injunction, were you aware that Dr. Silvert was in the process of taking over the operations of the Wilhelm Reich Foundation?

MISS OLLENDORFF: I don't think I was aware of that. I knew on his own doings, he was trying to help. Let's put it that way. It was on his own account and own initiative, but I was not familiar as to what he was doing.

MR. MAGUIRE: Do you know why you issued orders to him or by directions or suggestions that he recall accumulators that should be returned?

MISS OLLENDORFF: Yes, because he was helpful, just like Mrs. Borek. He offered to take over accumulators that had to be returned in order to avoid interstate shipment.

MR. MAGUIRE: Do you know why you prepared that skeleton list, separate cards for each of the holders of rented accumulators for him?

MISS OLLENDORFF: We wanted to have a duplicate set and we thought it was good for Dr. Silvert to have that duplicate set.

MR. MAGUIRE: Who was the "we" you are referring to?

MISS OLLENDORFF: I think Dr. Reich and there may have been other people who at that time were up in Rangeley discussing business matters of the corporation.

MR. MAGUIRE: Now, at any time, while you were there, was there ever a discussion about any literature to be destroyed pursuant to the decree of injunction?

MISS OLLENDORFF: There was nothing destroyed because the legal adviser told us that we should not destroy anything without the actual supervision of the Food and Drug Administration, because that is what the decree says, and if we did destroy anything, we could not prove it unless it had been destroyed under the supervision of the Food and Drug Administration.

MR. MAGUIRE: I understand that you have indicated that there was no discussion about destroying the accumulators?

MISS OLLENDORFF: Yes, because of the same reason.

MR. MAGUIRE: And I also understand that the telegram you testified to earlier was the notification that you felt went to the Pure Food and Drug Administration for supervision?

MISS OLLENDORFF: That's correct.

MR. MAGUIRE: Miss Ollendorff, I show you what has been marked Government's Exhibit No. 16 and ask you what it is?

MISS OLLENDORFF: This is correspondence that would be sent to a person inquiring about the use of an Orgone Energy Accumulator. The letter went out at the time the inquiries came. It tells how to use the accumulator. It instructs the person how

to assemble the accumulator because when it was shipped, it was shipped disassembled. There was additional information regarding the accumulator and a catalogue sheet.

MR. MAGUIRE: Will you indicate to whom that was addressed?

MISS OLLENDORFF: To Mr. Paul Berman in April, 1952.

MR. MAGUIRE: Was that done under your supervision?

MISS OLLENDORFF: It was done under my supervision. It was not done personally by me.

MR. MAGUIRE: And these documents would go to Mr. Berman?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: At this time I would like to offer the first four columns on each of Government's Exhibits 9 and 10.

THE COURT: Admitted.

(The documents heretofore marked Government's Exhibits Nos. 9 and 10, for identification, were received into evidence.)

MR. MAGUIRE: I also offer No. 16.

THE COURT: Admitted.

(The document heretofore marked Government's Exhibit No. 16, for identification, was received into evidence.)

MR. MAGUIRE: I show you what has been marked Government's Exhibit No. 18, consisting of three sheets, and ask you if you can identify the first two?

MISS OLLENDORFF: I don't think I can identify this. I cannot identify the second page either. It is not in my handwriting. I don't know anything about it.

MR. MAGUIRE: Will you read that letter to the Jury?

THE COURT: Well, if she cannot identify it, I don't think it should go to the Jury unless you are sure.

MISS OLLENDORFF: I am not sure that I have seen it.

THE COURT: Well, it doesn't go to the Jury then.

MISS OLLENDORFF: I may have seen it.

THE COURT: Don't read it unless you are sure.

MR. MAGUIRE: Now, this document is dated July 20, 1954, and as you know it has to do with an accumulator?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: And addressed to the Wilhelm Reich Foundation?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: Now, you were there, at Rangeley, on July 20, 1954?

MISS OLLENDORFF: I was up there to July 24 or 25.

MR. MAGUIRE: Now, that being so, didn't this letter come to your attention?

MISS OLLENDORFF: No, I do not think so, because at that time I had already spent at least a few days just working on bookkeeping records.

MR. MAGUIRE: Now, I show you what has been marked Government's Exhibit No. 19 consisting of three pages and ask you if you are familiar with them?

MISS OLLENDORFF: The first two pages, I am familiar with. I am not familiar with the third page.

MR. MAGUIRE: Will you read the first page to the Jury?

MISS OLLENDORFF: The first page is dated 4/17/54. It comes from St. Petersburg, Florida, addressed to Orgone Institute, Rangeley, Maine. "Gentlemen: Enclosed is my check for $200.00 for an Orgone Energy Accumulator along with the required documents. Very truly yours."

MR. MAGUIRE: Now, that was approximately a month after the decree, was it not?

MISS OLLENDORFF: That is correct. That letter was mailed by me as secretary on May 24, 1954, and reads as follows:

"Dear Mr. Dunn: We have received your letter, dated April 17th, 1954, together with your check of the same date and the other documents, on May 19th, 1954."

"As you will see from the enclosed pamphlet 'OROP DESERT,' No./2, March 1954, we are, at present, enjoined from the distribution and sale of the Orgone Energy Accumulator. However, recourse against this injunction is being taken, and a decision should be reached within the next two weeks. We are holding your check for the time being, and shall ship an accumulator to you as soon as the injunction is lifted, or return your check to you for renewal at a later date, if you so wish. Sincerely yours, Orgone Institute, Secretary."

MR. MAGUIRE: I wish to offer Government's Exhibit No. 19 and also Government's Exhibit No. 7.

THE COURT: Admitted. Please direct that the first page be removed from the other two.

(The documents heretofore marked Government's Exhibits Nos. 19 and 7, for identification, were received into evidence).

MR. MAGUIRE: That's all, Your Honor.

THE COURT: Do you wish to examine?

DR. REICH: I have a question.

CROSS EXAMINATION BY DR. REICH:

DR. REICH: Do you remember a Mr. McCoullough?

MISS OLLENDORFF: Yes.

DR. REICH: Do you remember that he went to the Southern United States?

MISS OLLENDORFF: Yes.

DR. REICH: For what?

MR. MAGUIRE: We will object to that.

THE COURT: I will allow it.

MISS OLLENDORFF: He went to the Southern United States in order to do some research on desert control, on how to bring rain into desert regions and whether it was possible to bring rain into desert regions and get desert regions to be fruitful and usable.

DR. REICH: In this connection do you remember the preparation we made for an expedition at that time?

MISS OLLENDORFF: Yes.

DR. REICH: The expedition got under way when — to Arizona?

MISS OLLENDORFF: Well, actually in March or April.

DR. REICH: No, April.

MISS OLLENDORFF: April of 1954.

DR. REICH: Do you remember that we had followed the injunction, but that it was resumed in connection with Dr. Silvert?

MR. MAGUIRE: I object to that.

THE COURT: This is cross examination. I will allow it.

MISS OLLENDORFF: May I say one thing. And that is that I know very little of the activities of Dr. Silvert after I left. I made very definite points, I would like to say, not to do anything.

DR. REICH: May I permit you to put on record at this point Dr. Silvert taking over the contributions in New York and have that put on the record?

THE COURT: You will have an opportunity to put on your side of the case.

DR. REICH: Thank you very much.

THE COURT: The next witness.

MISS OLLENDORFF: I was wondering if I could add something to that testimony?

THE COURT: No, you had better not. They haven't asked you a question. I think probably instead of proceeding any further with this witness, we will recess until two o'clock.

(RECESS: Time 12.30—2 p. m.)

PAUL BERMAN,

A witness called by and on behalf of the Government, first being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: Will you state your name please?

MR. BERMAN: Paul Berman.

MR. MAGUIRE: Where do you live?

MR. BERMAN: 1827-65th Street, Brooklyn, N. Y.

MR. MAGUIRE: In April of 1952, did you live at 341 Alabama Avenue?

MR. BERMAN: Yes, sir.

MR. MAGUIRE: Are you acquainted with Orgone Energy Accumulators?

MR. BERMAN: Yes, sir.

MR. MAGUIRE: I show you what has been marked Government's Exhibit No. 16 and ask you if you have seen those documents before?

MR. BERMAN: Yes, sir.

MR. MAGUIRE: Under what circumstances?

MR. BERMAN: Under circumstances regarding the accumulators.

MR. MAGUIRE: Did you write for that information?

MR. BERMAN: Yes, sir.

MR. MAGUIRE: To whom did you write?

MR. BERMAN: To the Orgone Institute in Rangeley, Maine.

MR. MAGUIRE: And that is what you received in reply?

MR. BERMAN: Yes.

MR. MAGUIRE: Now, I show you what has been marked as Government's Exhibit No. 15 and ask you if you have seen that before?

MR. BERMAN: Yes.

MR. MAGUIRE: And under what circumstances did you see that?

MR. BERMAN: This application had to be filled out in order for me to acquire an accumulator.

MR. MAGUIRE: Where did you obtain that application from?

MR. BERMAN: This was sent from the Rangeley Institute.

MR. MAGUIRE: From Rangeley, Maine?

MR. BERMAN: Yes.

MR. MAGUIRE: Did that come with the other papers?

MR. BERMAN: Yes.

MR. MAGUIRE: Did you fill that out and sign it and return it to Rangeley, Maine?

MR. BERMAN: Yes.

MR. MAGUIRE: Is that the original or is that a carbon copy, Mr. Berman?

MR. BERMAN: The original.

MR. MAGUIRE: Now, is this what you signed, Mr. Berman?

MR. BERMAN: Yes, sir.

MR. MAGUIRE: Is that what you signed as a contract for the rental for an accumulator?

MR. BERMAN: Yes.

MR. MAGUIRE. Did you understand that when you rented an accumulator that it could be recalled at any time?

MR. BERMAN: Yes.

MR. MAGUIRE: Did you understand that you could return the accumulator at any time?

MR. BERMAN: Yes.

MR. MAGUIRE: Now, do you know from whom you received your accumulator? Do you know the name of the organization?

MR. BERMAN: Orgone Institute, Rangeley, Maine.

MR. MAGUIRE: Now, I show you what has been marked as Government's Exhibit No. 20. There are five pieces of paper here, and ask you if you have ever seen them before?

MR. BERMAN: Yes.

MR. MAGUIRE: Will you tell us what they are?

MR. BERMAN: Those are my money orders for the rental of the accumulator each month. Some are for a few months and some for each month.

MR. MAGUIRE: What did you do with these orders when you received them?

MR. BERMAN: That is for the payments for each month.

MR. MAGUIRE: And what did you do with those?

MR. BERMAN: I sent them to the Institute, Rangeley, Maine.

MR. MAGUIRE: Would you look at the name on them?

MR. BERMAN: Wilhelm Reich Foundation.

MR. MAGUIRE: Now, are those the checks that you sent to Rangeley?

MR. BERMAN: Yes.

MR. MAGUIRE: You say that these were in payment of the monthly rental for the accumulator that you had?

MR. BERMAN: Yes.

MR. MAGUIRE: I offer Exhibit No. 20. I understand there is no objection to the entry of the photostatic copies.

THE COURT: Admitted.

(The document heretofore marked Government's Exhibit No. 20, for identification, was received into evidence.)

MR. MAGUIRE: Mr. Berman, I show you Exhibits 13 and 14 and ask you if you have ever seen them before and if so tell us what they are?

MR. BERMAN: These are the bills for each month for an accumulator.

MR. MAGUIRE: Will you tell us what the dates are on those?

MR. BERMAN: One is July 1, 1953, and the other is December 1, 1953.

MR. MAGUIRE: Now, will you tell us what the name is on the billhead?

MR. BERMAN: The Wilhelm Reich Foundation, Rangeley, Maine.

MR. MAGUIRE: Now, I show you what has been marked as Government's Exhibit No. 21 and ask you what that is?

MR. BERMAN: This is a postal money order for payment of two months of rental for an accumulator.

MR. MAGUIRE: What date is that?

MR. BERMAN: January 12, 1954.

MR. MAGUIRE: I show you what has been marked as Government's Exhibit No. 22, Mr. Berman, and ask you to describe the name on the masthead and the date?

MR. BERMAN: The Wilhelm Reich Foundation, Orgonon, Rangeley, Maine. My check was made payable to OROP Desert and sent to Orgone Institute Research Laboratories, Inc., 50 Grove St., New York 14, New York.

MR. MAGUIRE: What is the date?

MR. BERMAN: December, 1954.

MR. MAGUIRE: Did you send your rent as a result of receiving this bill?

MR. BERMAN: Yes.

MR. MAGUIRE: To whom did you send it?

MR. BERMAN: To the address I just read off, 50 Grove Street, New York, New York.

MR. MAGUIRE: To the Orgone Institute Research Laboratories, Inc.?

MR. BERMAN: Yes.

MR. MAGUIRE: Now, I show you what has been marked as Government's Exhibit No. 23 and ask you what that is?

MR. BERMAN: This is another check payable to the Wilhelm Reich Foundation, OROP Desert, for five months use of the accumulator.

MR. MAGUIRE: Now, Mr. Berman, to whom is that check made payable?

MR. BERMAN: Made payable to the Wilhelm Reich Foundation, OROP DESERT.

MR. MAGUIRE: Look at the face of the check and tell me to whom it is made payable?

MR. BERMAN: It is made payable to myself.

MR. MAGUIRE: Who drew the check?

MR. BERMAN: My wife.

MR. MAGUIRE: Now, if you will turn the check over and tell me whether or not you endorsed that check?

MR. BERMAN: Yes.

MR. MAGUIRE: Did you endorse it with your own signature?

MR. BERMAN: Yes.

MR. MAGUIRE: Is the writing that appears below that, your writing or somebody else's writing?

MR. BERMAN: My wife's.

MR. MAGUIRE: I offer 21, 22, and 23.

THE COURT: Admitted.

(The documents heretofore marked Government's Exhibits Nos. 21, 22 and 23, for identification, were received into evidence.)

MR. MAGUIRE: Now, Mr. Berman, did there come a time when you wanted to return your accumulator?

MR. BERMAN: Yes.

MR. MAGUIRE: Now, can you fix the approximate time?

MR. BERMAN: April, 1955.

MR. MAGUIRE: Did you return the accumulator?

MR. BERMAN: Yes.

MR. MAGUIRE: What did you do leading up to the return of the accumulator?

MR. BERMAN: I got in touch where I was sending the check each month and they wrote back and gave me instructions.

MR. MAGUIRE: Do you mean you wrote to the Orgone Research Laboratories, 50 Grove Street, New York?

MR. BERMAN: Yes.

MR. MAGUIRE: I show you what has been marked Government's Exhibit No. 24, consisting of a letter and an envelope, and ask you if you have ever seen that?

MR. BERMAN: Yes, this is the reply I received, telling me where to send the accumulator.

MR. MAGUIRE: Will you read that letter from the top?

MR. BERMAN: "Orgone Institute Research Laboratories, Inc.,

April 3, 1955

Paul Berman,
1837-65th Street,
Brooklyn, N. Y.

Dear Mr. Berman:

In reply to your inquiry of April 1st, arrange to return the Orgone Energy Accumulator, at your expense, to:

Mr. T. Mangravite
25 West 3rd Street
New York City
Phone: GRamercy 7-5861

Sincerely, Michael Silvert, M. D., accumulator department."

MR. MAGUIRE: I offer Exhibit No. 24.

THE COURT: Admitted.

(The document heretofore marked Government's Exhibit No. 24, for identification, was received into evidence.)

MR. MAGUIRE: Now, at any time, while you had possession of an Orgone Energy Accumulator, was it ever recalled by anyone?

MR. BERMAN: No.

MR. MAGUIRE: During that period of time, or at any time, was the labeling that I hold as Government's Exhibit No. 16, ever ordered recalled to Rangeley or anywhere?

MR. BERMAN: No.

MR. MAGUIRE: You may cross-examine.

CROSS EXAMINATION BY DR. REICH:

DR. REICH: I have again only one question. Have you ever been a patient?

MR. BERMAN: Yes.

DR. REICH: Have you ever been in therapy?

MR. BERMAN: Yes, and I still am.

DR. REICH: For how many years?

MR. BERMAN: About seven years.

DR. REICH: At the time when these accumulators were sent and brought back, were you in therapy then?

MR. BERMAN: Yes.

DR. REICH: How did you get in touch or who got in touch with you in regard to this accumulator?

THE COURT: We are not going into the evaluation of accumulators. You may ask the question who got in touch with him.

DR. REICH: Who got in touch with you about the accumulator?

MR. BERMAN: An inspector from the government.

DR. REICH: What kind of an effect did it have?

MR. BERMAN: It had good effects.

THE COURT: That will be stricken.

CROSS EXAMINATION BY DR. SILVERT:

DR. SILVERT: How did you obtain the accumulator?

MR. BERMAN: My doctor suggested that I use it.

DR. SILVERT: Your doctor ordered it for you?

MR. BERMAN: Yes.

DR. SILVERT: Who was your doctor?

MR. BERMAN: Dr. Pierakos.

DR. SILVERT: And this doctor prescribed it as part of your treatment?

MR. BERMAN: Yes.

DR. SILVERT: That's all.

DIXIE T. POTTER,

a witness, called by and on behalf of the Government, first having been duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: Will you state your name, please?

MR. POTTER: Dixie T. Potter.

MR. MAGUIRE: Where are you from, Mr. Potter?

MR. POTTER: Tucson, Arizona.

MR. MAGUIRE: Do you hold an official position in Tucson, Arizona?

MR. POTTER: Yes, sir.

MR. MAGUIRE: What is that position?

MR. POTTER: Deputy United States Marshal.

MR. MAGUIRE: How long have you been a deputy United States Marshal?

MR. POTTER: Something over twenty years.

MR. MAGUIRE: Calling your attention to December of 1954, did you have an assignment in conjunction with a Pure Food and Drug Inspector?

MR. POTTER: Yes.

MR. MAGUIRE: Will you tell us what that assignment was?

MR. POTTER: It was to accompany Inspector Holliday of the Pure Food and Drug Administration out North of Tucson, approximately two or three miles to attempt to interview Dr. Reich of the Reich Foundation—or something like that.

MR. MAGUIRE: Is that the defendant present here in court?

MR. POTTER: Yes, sir.

MR. MAGUIRE: Now, will you tell us what you did in connection with this assignment?

MR. POTTER: Well, the first trip out we found no one at home. No one answered on the call. That was December 29, I think. Then we went back on the morning of December 30. The door was answered by a man who said he was secretary to Dr. Reich.

MR. MAGUIRE: Do you know his name, Mr. Potter?

MR. POTTER: I have heard it since. I know that man.

MR. MAGUIRE: Is he here in the courtroom?

MR. POTTER: Yes, sir.

MR. MAGUIRE: Would you point him out, please?

MR. POTTER: He is that man over there standing up.

MR. MAGUIRE: The gentleman who is sitting between the two defendants?

MR. POTTER: Yes, that is him.

MR. MAGUIRE: Now, what do you understand his name to be?

MR. POTTER: Mr. Moise. So Inspector Holliday asked to see Dr. Reich, and the secretary asked if he had an appointment which we said no to. He said we couldn't see him without an appointment. He said that he was a busy man. So we came back in the afternoon, after lunch, and he met us and he said the Marshal could go in but the Inspector couldn't.

MR. MAGUIRE: What did he mean when he said the Marshal could go in—go in where?

MR. POTTER: Go in to see Dr. Reich.

MR. MAGUIRE: And did you go in?

MR. POTTER: I went in

MR. MAGUIRE: What transpired?

MR. POTTER: Well, I went in to his back room, and he asked me first if I had anything to serve, any writs or anything, and I told him "No." He said that I came along to protect the inspector. I said that he didn't need protection, or something like that. But he said, "Yes, you came to protect him." I told him then that I thought he should see the inspector, that he did not know the extent of the inspector's authority, but I thought he would probably be in difficulty if he did not see him—if he refused to see him. He made this statement with a rather profane expression that they were the Gestapo.

MR. MAGUIRE: Was that the end of the conversation?

MR. POTTER: That was the end.

MR. MAGUIRE: And what happened then?

MR. POTTER: Well, I left right afterwards.

MR. MAGUIRE: Where did you go?

MR. POTTER: I came back, out in front, and Mr. Holliday was there. I told Inspector Holliday that he told me he would not see him under any circumstances. Mr. Moise then told us if our business was completed for us to leave, so we left. Mr. Holliday wrote out a kind of demand, I don't know what they call it, but it was a demand to inspect the premises. He signed it and gave it to Mr. Moise.

MR. MAGUIRE: Did you indicate to Dr. Reich, when you were in his presence, what the inspector was there for?

MR. POTTER: Yes, I told him it was over an injunction that had been gotten out in Maine. That is what the inspector said. He wanted to see if the injunction was being violated.

MR. MAGUIRE: Was there anyone with Inspector Holliday besides you and Mr. Moise at the time we just mentioned?

MR. POTTER: When I came back out?

MR. MAGUIRE: Yes.

MR. POTTER: There was a woman out there talking with him.

MR. MAGUIRE: Is she in the courtroom, do you know?

MR. POTTER: If she is, I cannot recognize her. There were two women there and if they are in the courtroom I cannot recognize them.

MR. MAGUIRE: Were they both there at the same time or different times?

MR. POTTER: It has been quite a long time, and I did not expect to be a witness, but it is my best memory that they were there at different times. One of them did the talking, and later on, in fact, she started to talk to me and Inspector Holliday.

MR. MAGUIRE: Can you tell us exactly where this conversation with Moise and you and these other people took place?

MR. POTTER: Well, it was out in the entrance of this immense building on the north of Tucson, Arizona. There was a driveway there.

MR. MAGUIRE: Will you describe the type of premise?

MR. POTTER: Well, it is a long rambling building with lots of entrances and lots of doors and out-buildings and garages. There was a big telescope up on the road and a kind of large observatory.

MR. MAGUIRE: That's all.

CROSS EXAMINATION BY DR. REICH:

DR. REICH: I remember you very well.

MR. POTTER: Yes.

DR. REICH: You came in?

MR. POTTER: Right.

DR. REICH: I did not admit Mr. Holliday?

MR. POTTER: Right.

DR. REICH: You came in and I asked you why you had come with him?

MR. POTTER: Yes.

DR. REICH: Do you remember your answer?

MR. POTTER: I think I do. I came along to show him the way. I was kind of an observer.

DR. REICH: Yes, you were kind of an observer? Did I ask you a specific question?

MR. POTTER: You asked me if I had any writs to serve or any court orders.

DR. REICH: Or whether you were on official business?

MR. POTTER: I think you might have asked me if I was on official business. You also used the words "writs or court orders."

DR. REICH: Yes—court orders or official business. And your answer to that was what?

MR. POTTER: That I was not. That I had no papers to serve.

DR. REICH: Why did you come there then?

MR. POTTER: My superior just told me and I went right in.

DR. REICH: Your superior told you?

MR. POTTER: Yes, the Marshal.

DR. REICH: The Marshal?

MR. POTTER: Yes, I accompanied Mr. Holliday out there because it was a matter of business.

DR. REICH: Did he tell you that he had any orders that you were to go with the inspector?

MR. POTTER: I think he did. I think he said that he had instructions for me to accompany the inspector. He also told me to check up any equipment that might be barred by the injunction.

DR. REICH: Did you know or did you guess that there was any equipment that had to do with the injunction?

MR. POTTER: I did not know and I did not guess and I did not recognize any equipment.

DR. REICH: Did Mr. Holliday recognize any equipment?

MR. POTTER: I do not know. I know I did not recognize any.

DR. REICH: Do you remember the exact words that Mr. Holliday used when he said that he wanted to inspect?

MR. POTTER: The exact words?

DR. REICH: He added one word which was heard by one of our assistants and two others?

MR. POTTER: They asked him, "What do you wish to inspect?".

DR. REICH: And what was his answer?

MR. POTTER: I do not believe I remember anything that was unusual.

DR. REICH: Was the word "everything" used? Do you remember that word?

MR. POTTER: I would rather not answer positively because I do not remember whether he said "everything".

THE COURT: Well, if you don't remember just say so.

DR. REICH: Were you aware or was Mr. Holliday aware that our equipment had been filmed on December 20th and I had given a lecture?

MR. POTTER: I was not aware of that.

DR. REICH: Were you aware of that?

MR. POTTER: No.

DR. REICH: Do you know whether or not he was aware of it?

MR. POTTER: I don't know.

DR. REICH: That's all.

DAVID J. HOLLIDAY,

a witness, called by and on behalf of the Government, first having been duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: Will you state your name, please?

MR. HOLLIDAY: David J. Holliday.

MR. MAGUIRE: Where are you presently from, Mr. Holliday?

MR. HOLLIDAY: Los Angeles, California.

MR. MAGUIRE: By whom are you employed?

MR. HOLLIDAY: The United States Pure Food and Drug Administration.

MR. MAGUIRE: How long have you been an inspector?

MR. HOLLIDAY: A little over 16 years.

MR. MAGUIRE: Will you tell us very briefly what your duties, as an inspector of the Pure Food and Drug Administration, are—and more particularly as it would apply to the situation you are now concerned with?

MR. HOLLIDAY: To make investigations under the Federal Food, Drug, and Cosmetic Act—to make investigations to determine whether or not injunctions are being complied with.

MR. MAGUIRE: Now, calling your attention again to December, 1954, did you get an assignment which caused you to go out to the outskirts of Tucson, Arizona?

MR. HOLLIDAY: Yes, I did.

MR. MAGUIRE: Will you tell us what that assignment was?

MR. HOLLIDAY: The assignment was to proceed to Tucson to get in touch with Dr. Wilhelm Reich and to ask him a number of questions which pertained to steps he had taken to comply with the injunction which had been issued earlier.

MR. MAGUIRE: Now, were you furnished with a copy of the decree of injunction?

MR. HOLLIDAY: Yes, I was.

MR. MAGUIRE: Did you get any further details with respect to your assignment?

MR. HOLLIDAY: Yes, I did.

MR. MAGUIRE: Now, did you go to Tucson?

MR. HOLLIDAY: That's correct.

MR. MAGUIRE: What did you do upon arrival?

MR. HOLLIDAY: Upon arrival, I called the office of the United States Marshal.

THE COURT: Maybe at this point we should take a recess for ten minutes.

(RECESS: 3-3:15 p. m.)

(AFTER RECESS)

MR. MAGUIRE: Will you just go on and tell us what happened while you were there?

MR. HOLLIDAY: I requested the U. S. Marshal for some assistance. I asked him if one of his deputies could accompany me to the Reich residence to help me find the place which was out in the Country. I was not familiar with the territory. Mr. Potter was assigned to me and we drove out to the Reich residence on the afternoon of December 29th. We did not find anyone on those premises. No one answered the doorbell or responded to our call. Mr. Potter and I returned to Tucson. On the following morning, December 30th, Mr. Potter and I again went

to the Reich residence which was about ten miles out of Tucson and we rang the doorbell and a man came to the door and I asked him if Dr. Reich was there.

MR. MAGUIRE: Is that man in the courtroom?

MR. HOLLIDAY: Yes, he is.

MR. MAGUIRE: Will you point him out?

MR. HOLLIDAY: He is sitting with the defendants right over there.

MR. MAGUIRE: Is it that man who is now standing, Mr. Moise?

MR. HOLLIDAY: Yes, sir, that is the man. When I arrived at the premises I asked Mr. Moise if Dr. Reich was there. He told me that he was not there. Mr. Moise also asked me if I had an appointment and I said that I did not. He asked us who we were and we identified ourselves. We showed our papers and our credentials. Mr. Moise said that we should have gotten an appointment to see Dr. Reich. I told Mr. Moise that I saw no reason for doing so.

MR. MAGUIRE: Tell me is this customary for a Food and Drug inspector, when they are about to make an inspection, to notify the witness who is to be inspected that he is on the way?

MR. HOLLIDAY: It is not customary.

MR. MAGUIRE: Well, go ahead.

MR. HOLLIDAY: Mr. Moise said that Dr. Reich was very busy and that his time was very valuable and that we should make an appointment for the inspection. He asked me when I would like to make an appointment and my answer was that I would wait until he returned. Mr. Moise did not object to our waiting. He told us we could not come into the house because there was some cleaning being done in there, but he indicated we could wait outside. He then went into the house. All of this conversation took place on the front porch within a couple of minutes or so. A few minutes after, Dr. Reich returned with a woman who identified herself as Dr. Eva Reich.

MR. MAGUIRE: Is she in the courtroom now?

MR. HOLLIDAY: She is.

MR. MAGUIRE: Will you point her out?

MR. HOLLIDAY: She is the woman in the blue sweater.

MR. MAGUIRE: Is that the lady who is now standing?

MR. HOLLIDAY: That is correct. Dr. Eva Reich identified herself as Dr. Wilhelm Reich's daughter and that she was the wife of William Moise. Mr. Moise said that he and Dr. Eva Reich considered themselves the custodians of the property in the absence of Dr. Reich and they were asking us to make an appointment to see Dr. Reich and they were requesting us to leave the premises.

MR. MAGUIRE: Then what happened?

MR. HOLLIDAY: Mr. Moise wanted to know what the purpose of my visit was and I told him that I wanted to ask Dr. Wilhelm Reich some questions regarding his compliance with the injunction.

MR. MAGUIRE: Did you have the decree of injunction?

MR. HOLLIDAY: Yes, I had one with me.

MR. MAGUIRE: Had you read it?

MR. HOLLIDAY: Yes.

MR. MAGUIRE: Now, what happened after that?

MR. HOLLIDAY: Well, Mr. Moise and Eva Reich and I had some conversation. Mr. Moise said that there had been some unpleasantries in Maine and that the Pure Food and Drug Administration had done some underhanded and underneath things in Maine. I told Mr. Moise that I did not know the details and what had gone on in the State of Maine.

MR. MAGUIRE: Did he give you the details?

MR. HOLLIDAY: No, he just said that there had been trespassing but that was all he spoke of in detail. Mr. Moise said that the trouble with the Pure Food and Drug Administration

was that they were always sending someone around who did not know anything about Dr. Reich's work and that I did not understand it and that I should not talk to him. I told Mr. Moise that I had these questions to put to Dr. Reich and I felt that Dr. Reich would understand and that I was capable of recording his answers. During that conversation, Dr. Eva Reich said that they had been expecting this visit. She did not say any more. She put her hand over her mouth and said she probably said too much already. Then we were again requested to leave the premises and Mr. Potter and I did leave and we went back to Tucson and stayed there for two hours. Again we returned to the Dr. Reich residence and arrived there shortly after noon. We rang the door bell and Mr. Moise answered it. I asked if Dr. Reich was in and Mr. Moise said he was. We then went into the house and I heard him say to someone that two men are here. He then came out on the porch again and said to the Marshal to come in and he told me to stay there. Mr. Potter went into the house and Mr. Moise stayed out on the porch. In about two or three minutes Mr. Potter came out and he said that Dr. Reich refused to see me. He said that he wanted to have nothing to do with the Pure Food and Drug Administration.

MR. MAGUIRE: Now, Mr. Holliday, there was some mention of some notice that was delivered at or about that time,—Will you tell us something about that?

MR. HOLLIDAY: Yes, at that point I wrote out a form which is known as "Notice of Inspection." This was addressed to Mr. Moise. I handed this to him and told him it was a notice of inspection under the Pure Food and Drug Administration.

MR. MAGUIRE: Do you make out originals and carbons as well?

MR. HOLLIDAY: Yes, both.

MR. MAGUIRE: Did you deliver the original to Mr. Moise?

MR. HOLLIDAY: Yes.

MR. MAGUIRE: Have you a copy of this notice?

MR. HOLLIDAY: Yes.

MR. MAGUIRE: Will you produce it?

MR. HOLLIDAY: Yes.

MR. MAGUIRE: I hand you Government's Exhibit No. 26. Will you read the face of that document?

MR. HOLLIDAY:

U. S. DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
Food and Drug Administration

Date Dec. 30, 1954
Hour 12:00 A. M. P. M.

TO: W. E. Moise, Secy-Treas.
Reich Orgone Institute Laboratories
La Cholla Rd.
Tucson, Arizona

Notice of Inspection is hereby given pursuant to Section 704(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a).*

/s/ David J. Holliday
Inspector, Food and Drug Administration.
U. S. Department of Health, Education and Welfare

MR. MAGUIRE: Do you know whether that is authorized by the Federal Food, Drug and Cosmetic Act?

MR. HOLLIDAY: Yes.

MR. MAGUIRE: I offer Government's Exhibit No. 26.

THE COURT: Admitted.

(The document heretofore marked Government's Exhibit No. 26, for identification, was received into evidence.)

MR. MAGUIRE: At that time, Inspector Holliday, did you know whether Mr. Moise had any official capacity there in connection with the corporation or the affairs that you went there to investigate and inspect?

MR. HOLLIDAY: At the time of our first visit in the morning, Mr. Moise said that he was Dr. Reich's secretary. At the time I made out this notice, I asked him what his position was and he said he was the secretary and treasurer.

MR. MAGUIRE: Secretary and treasurer of what? Did he identify that?

MR. HOLLIDAY: Of the Institute.

MR. MAGUIRE: Was there anyone with him at the time you served the Notice of Inspection?

MR. HOLLIDAY: Not at that moment.

MR. MAGUIRE: Was there somebody else about there at that time?

MR. HOLLIDAY: Yes, Mr. Moise took the notice of inspection and went into the house and he came back in about thirty seconds and asked us to leave. About that time a woman came out with him.

MR. MAGUIRE: Was she identified?

MR. HOLLIDAY: Yes, she identified herself as Rita Hoff. She said she was a social worker and an employee of the Institute.

MR. MAGUIRE: Was any question put to you by Mr. Moise while you were there at Tucson as to what you had come to inspect?

MR. HOLLIDAY: Mr. Moise asked me what the inspection would cover, buildings, equipment, etc.

MR. MAGUIRE: What did you reply?

MR. HOLLIDAY: I said the inspection would cover any of the activities which come under the Federal Food, Drug and Cosmetic Act.

MR. MAGUIRE: Did he say anything further?

MR. HOLLIDAY: I do not recall.

MR. MAGUIRE: Did Mr. Moise make any comment when

he returned from the inside after having come in with the Notice of Inspection.

MR. HOLLIDAY: He asked us to leave.

MR. MAGUIRE: That is all.

CROSS EXAMINATION BY DR. REICH:

DR. REICH: Mr. Holliday, I did not see you then, is that right?

MR. HOLLIDAY: That's right.

DR. REICH: I did not meet you?

MR. HOLLIDAY: That is correct.

DR. REICH: Were you treated politely?

MR. HOLLIDAY: I was not greeted in a friendly fashion.

DR. REICH: But was polite?

THE COURT: Let us say it was polite and not unfriendly.

DR. REICH: I was not present when that remark was made by you that you would just like to have the information and that there were four groups and that you had come to inspect everything?

MR. HOLLIDAY: No, I didn't say that.

DR. REICH: You don't remember?

MR. HOLLIDAY: It was reported to me but I don't know.

DR. REICH: I just asked you. Were you aware of what we were doing? Had you any idea of what we were doing there?

THE COURT: That wouldn't be fair to you.

DR. REICH: Now, were you aware or did you have any idea of what we were doing there?

MR. HOLLIDAY: No. I didn't.

DR. REICH: You did not know? Did you think or believe

that we had anything there that concerned that decree of injunction?

MR. HOLLIDAY: I did not know.

DR. REICH: You did not know?

MR. HOLLIDAY: I didn't formulate any opinion on that.

DR. REICH: Still you came and wanted to inspect the property—inspect everything. May I ask you the last question? Could you tell us who sent you?

MR. HOLLIDAY: My orders came from the Chief Inspector.

DR. REICH: What is his name?

MR. HOLLIDAY: Irving Birch.

DR. REICH: He gave you the order to do what?

MR. HOLLIDAY: To go to Tucson and to interview you and obtain information as to what you had done in compliance with the injunction.

DR. REICH: Do you know that we were against the injunction? Were you informed that we would not permit this group of inspectors to come in?

MR. HOLLIDAY: I did not know that.

DR. REICH: You did not know that?

MR. HOLLIDAY: No.

DR. REICH: That's all.

(Witness excused)

ARTHUR BOWHER,

a witness, called by and in behalf of the Government, first being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: Will you state your full name, please?

MR. BOWHER: Arthur Bowher.

MR. MAGUIRE: Mr. Bowher would you keep your voice sufficiently high so that the jurors on the end here can hear you?

MR. BOWHER: Yes.

MR. MAGUIRE: Where do you live?

MR. BOWHER: Rangeley, Maine.

MR. MAGUIRE: Where are you employed?

MR. BOWHER: S. A. Collins and Sons.

MR. MAGUIRE: Are you familiar with Orgone Energy Accumulators?

MR. BOWHER: Yes, sir.

MR. MAGUIRE: Will you tell us how familiar you are?

MR. BOWHER: I made them.

MR. MAGUIRE: Now, I understand that you are employed by S. A. Collins and Sons?

MR. BOWHER: Yes.

MR. MAGUIRE: Was that the firm that was doing the work?

MR. BOWHER: Well I can say they built these accumulators.

MR. MAGUIRE: Is it the firm engaged in the sale of lumber and hardware?

MR. BOWHER: Yes, a contractor and builder.

MR. MAGUIRE: How long has that firm been making accumulators?

MR. BOWHER: Five or six years.

MR. MAGUIRE: Have you been employed by Collins during that period of time?

MR. BOWHER: I had been employed by S. A. Collins for thirty years.

MR. MAGUIRE: Do you know how the orders for accumulators would be received?

MR. BOWHER: They would be forwarded by letter or telephone to S. A. Collins and Sons and then they would be transferred to me in the shop and I would build them.

MR. MAGUIRE: Now, isn't it a fact or not that you were in charge of the manufacture of accumulators?

MR. BOWHER: Well, I wasn't exactly fully in charge. I was under the jurisdiction of S. A. Collins, but I did make the accumulators.

MR. MAGUIRE: Were you in the shop at all times?

MR. BOWHER: No, sir, I was not.

MR. MAGUIRE: You were in the shop at all times when the accumulators were being made?

MR. BOWHER: I was in the shop at all times when they were being made.

MR. MAGUIRE: Now, in addition to making the accumulators what further did you have to do with the accumulators?

MR. BOWHER: After they were made they were assembled in the shop and waited for inspection after that.

THE COURT: Inspection?

MR. BOWHER: They were crated and someone would examine them.

MR. MAGUIRE: Who would inspect them?

MR. BOWHER: That would be somebody from the Institute.

MR. MAGUIRE: Do you remember the names of any of them?

MR. BOWHER: Well, Dr. Reich has done it. Dr. Eva Reich has done it. Dr. Trapp has done it. Ilse Ollendorff has done it. Dr. Reich's wife has done it. And there were some who would come in and inspect the accumulators.

MR. MAGUIRE: Who shipped the devices?

MR. BOWHER: They were shipped from the premises.

MR. MAGUIRE: They were shipped from the premises?

MR. BOWHER: Yes, from our premises, S. A. Collins and Son.

MR. MAGUIRE: Who prepared the devices for shipment?

MR. BOWHER: I would.

MR. MAGUIRE: From whom did you get the orders to ship them?

MR. BOWHER: Well, the names that they would give me that would come from the Institute, and they were typed on an order, and I would stick it on the accumulator.

MR. MAGUIRE: Were there any accumulators returned?

MR. BOWHER: Yes, sir.

MR. MAGUIRE: Who delivered the accumulators upon their return?

MR. BOWHER: I did, sir.

MR. MAGUIRE: What did you do?

MR. BOWHER: When they were returned, I paid the express on them for the Institute and uncrated them. When the Institute requested that I repair them, I would repair them for the Institute.

MR. MAGUIRE: Would you pack them away.

MR. BOWHER: Yes, sir, in the back room in the shop.

MR. MAGUIRE: Now, did you ever repair any of those?

MR. BOWHER: Yes, sir.

MR. MAGUIRE: Now, Mr. Bowher, did you then reship the repaired accumulators?

MR. BOWHER: Yes, sir.

MR. MAGUIRE: Did you ever get direct orders from either Dr. Reich or Miss Ollendorff?

MR. BOWHER: No direct orders from them.

MR. MAGUIRE: Now, to where did most of the accumulators that were shipped go.

MR. BOWHER: Oh, probably, seventy-five percent of them went to New York and the New Jersey area.

MR. MAGUIRE: Did some of them go to the other States in the Union as well?

MR. BOWHER: Yes, sir.

MR. MAGUIRE: They did?

MR. BOWHER: Yes.

MR. MAGUIRE: What percentage of accumulators that were manufactured would you say remained in the State of Maine?

MR. BOWHER: Oh probably two percent.

MR. MAGUIRE: And the others were shipped out of the state?

MR. BOWHER: Yes, sir.

MR. MAGUIRE: What about the returns? Did most of them come from out of state?

MR. BOWHER: Practically all of them came back from outside of the state.

MR. MAGUIRE: Now, calling your attention to 1954, in the fall of 1954, did you have a stock of returned accumulators?

MR. BOWHER: Yes, sir.

MR. MAGUIRE: They had been returned from outside of the State?

MR. BOWHER: Yes, sir.

MR. MAGUIRE: What happened to the stock you had on hand in the fall?

MR. BOWHER: They stayed there in that shop until we were notified not to build any more, then we requested the Institute to take those accumulators from the shop.

MR. MAGUIRE: Whom did you get in touch with?

MR. BOWHER: I got in touch with Mr. Collins and he got in touch with the Institute.

MR. MAGUIRE: What happened as a result of that?

MR. BOWHER: They notified him that they would remove the accumulators and in two or three days Tom Ross came with the truck and took them out.

MR. MAGUIRE: Who is Tom Ross?

MR. BOWHER: He worked for the Institute.

MR. MAGUIRE: Is he in court?

MR. BOWHER: Yes.

MR. MAGUIRE: Would you point him out?

MR. BOWHER: That gentleman over there.

MR. MAGUIRE: Did you assist him in any way in removing them?

MR. BOWHER: No, the only thing I did was open the door and he backed the truck up and packed them in.

MR. MAGUIRE: You saw the truck driver?

MR. BOWHER: Yes.

MR. MAGUIRE: Now, did you at any time, get any instructions from anyone to destroy those accumulators or dismantle them for salvage?

MR. BOWHER: Not those in the stock room.

MR. MAGUIRE: Did you ever get instructions, at any time, to destroy any?

MR. BOWHER: Yes, sir I had authority to destroy certain types of accumulators that were not fit to be repaired.

MR. MAGUIRE: You mean that some had been returned and were not salvagable for reshipment?

MR. BOWHER: Yes.

MR. MAGUIRE: But anything that could be reshipped you repaired them and held them for orders.

MR. BOWHER: That is correct.

MR. MAGUIRE: That is all.

CROSS EXAMINATION BY DR. REICH:

DR. REICH: I have only one question again, if I may, Your Honor. The question I do not know if you will permit me to ask him.

THE COURT: Go ahead; I can't tell until I hear it.

DR. REICH: How did you test those accumulators?

MR. BOWHER: I didn't make any test.

DR. REICH: Yes, not scientific tests but how do you know that it would work?

MR. BOWHER: Well, when I built them I had to get inside to fasten the inside lock in the door.

DR. REICH: You had to fasten the inside structure? What did you then do? Did you put your hands in it?

MR. BOWHER: Yes.

DR. REICH: Did the accumulator work when you thought it was good?

MR. MAGUIRE: I object.

THE COURT: We are not interested in that.

DR. REICH: You are not?

THE COURT: No.

DR. REICH: Thank you very much.
(Witness excused)

TOM E. ROSS,

a witness, called by and in behalf of the Government, first being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: Will you state your full name, please?

MR. ROSS: Thomas E. Ross.

MR. MAGUIRE: Where do you live?

MR. ROSS: I live in Rangeley, Maine.

MR. MAGUIRE: How long have you lived in that town, Mr. Ross.

MR. ROSS: Forty-nine years and eleven months.

MR. MAGUIRE: You are acquainted with the defendants here, Dr. Reich and Dr. Silvert?

MR. ROSS: That's right.

MR. MAGUIRE: By whom are you employed?

MR. ROSS: Well, Dr. Reich is my employer.

MR. MAGUIRE: How long have you been so employed?

MR. ROSS: Nine years and a half.

MR. MAGUIRE: What had been your duties during your employment?

MR. ROSS: The first year I had some of everything, cutting bushes, hay, and the second year I built accumulators and padded them and shipped them, and I was just a caretaker really on the property.

MR. MAGUIRE: Now, building accumulators came about in 1947 or thereafter?

MR. ROSS: I should say 1947.

MR. MAGUIRE: Have you built any since 1950 on?

MR. ROSS: No.

MR. MAGUIRE: Now who hired you, Mr. Ross?

MR. ROSS: Dr. Reich.

MR. MAGUIRE: Who issued your orders.

MR. ROSS: Well, Dr. Reich most of the time. I had my orders from Dr. Reich.

MR. MAGUIRE: Who was the big boy?

MR. ROSS: Dr. Reich.

DR. REICH: I object.

MR. ROSS: I would say it was Dr. Reich.

DR. REICH: I object to the term "boy."

THE COURT: Strike out "boy".

MR. MAGUIRE: Who was your superior, Mr. Ross, at all times that you were there?

MR. ROSS: Well, I looked to Dr. Reich.

MR. MAGUIRE: You have always taken orders from him?

MR. ROSS: Not always taken orders from him. If necessary I would take orders from whoever was in charge of certain sections of the work.

MR. MAGUIRE: Now, I show you what has been marked, Government's Exhibit No. 1, which is entitled "Decree of Injunction". Were you served with a copy of that decree?

MR. ROSS: I was.

MR. MAGUIRE: Did you read the decree?

MR. ROSS: All I could. Some of it I don't know the meaning of.

THE COURT: But you could read it just the same?

MR. ROSS: Yes.

MR. MAGUIRE: Were you acquainted or at all familiar with the items of literature that were named in the decree—the books that were listed in paragraph 5.

MR. ROSS: I read some of them a little but there were many words I didn't understand much about.

MR. MAGUIRE: Let me ask you if you have seen stocks of the following books on the premises:

The Discovery of the Orgone by Wilhelm Reich,
Volume 1—The Function of the Orgasm
Volume 2—The Cancer Biopathy
The Sexual Revolution by Wilhelm Reich
Ether, God and Devil by Wilhelm Reich
Cosmic Superimposition by Wilhelm Reich
Listen, Little Man by Wilhelm Reich
The Mass Psychology of Fascism by Wilhelm Reich
Character Analysis by Wilhelm Reich
The Murder of Christ by Wilhelm Reich
People in Trouble by Wilhelm Reich?

MR. ROSS: Yes, in the years I have worked there.

DR. REICH: Mr. Ross never had anything to do with books.

THE COURT: Well he just said he saw them around there. That's all.

MR. MAGUIRE: The "Sexual Revolution?"

MR. ROSS: I saw boxes with that name on the outside, but I couldn't see whether the books were inside.

MR. MAGUIRE: "Ether, God and Devil?"

MR. ROSS: That is the same way with that.

THE COURT: You didn't read any of them?

MR. ROSS: Yes, I had some that Dr. Reich gave me when I was there.

MR. MAGUIRE: "Cosmic Superimposition," by Wilhelm Reich?

MR. ROSS: I couldn't say. They were there probably in the box but I couldn't swear to it.

MR. MAGUIRE: Let me ask you the question with respect to the rest of these that are listed: "Listen Little Man," "The Mass Psychology of Fascism," "Character Analysis," "The Murder of Christ," "People in Trouble." Now, had you seen the books that were titled that way or had read the cards indicating that such books were in the boxes?

MR. ROSS: I have seen those titles, probably have the same books on my book shelf.

MR. MAGUIRE: Now, Mr. Ross, calling your attention to the Fall of 1954, did you go to Collins' premises in connection with Orgone Energy Accumulators?

MR. ROSS: I did.

MR. MAGUIRE: What did you do?

MR. ROSS: Collins had spoken to me about picking up accumulators as he didn't feel we could spare the room unless Dr. Reich wanted to hire such a room to hold them, and *since the injunction he didn't ship any and he would like the room for other work*. He told them that they would have to pick them up, to take care of them.

MR. MAGUIRE: Did you do just that?

MR. ROSS: Yes.

MR. MAGUIRE: In other words, you had the Foundation truck and went down to Collins to pick up the stock of accumulators he had there and brought up the stock of accumulators to the Reich premises?

MR. ROSS: That's right.

MR. MAGUIRE: Now, do you know the defendant, Dr. Silvert?

MR. ROSS: I do.

MR. MAGUIRE: How long have you known him?

MR. ROSS: I should say six years. I couldn't be sure of that.

MR. MAGUIRE: Do you know where Dr. Silvert has lived during this period of time?

MR. ROSS: In New York. That is all I know.

MR. MAGUIRE: You didn't know the street address?

MR. ROSS: I know the street address somewhere near. I wouldn't want to write it out.

THE COURT: Well if you don't know, say so.

MR. MAGUIRE: Would you like to tell us what it is instead of writing it out?

MR. ROSS: I wouldn't dare to say, so I will say no.

MR. MAGUIRE: Now, calling your attention to sometime in October of 1954, did you attend a meeting on the Reich premises?

MR. ROSS: I didn't attend the end of the meeting.

MR. MAGUIRE: Were you invited to the meeting?

MR. ROSS: Well I couldn't say that Surely I wouldn't be there not without being asked.

MR. MAGUIRE: Who was present at that meeting that you referred to?

MR. ROSS: The only one that I would really swear to would be Dr. Baker.

MR. MAGUIRE: Would you swear to the presence of Dr. Reich?

MR. ROSS: To be truthful I couldn't.

THE COURT: Well, what is your best memory of it? Don't start sparring now.

MR. ROSS: I would say several. Dr. Reich was there.

MR. MAGUIRE: You would say that Dr. Reich was there?

MR. ROSS: I would say he was there.

THE COURT: Who else was there?

MR. ROSS: A Mr. Baker.

MR. MAGUIRE: Do you know whether Dr. Silvert was present?

MR. ROSS: I wouldn't swear to it.

MR. MAGUIRE: Do you recall whether Eva Reich was there?

MR. ROSS: I don't recall that.

MR. MAGUIRE: Do you recall whether Mr. Moise was there?

MR. ROSS: No.

MR. MAGUIRE: Will you tell us what transpired at that meeting? Let me ask you this before that. Was it on or about the time that Dr. Reich and others were about ready to take off for Tucson, Arizona?

MR. ROSS: I think it was a day or so before they were to go away.

MR. MAGUIRE: How long were they to be away for, do you know?

MR. ROSS: I think the first report was four weeks.

MR. MAGUIRE: How long actually did they stay?

MR. ROSS: They stayed from the eighteenth of November to sometime in April, or the first of May.

MR. MAGUIRE: Had they made plans to be away for any length of time or only for four weeks, do you know?

MR. ROSS: I couldn't answer that.

MR. MAGUIRE: Would you tell us what transpired at that meeting while you were there?

MR. ROSS: There was quite a few doctors but I couldn't name them. It is like people here.

THE COURT: Mr. Witness, you are sworn to tell the truth in this case. Now you tell us what transpired. What was the purpose of the meeting?

MR. ROSS: The purpose of the meeting was they called the meeting to see what I should do during the winter.

THE COURT: What?

MR ROSS: To see what my work would be during the winter.

THE COURT: Did they discuss anything about accumulators?

MR. ROSS: They did not discuss anything about accumulators.

MR. MAGUIRE: Did you discuss anything about who would be in charge during the absence of Dr. Reich?

MR. ROSS: I think there was some talk that Silvert would be my paymaster which would be my boss to me.

MR. MAGUIRE: That would be while Dr. Reich was away?

MR. ROSS: Yes, that's right.

MR. MAGUIRE: And Dr. Silvert would be your boss or superior?

MR. ROSS: Yes, that's right.

MR. MAGUIRE: Now calling your attention to late in November of that same year, do you recall Dr. Silvert being present in Rangeley at the Reich premises?

MR. ROSS: Of that same year in November?

MR. MAGUIRE: Yes.

MR. ROSS: Yes, he was there.

MR. MAGUIRE: Do you remember whether or not on that occasion he loaded a vehicle at least in part with some of the books that we have just talked about?

MR. ROSS: I don't know if he loaded any books which we just talked about.

MR. MAGUIRE: What type of automobile did he have there on that occasion?

MR. ROSS: He had an ambulance type, a long car.

MR. MAGUIRE: An ambulance type automobile?

MR. ROSS: Yes, that's right.

MR. MAGUIRE: But you don't know whether he loaded that vehicle with any of the literature that we have talked about?

MR. ROSS: Well, I can't say truthfully what he loaded it with. I was not there at that time.

MR. MAGUIRE: You mean you were not in Rangeley at that time?

MR. ROSS: Yes, I was in the field plowing.

MR. MAGUIRE: You were on the premises?

MR. ROSS: Yes.

MR. MAGUIRE: But you were not in the immediate vicinity of the building or the place where this ambulance type of vehicle was?

MR. ROSS: That's right.

MR. MAGUIRE: So you did not just see what was being done? Is that right?

MR. ROSS: That's right.

MR. MAGUIRE: Now, I'm going to show you what has been marked as Government's Exhibit No. 25, for identification and ask you if you are familiar with the message on that telegram?

MR. ROSS: Would you read it for me. I haven't got my glasses.

MR. MAGUIRE: It says "Tucson and the date is 1955 Jan. 4 PM 4 53

TOM ROSS–PHONE RANGELEY 99
RANGELEY ME–
FIRST ORANUR WEATHER CONTROL RAIN 12 HOURS ACHIEVED ON VAST DESERT AREA THANK YOU FOR PERFECT WORK ACCOMPLISHMENT IN TRANSPORTING MATERIAL. BE ADVISED TO KEEP OUT FDA PHARMACEUTIC MOSCOW AGENTS PENDING HIGHER COURT DECISION. KEEP CHEERFUL
/S/ REICH"

MR. MAGUIRE: Do you remember receiving such a telegram?

MR. ROSS: Yes, sir, I did.

MR. MAGUIRE: I offer Government's Exhibit No. 25.

THE COURT: Admitted.

(The document heretofore marked Government's Exhibit No. 25, for identification, was received into evidence.)

MR. MAGUIRE: Now, Mr. Ross, did Dr. Reich ever give you any oral instructions with respect to the manner in which you should treat or handle FDA PHARMACEUTICAL MOSCOW AGENTS OR INSPECTORS?

MR. ROSS: Yes.

MR. MAGUIRE: What did he say and when and how often?

MR. ROSS: I could not give you the dates or anything but I heard those words that he did not want them on the property.

MR. MAGUIRE: What further did he say?

MR. ROSS: Well, you read the telegram. He just didn't want them on his property.

MR. MAGUIRE: Now, Mr. Ross, calling your attention to

the month of January, 1955, did Dr. Silvert make a visit to the premises in that month?

MR. ROSS: What month?

MR. MAGUIRE: January of 1955. Let me ask you this question: Was there a time when Dr. Silvert came to Rangeley and asked assistance from you with respect to some books and literature we just talked about?

MR. ROSS: He came back to Rangeley but I could not give you the exact date. Probably it was January because there was snow on the ground. I plowed the road so that he could get in if he wanted to come into the laboratory. I picked up some string and some cardboard boxes that he asked me to pick up—any kind of cardboard boxes and he said he would like to have some string.

MR. MAGUIRE: Did you deliver the string and boxes to him?

MR. ROSS: I took them into the laboratory where he was.

MR. MAGUIRE: When you say "laboratory" is that one of the buildings on the Reich Estate?

MR. ROSS: Yes.

MR. MAGUIRE: Now, was that string and were those cartons used?

MR. ROSS: Yes, they were used.

MR. MAGUIRE: Who used them?

MR. ROSS: Dr. Silvert used the cartons.

MR. MAGUIRE: Did you help him?

MR. ROSS: No, I did not help him. When the cartons were filled up I helped to tie them, He did not ask me to tie them but it was a cold day and I helped tie the cartons up.

MR. MAGUIRE: What were the cartons filled with? You indicated that there were objects put into the cartons.

MR. ROSS: I would say books.

MR. MAGUIRE: What books?

MR. ROSS: I couldn't say what books.

MR. MAGUIRE: Were they the books that we have just been talking about?

MR. ROSS: Yes, in general.

MR. MAGUIRE: Do you know?

MR. ROSS: I do not know for a fact.

MR. MAGUIRE: What was the quantity of books involved that were packed?

MR. ROSS: You mean how many in number?

MR. MAGUIRE: How many in number? Any kind of a rough estimate as to quantity that you can give us?

MR. ROSS: I do not deal in books and I could not give you the exact number.

MR. MAGUIRE: Can you estimate whether there was 5—50—500 or more?

THE COURT: Speak up. Give us your best judgment. Give us your answer. Was it 5, 500, 50, or what?

MR. ROSS: I would say 500.

MR. MAGUIRE: That's all.

(Following the hearing of other pending cases, court was adjourned at 4:30 until Friday, May 4, 1956, at 10:00 A. M.)

May 4, 1956, 10:00 A. M., Federal Building, Portland, Maine

TOM E. ROSS RESUMES THE STAND

MR. MAGUIRE: Mr. Ross, since you left the stand last night, have you had an opportunity to think over the quantity of books that went on the truckload that we were talking about?

MR. ROSS: Well, I started to think it over yesterday and I feel I probably misjudged when I said 500. I said it quickly. I knew there was that many.

MR. MAGUIRE: Was there some document that you used to refresh your recollection?

MR. ROSS: Well, from the size of the boxes I knew I misjudged in saying 500 because I probably think there were around 300 cartons.

MR. MAGUIRE: I have in my hand Government's Exhibit No. 28 consisting of four pages. This purports to be an affidavit that you signed. Have you had an opportunity to look at this and check the quantity of literature from the affidavit you signed?

MR. ROSS: Yes, I have had the opportunity.

MR. MAGUIRE: What does your affidavit say in respect to the number of boxes that went on that truck, in number of cartons?

MR. ROSS: 300.

MR. MAGUIRE: 300 cartons?

MR. ROSS: Yes.

MR. MAGUIRE: And about how many books were there in each carton?

MR. ROSS: Thirty books to a carton.

MR. MAGUIRE: Now, at this particular time of the shipment, did you assist in the loading of the truck with the accumulator panels and the literature?

MR. ROSS: No. I did not put one piece on.

MR. MAGUIRE: Did Dr. Silvert assist in loading the truck?

MR. ROSS: Yes, I would say so.

MR. MAGUIRE: Who else was there also loading the truck?

MR. ROSS: The truck driver and a helper and another man.

THE COURT: You just said the word "accumulators". That is the first time it has come in here. Were accumulators loaded?

MR. MAGUIRE: Was there anything else loaded on that truck other than the literature?

MR. ROSS: Accumulators.

MR. MAGUIRE: Where did those accumulators come from?

MR. ROSS: From a building right close by from where the literature came from.

MR. MAGUIRE: Would you estimate the number of accumulators that were loaded on that truck?

MR. ROSS: Fifty I would say, more or less.

MR. MAGUIRE: Now, were some of those accumulators the accumulators you had picked up at Collins' that you testified about yesterday?

MR. ROSS: Yes.

MR. MAGUIRE: Now, at any time or at this time, did you make any comment to Dr. Silvert about Attorney Haydon of New York?

MR. ROSS: I asked him what the attorney thought of it and he answered in a way that the attorney didn't know anything about it.

MR. MAGUIRE: Do you remember exactly what he said?

MR. ROSS: Well, he said a lawyer is like a doctor. You ask them for information, and you can follow it or not. It was something similar to that.

MR. MAGUIRE: Now, at any time was there any destruction of an accumulator that was irrepairable? I mean by that, was there any mass destruction of accumulators?

MR. ROSS: No, there was none.

MR. MAGUIRE: Had there been from time to time destruction of an accumulator that was irrepairable?

MR. ROSS: There might have been destruction of accumulators that were stove up.

MR. MAGUIRE: But, as far as you know, there are no complete accumulators or panels to assemble a complete accumulator?

MR. ROSS: I don't quite follow you there.

MR. MAGUIRE: As I understand you, you said there might be some pieces of panel there but so far as you know there are no complete accumulators there.

MR. ROSS: Well, there is a complete accumulator there.

MR. MAGUIRE: How many?

MR. ROSS: Three. I should say there were three complete.

MR. MAGUIRE: Are there any other panels there?

THE COURT: What difference does it make what is there now?

MR. MAGUIRE: At any time, was there any destruction of these books that were there?

MR. ROSS: No.

MR. MAGUIRE: Was there any alteration of the literature that was there?

MR. ROSS: Well, there was something shoved in a waste barrel that he dropped in. It might have been small pieces of paper but I couldn't say what it was.

MR. MAGUIRE: So that it was just a collection of waste material?

MR. ROSS: Yes, just a collection of waste material.

MR. MAGUIRE: You may examine.

CROSS EXAMINATION BY DR. REICH:

DR. REICH: Mr. Ross, did I ever give you an order by way of mouth or by way of a written letter to the effect that you should deliver these accumulators to Dr. Silvert?

MR. ROSS: No, you never did.

DR. REICH: I never did?

MR. ROSS: No, you never did.

DR. REICH: That's all.

REDIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: Was there a time that Dr. Reich complained to you about Dr. Silvert removing some of his personal material from the Reich premises in Rangeley?

MR. ROSS: Yes, when he came back he saw that everything was gone, but I had no authority to stop it.

MR. MAGUIRE: Did he ever complain to you that Dr. Silvert had no right to remove the trucks and the literature from the estate?

MR. ROSS: I would say he didn't complain. He said I wonder if it was wise or something to that effect.

MR. MAGUIRE: That is all.

A. HARRIS KENYON,

a witness, called by and on behalf of the Government, first having been duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: Will you state your full name, please?

MR. KENYON: A. Harris Kenyon.

MR. MAGUIRE: Where do you live?

MR. KENYON: Hanover, Massachusetts.

MR. MAGUIRE: By whom are you employed?

MR. KENYON: The Department of Health, Education and Welfare, the Food and Drug Administration.

MR. MAGUIRE: What is your title?

MR. KENYON: Chief Inspector of the Boston District.

MR. MAGUIRE: Mr. Kenyon, have you had assignments or have you given assignments with respect to investigations pertaining to Orgone Accumulators?

MR. KENYON: Yes, sir, I have.

MR. MAGUIRE: Now, will you tell us what you personally have done in connection with your investigation of accumulators?

MR. KENYON: At various times, I had made visits, to Rangeley, Maine. Specifically on November 23, 1954, with Food Drug Inspector Niss we went to the Reich's premises. When we arrived no one was there. We subsequently contacted Thomas Ross. We identified ourselves and requested to enter the premises and told him that we were there to ascertain what had been done to comply with the injunction. Mr. Ross showed us around the property. He showed us into one building known as the Student's Laboratory, and also a shed nearby in which were stored a number of accumulator panels. I estimated there were enough panels there to make about forty accumulators. Mr. Ross stated that these accumulators had been picked up by him recently from the Collins' shop and placed in the shed. He stated that Dr. Reich had wanted to destroy the panels, but that Dr. Reich thought any destruction of the panels should be done under the supervision of the Pure Food and Drug Administration.

MR. MAGUIRE: You indicated that that was on November 23. Did you continue to investigate on the next day?

MR. KENYON: Yes, we did. In fact, before leaving town, on the 23rd, we visited the Collins' shop and were told by Mr. Collins . . . . .

THE COURT: You cannot repeat conversation in the absence of the defendants.

MR. MAGUIRE: Well, Mr. Kenyon, calling your attention to the following day, what did you do?

MR. KENYON: I went to Sheffield, Massachusetts, and there interviewed Miss Ilse Ollendorff.

MR. MAGUIRE: Is she a defendant in that injunction?

MR. KENYON: Yes.

MR. MAGUIRE: What happened then?

MR. KENYON: I identified myself and told her that I was there to interview her in order to find out what she had done to comply with the terms of the injunction and she said . . . . .

THE COURT: Wait a minute. We cannot have conversation. This is no conspiracy action. We can't have testimony in the absence of these defendants.

MR. MAGUIRE: Did you have a discussion with Miss Ollendorff?

MR. KENYON: Yes, I did.

MR. MAGUIRE: Did you tell her what the purpose of your discussion was?

MR. KENYON: Yes.

MR. MAGUIRE: Now, calling your attention to June of 1955, did you have anything to do with a further investigation?

MR. KENYON: Yes, again, with Inspector Niss and also accompanied by Deputy Marshal Doherty we went to the Reich's premises in Rangeley. We entered and upon getting out of the car we were met by Thomas Ross. I identified myself and the other two men identified themselves, and I told Mr. Ross that I wanted to see Dr. Reich. Mr. Ross asked us to wait outside and said that he would announce us. He went in and returned shortly and said that Dr. Reich would see the Deputy Marshal but not the Food and Drug Inspector. Deputy Doherty went in and in about thirty minutes later a car drove off, and a man, whom I later found out was William Moise, entered the building. Shortly thereafter a woman drove up, a woman whom I later learned was Greta Hoff, and she went in. About twenty minutes later, Mr. Doherty came out accompanied by Mr. Moise. Mr. Moise asked to be introduced to me and while Doherty was in the process of doing that, Dr. Reich came out in the

upper part of the building and Dr. Reich shouted to Mr. Moise, "Don't talk to him." That stopped our conversation.

MR. MAGUIRE: Was Mr. Moise talking to you at that time?

MR. KENYON: Yes, he just started to talk to me. Mr. Moise then left and Mr. Doherty started to show him a piece of paper that he had in his hand and Dr. Reich told the Deputy not to show it to me. Then the Deputy suggested that we get in the car and leave, and Inspector Niss said something to the effect, "Where do we stand now." I started to speak to Dr. Reich and he said "No, no" I said "Your answer is no." and he said "Definitely no," and waved his arm and strove off. Then we left.

MR. MAGUIRE: What did you do after that?

MR. KENYON: The next day we visited Rangeley and we saw . . . . .

THE COURT: No, not what you saw, what you learned.

MR. MAGUIRE: Did you see any documents or records there?

MR. KENYON: No, I did not.

MR. MAGUIRE: Did you make inquiries concerning anything there?

MR. KENYON: Yes, I did.

MR. MAGUIRE: What was the inquiry about?

MR. KENYON: I asked the person in charge whether they had handled any shipments either going in or going out of the Reich premises in Rangeley.

MR. MAGUIRE: What further did you do that day?

MR. KENYON: We visited the place where Mr. Moise was living. We went there once and he was not at home. We returned shortly and he was there. He, of course, recognized us and he immediately asked the Deputy if he had any papers to serve. The Deputy said no and Mr. Moise told us to get off

his property. I asked him what was done to comply with the injunction and the only answer was to get off my property, so we left.

MR. MAGUIRE: Did you know that he was connected in some official way with the Wilhelm Reich Foundation or Dr. Reich?

MR. KENYON: Yes, I did.

MR. MAGUIRE: Now, did you make any other investigations to determine whether or not there had been compliance with respect to the injunction on the part of anybody?

MR. KENYON: Yes, the following day I visited the Hemingway Brothers' Transportation Co. in Portland, Maine.

MR. MAGUIRE: What did you find out there? Did you see any records?

THE COURT: Not what he found out. What did he see.

MR. MAGUIRE: That is what I asked him, Your Honor.

THE COURT: You said what did he find out.

MR. KENYON: I saw four freight bills, copy of freight bills showing shipment.

THE COURT: Just a minute. Are you going to have those bills here?

MR. MAGUIRE: Yes.

THE COURT: Well then let's not have this man's interpretation. We will see the freight bills themselves.

MR. MAGUIRE: I will introduce those through another witness.

THE COURT: We do not want this man's interpretation of them. We will see them.

MR. MAGUIRE: I will show you what has been marked as Government's Exhibits Nos. 29 to 30 and ask you to tell us what they are?

MR. KENYON: They are photostats of two motor vehicles. I saw these at Registry of Motor Vehicles in Augusta, Maine. They relate to a Chrysler Station Wagon.

MR. MAGUIRE: Did you obtain them from the Motor Vehicle Department?

MR. KENYON: Yes, I did.

MR. MAGUIRE: Now, Mr. Kenyon, at any time, was the Food and Drug Administration requested to supervise compliance with the Decree of Injunction?

MR. KENYON: Not to my knowledge.

THE COURT: Would you be in a position to know?

MR. KENYON: Yes, I would.

THE COURT: What is your official position?

MR. KENYON: Chief Inspector of the Boston District, and the defendants are located in the District of Boston.

MR. MAGUIRE: Now, Mr. Kenyon, isn't it a fact that there are provisions in a number of decrees which provide for supervision by the Food and Drug Administration?

THE COURT: We are not interested in other decrees. We are interested only in this one.

MR. MAGUIRE: Mr. Kenyon, in connection with inspections, is it customary that advance notice be given to the operator of a food establishment?

THE COURT: We cannot go into that.

MR. MAGUIRE: That's all.

CROSS EXAMINATION BY DR. REICH:

DR. REICH: Mr. Kenyon, you remember your visit to Orgone in August of 1952 with two alleged scientists, a chemist, and a physicist?

MR. KENYON: I remember visiting the premises with a physicist and a doctor from the Food and Drug Administration.

DR. REICH: You remember it was sometime during August of 1952?

MR. KENYON: I don't remember.

DR. REICH: Will you tell the jury please how you came to the Observatory up on the hill?

MR. KENYON: We drove up to the premises from the lower limits of the ground.

DR. REICH: And what did you do?

MR. KENYON: We blew the horn of the automobile and received no response and we went to a nearby building. I believe it was called the Student's Laboratory.

DR. REICH: There was a chain in front of the laboratory. Did you take the chain down?

MR. KENYON: Yes, and drove up to the Observatory where we were admitted.

DR. REICH: Would you say you were entitled to take the chain down?

MR. KENYON: I think so.

DR. REICH: I don't know what the law says but it is a fact that you thought you were entitled to do so?

MR. KENYON: Yes.

DR. REICH: And then you went to the lower laboratory?

MR. KENYON: Yes.

DR. REICH: There was another chain there. Do you remember that?

MR. KENYON: I only recall one chain.

DR. REICH: And then you drove up to the observatory That was on the hill, about 500 feet?

MR. KENYON: Yes, as I remember that.

DR. REICH: It is extremely important to understand . . . . .

MR. MAGUIRE: I object to comments being made such as that.

DR. REICH: You came to the Observatory then?

MR. KENYON: That's right.

DR. REICH: Through the front door?

MR. KENYON: Yes.

DR. REICH: Is that right?

MR. KENYON: Yes.

DR. REICH: You waited down in the big laboratory hall?

MR. KENYON: Yes.

DR. REICH: Where was I at that time? It is important.

MR. KENYON: I am not sure but I think you were upstairs.

DR. REICH: Very right. I was upstairs in my study.

DR. REICH: Do you remember who I was upstairs with?

MR. KENYON: No, I don't.

DR. REICH: I came down later with a person, did I not?

MR. KENYON: I remember your coming down but I don't remember if someone else was there.

DR. REICH: Do you remember at first I refused to see you. And I sent someone else down to see you and to tell you I was very busy and I couldn't see you?

MR. KENYON: I don't remember that at all.

DR. REICH: You remember I came down?

MR. KENYON: Yes.

DR. REICH: Will you please tell the jury what I told you? What did I tell you? Did I tell you that you should leave the building and that you are an Agent of the Drug Industry?

MR. KENYON: Something like that.

DR. REICH: Yes, very sharply?

MR. KENYON: Yes.

DR. REICH: I said it somewhat sharply, somewhat shouting?

MR. KENYON: Yes.

DR. REICH: To some extent I was not aggressive in any way, in any physical way? You were afraid then, I saw it?

MR. KENYON: I remember the incident of smashing the ash tray.

DR. REICH: I don't remember but it may have happened. I asked you to leave the premises with the two physicists?

MR. KENYON: Yes.

DR. REICH: And I told you then never to again return?

MR. KENYON: I don't recall about never returning again.

DR. REICH: You left the building with the two physicists?

MR. KENYON: Yes.

DR. REICH: An then the second incident was on September 28, 1955. You were again coming to Orgone at 8:30 PM. I met you at the road. Do you remember that incident: you are under oath?

MR. KENYON: Yes, I don't remember the date. I remember there was an incident about that time in 1955.

DR. REICH: Yes, it was on September 28, 1955, at 8:30 PM.

THE COURT: You must not testify, Doctor. Ask the questions.

DR. REICH: Now, I met you and you were driving out from Mr. Ross' place?

MR. KENYON: That's right.

DR. REICH: You drove out in your car?

MR. KENYON: Yes.

DR. REICH: Did you see me on the road standing there?

MR. KENYON: Yes.

DR. REICH: Did you recognize me?

MR. KENYON: Yes, I did.

DR REICH: And Mr. Ross was standing by the side of the road?

MR. KENYON: Yes.

DR. REICH: I had stopped. I had driven down from the Observatory.

MR. KENYON: I don't remember where you came from but you stopped.

DR. REICH: What did you do?

MR. KENYON: You stayed by the rear of the car and you waved as I went by.

DR. REICH: How did you understand that I was waving to you?

MR. KENYON: I don't know.

DR. REICH: I wanted to speak to you at the time. What did you do then? Did you stop on the road?

MR KENYON: No I didn't.

DR. REICH: You did not? You drove on?

MR. KENYON: Yes.

DR. REICH: Did you drive on speedily?

MR KENYON: I wouldn't say speedily.

DR. REICH: But fast?

MR. KENYON: Yes, I continued to drive on.

DR. REICH: Quite fast and you drove on into town?

DR. REICH: Where were you then in town?

MR. KENYON: I was staying at a Motel.

DR. REICH: Now, what happened afterwards? Will you tell the jury please? Did I come to the Motel later?

MR. KENYON: Yes.

DR. REICH: Do you remember that I knocked at your door?

MR. KENYON: Yes.

DR. REICH: Did you come out when I knocked at the door?

MR. KENYON: Not when you first knocked, no.

DR. REICH: How long were you first inside that room there while I was waiting outside?

MR. KENYON: You knocked, you waited and then you went away and then you came back.

DR. REICH: Yes, I wanted to talk to you again?

MR. KENYON: But you came back and finally I came out and saw you and we stood there in front of the Motel.

DR. REICH: Now, would you say it was fifteen minutes, twenty minutes or a half hour?

MR. KENYON: At least a half hour.

DR. REICH: So for about at least a half hour I was in front of your motel room and I wanted to talk to you and you didn't come out? Do you know what I did then?

MR. KENYON: You came and knocked and left.

DR. REICH: Yes, I searched for you. I did not know if you were there or not. I searched for you and I came back and then finally you came out of your room in about a half hour?

MR. KENYON: Yes, I would say that.

DR. REICH: And what did I tell you then? Do you remember my words?

MR. KENYON: You asked me to wait. You wanted someone else to come down.

DR. REICH: For whom was I waiting?

MR. KENYON: For Mr. Moise.

DR. REICH: And did Mr. Moise come down from the Observatory about four miles away?

MR. KENYON: Well, he drove up in the car.

DR. REICH: He came to the motel?

MR. KENYON: Yes, and he stepped out and he had a rifle with him.

DR. REICH: Yes, I told him to bring the rifle with him.

MR. KENYON: He got out of the car and took the rifle and started walking towards me, and you told him that he didn't need to have the rifle and to put the rifle back in the car.

DR. REICH: I told him to put the rifle back in the car because he didn't need it?

MR. KENYON: Yes.

DR. REICH: Did you have any idea why I did that?

MR. KENYON: No, I didn't.

DR. REICH: Now, do you know what I told you? I used a certain word and told you what you were according to my conviction.

MR. KENYON: One of the things was a spy.

DR. REICH: That's right. I told you that you were a spy?

MR. KENYON: Yes, and a Moscow Agent.

DR. REICH: That's right. This event was written down right in protocol. May I put it in evidence?

THE COURT: Let me see it. (Passes document to Court)

THE COURT: No, no that is too self-serving. That can't go in evidence.

BY DR. REICH: That is all, Your Honor.

THE COURT: All right.

RE-DIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: You just indicated that you were at the premises of Thomas Ross. Did you go there in connection with the Decree of Injunction that you earlier talked about in this case?

MR. KENYON: I did.

MR. MAGUIRE: That's all.

WILLIAM H. DOHERTY,

a witness, called by and in behalf of the Government, first being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: Will you state your full name, please?

MR. DOHERTY: William H. Doherty.

MR. MAGUIRE: Where do you live?

MR. DOHERTY: Portland, Maine.

MR. MAGUIRE: What is your official position?

MR. DOHERTY: Deputy Marshal.

MR. MAGUIRE: For the District of Maine?

MR. DOHERTY: For the District of Maine.

MR. MAGUIRE: Your headquarters are in Portland?

MR. DOHERTY: In Portland.

MR. MAGUIRE: Now, I call your attention . . . . . How long have you been a Deputy Marshal?

MR. DOHERTY: Nineteen years come August.

MR. MAGUIRE: Now calling your attention to June of 1955 did you have occasion to go to Rangeley, Maine?

MR. DOHERTY: I did.

MR. MAGUIRE: Will you tell us about that trip, whom you were with, and what occurred?

MR. DOHERTY: Well, my superior introduced me to two inspectors of the Pure Food and Drug Administration, a Mr. Niss and a Mr. Kenyon, and he asked me if I would accompany them to Rangeley Lakes and to be of any assistance that I could be to them which I did.

MR. MAGUIRE: Now, you did go to the Reich premises?

MR. DOHERTY: We did.

MR. MAGUIRE: Tell us what happened there?

MR. DOHERTY: Well, as we approached the Observatory, the driveway, I saw a figure standing out in front of a terrace out on the second floor, and Mr. Kenyon identified him as Dr. Reich, and said that is Dr. Reich standing there.

MR. MAGUIRE: Did you recognize the figure as Dr. Reich?

MR. DOHERTY: I had never seen Dr. Reich before then, but I assumed that that was him. We drove the car up to probably thirty or forty feet from the entrance to the Observatory and when we got out of the car I looked out again and I saw Dr. Reich disappearing into the house.

MR. MAGUIRE: You mean you saw this figure disappearing?

MR. DOHERTY: The figure as we approached the entrance to the Observatory. When we got to the door a figure appeared whom I later learned was Tom Ross. I told him who I was, who I was with, and said I would like to see Dr. Reich. He said to wait there a minute. He returned to the house and he came down and said he would see me but not the inspectors. I was escorted upstairs by Tom Ross. I showed Dr. Reich my credentials and told him I was there to see if he were complying with the injunction. He said that I was not here for that reason but to serve as bodyguard for these two agents of Moscow. He went on for quite a spell and told me not to do any talking. He used the telephone for about ten or fifteen minutes. Later a man

appeared and shortly after that an attractive young woman. We had some discussion and I told them I was not going to argue the merits of the case but that I was there to see if they are complying with the injunction. I recall Dr. Reich saying that the inspectors are down stairs and Mr. Moise said he would like to meet them. I said follow me. We went down stairs and I introduced Mr. Moise to the inspectors. They just started a conversation when we heard this angry voice coming from the upstairs terrace, telling Mr. Moise to have nothing to say. In the meantime I left his quarters and he wanted me to type a statement to give to Judge Clifford. He wanted me to type it and I told him I could not do it. So he typed it himself and handed it to me and wanted me to witness it. I said "I don't know why I should witness it but I will take it and return it to the court."

MR. MAGUIRE: Did someone else witness the paper, if you know?

MR. DOHERTY: Well, Mr. Moise and a young lady by the name of Hoff signed the paper.

MR. MAGUIRE: You had delivered the paper to the court?

MR. DOHERTY: That's right.

MR. MAGUIRE: No further questions.

CROSS EXAMINATION BY DR. REICH:

DR. REICH: Mr. Doherty, you used to bring the documents down to Orgone?

MR. DOHERTY: Correct.

DR. REICH: You remember that I phoned to the Marshal's office, here in Portland, telling them and advising them that chains would be put up at Orgone?

MR. DOHERTY: That's right.

DR. REICH: And that I asked you if you would call me before you came up?

MR. DOHERTY: That's right.

DR. REICH: And you did call?

MR. DOHERTY: On one occasion.

DR. REICH: Yes, that's right. You called before you came up?

MR. DOHERTY: I asked you to take the chain off.

DR. REICH: Yes, and the chain was taken off and there was no obstacle in your way?

MR. DOHERTY: That's right.

DR. REICH: You came up and there was no trouble?

MR. DOHERTY: That's right.

DR. REICH: Do you remember that I met you once on the road?

MR. DOHERTY: That's correct.

DR. REICH: You went from your car to mine?

MR. DOHERTY: We had been up to see you on that occasion but you were not there. I was informed by Tom Ross that you were probably out riding, and that you should be back in a period of fifteen to twenty minutes, and so we waited.

DR. REICH: Did he resist you in any way?

MR. DOHERTY: No.

DR. REICH: Did I resist you?

MR. DOHERTY: No.

DR. REICH: I never called you a spy?

MR. DOHERTY: Not me.

DR. REICH: I never called you a spy?

MR. DOHERTY: Not yet.

DR. REICH: Did I ever call you a traitor?

MR. DOHERTY: No.

DR. REICH: I never did anything against the law so far as you are concerned as a law officer?

THE COURT: He is not going to pass on that.

DR. REICH: Do you remember this document?

MR. DOHERTY: Yes.

DR. REICH: That was the document that you brought to Judge Clifford?

MR. DOHERTY: Let me see it.

DR. REICH: Yes.

MR. DOHERTY: That's it.

DR. REICH: And I warned you that these men were either spies or tools of spies?

MR. DOHERTY: Yes.

DR. REICH: Do you remember those words?

MR. DOHERTY: Yes.

DR. REICH: That's all.

THOMAS MOORE,

a witness, called by and in behalf of the Government, first being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: Will you state your full name, please?

MR. MOORE: Thomas Moore.

MR. MAGUIRE: Where do you live, Mr. Moore?

MR. MOORE: New York City.

MR. MAGUIRE: Calling your attention to January of 1955, will you tell us by whom you were employed?

MR. MOORE: I was employed at that time by the Hemingway Brothers' Trucking Co.

MR. MAGUIRE: Where was your employment?

MR. MOORE: Down at Twenty-fourth Street and Twelfth Avenue.

MR. MAGUIRE: That would be in New York City?

MR. MOORE: Yes.

MR. MAGUIRE: What were your duties?

MR. MOORE: I was chief dispatcher at the New York City terminal.

MR. MAGUIRE: What are the duties of a chief dispatcher?

MR. MOORE: I had charge of all the drivers, expediting loads going in and out of New York City going to New England.

MR. MAGUIRE: At about that time did you have anything to do with a shipment that involved Michael Silvert?

MR. MOORE: Yes, sir, I did.

MR. MAGUIRE: Will you tell us just what occurred?

MR. MOORE: On the twenty-first of January of 1955, I received a phone call from a man who said his name was Pederis, or something like that.

MR. MAGUIRE: Let me show you what has been marked as Government's Exhibits 32, 33, 34, and ask you to look at these documents to see if you can refresh your recollection from them?

MR. MOORE: Yes, sir, this is my handwriting on this one Bill of Lading. The phone call I received was from Mr. Mangravite.

MR. MAGUIRE: Now, what was the conversation?

MR. MOORE: He told me that there was a load coming in that was up in Maine. He asked me to haul the load. He told me the load was coming in on a Monday morning, and then he would tell me where it was going to go to.

MR. MAGUIRE: Did he indicate to you to whom the assignment was made?

MR. MOORE: No, he said to a doctor in New York City.

MR. MAGUIRE: Did he identify the doctor?

MR. MOORE: Not at that time.

MR. MAGUIRE: What further occurred?

MR. MOORE: On Monday morning the trailer load arrived with Way Bills, and the load was assigned to a Dr. Silvert. We checked the phone book and called him but couldn't get any answer at that time. I received another call from a man whom I presumed to be the same gentleman who called me earlier to haul the load on Thursday morning.

MR. MAGUIRE: Can you tell me the phone number?

MR. MOORE: It was Watkins 92895.

MR. MAGUIRE: In whose handwriting is that?

MR. MOORE: My handwriting.

MR. MAGUIRE: Was the load delivered?

MR. MOORE: It was delivered.

MR. MAGUIRE: Will you indicate what was delivered?

MR. MOORE: Monday when I received this call from this gentleman on the phone, he asked me how many men I could put on the truck, and I said only one, and he said to get more than one man. He said to get as many men as I could get, and he would pay them. He was willing to pay the additional expense so I put on five men.

MR. MAGUIRE: Did you have anything to do with the extra helpers?

MR. MOORE: So far as I was concerned they were not working for me but for Dr. Silvert.

MR. MAGUIRE: Was the load delivered?

MR. MOORE: Yes, sir.

MR. MAGUIRE: Who signed for the load?

MR. MOORE: Dr. Silvert.

MR. MAGUIRE: Does his name appear?

MR. MOORE: Yes, it appears on Hemingway's Bill of Lading.

MR. MAGUIRE: I show you what has been marked as Government's Exhibit No. 27 and ask you what it is?

MR. MOORE: That was the check we received for the freight charges from Rangeley, Maine, to New York City.

MR. MAGUIRE: Will you tell us the amount of the check?

MR. MOORE: Three hundred and thirty-five dollars and ninety-five cents.

MR. MAGUIRE: Who signed the check?

MR. MOORE: Michael Silvert, M. D., Treasurer.

MR. MAGUIRE: Is there some other legend?

MR. MOORE: Yes, trucking expense paid to the order of Hemingway Brothers.

MR. MAGUIRE: I offer Government's Exhibits Nos. 27, 32, 33, and 34.

THE COURT: Admitted.

(The documents heretofore marked Government's Exhibits Nos. 27, 32, 33, 34, for identification, were received into evidence.)

MR. MAGUIRE: You may cross examine.

CROSS EXAMINATION BY DR. SILVERT:

DR. SILVERT: As far as you could tell, did this shipment arrive in the regular way?

MR. MOORE: It was a regular transportation shipment.

DR. SILVERT: Was there anything unusual or secret or hidden about it?

MR. MOORE: No, sir, the only thing that was secret about it was where eventually the shipment was going. I had no knowledge of where the shipment was eventually going to be delivered.

DR. SILVERT: So far as you can decide, was there anything undercover or misleading about the shipment?

MR. MOORE: If there had been I wouldn't have delivered it.

DR. SILVERT: Thank you.

RE-DIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: When this shipment left Rangeley, did you or the Hemingway firm know where it was to be delivered?

MR. MOORE: No, sir.

MR. MAGUIRE: Were there any instructions to the Company as to how to find out?

MR. MOORE: No, sir, there was not.

MR. MAGUIRE: Well, how did you find out where it was to be delivered?

MR. MOORE: I checked the directory in the phone book and located his address at 50 Grove Street. We called him by phone. We could not locate him.

THE COURT: There is no sense in repeating this. We got this on direct examination.

MR. MAGUIRE: That's all.

MR. MAGUIRE: Your Honor, may I substitute later photostats for the shipping records?

THE COURT: Yes.

IRVING FELDMAN,

a witness, called by and on behalf of the Government, first having been duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: Will you state your name?

MR. FELDMAN: Irving Feldman.

MR. MAGUIRE: Where do you live?

MR. FELDMAN: New York City.

MR. MAGUIRE: By whom are you employed?

MR. FELDMAN: The United States Pure Food and Drug Administration.

MR. MAGUIRE: In what capacity?

MR. FELDMAN: As an inspector.

MR. MAGUIRE: Calling your attention to 1955, did you receive an assignment with respect to Orgone Accumulators?

MR. FELDMAN: I did.

MR. MAGUIRE: Will you tell us what it was?

MR. FELDMAN: On May 19, 1955, I received an assignment to determine who picked up the mail from Box 72 of The Village Post Office. That is in the Greenwich Village section of New York. I waited near the box number and saw a young woman pick up the mail and I followed her and she went on Carmine St., and went into an apartment house. It was number 48 Carmine St. She was there for quite awhile and did not come out so I left. On several other occasions I went back to Box 72 to see who picked up the mail and to determine where it was going to be delivered. I met her on several of these occasions. I did not see either anyone pick up the mail, either the person had been there before or it was picked up. On one occasion I saw the same young lady pick up the mail.

THE COURT: Are you going to identify that woman?

MR. MAGUIRE: Is that lady in the court room?

MR. FELDMAN: The lady in the yellow blouse.

MR. MAGUIRE: That is Miss Thurston?

MR. FELDMAN: Yes, and I followed her to this store at 311 West 11th Street and I attempted to look in through the window, but the windows were covered with paper and I couldn't see through them. Later I went back to that store and took some photos of it.

MR. MAGUIRE: I show you what has been marked as Government's Exhibit No. 36, and ask you what that is?

MR. FELDMAN: That is the store at 311 West 11th Street. That was taken at a later date when the paper was removed from the windows, but the same John's Sandwich Shop sign was there at the time when I went there the first time.

MR. MAGUIRE: What further did you do?

MR. FELDMAN: I went back to 311 West 11th Street in order to determine what went on.

THE COURT: Tell us what you did, not what your purpose was.

MR. FELDMAN: I interviewed the mail man on the route and he told me . . . . .

THE COURT: No, you can't say what he told you.

MR. MAGUIRE: Did you make any further investigation with respect to the lessor of that Box 72 that you had been checking?

MR. FELDMAN: I did.

MR. MAGUIRE: What did you see in that investigation?

MR. FELDMAN: I learned . . . . .

THE COURT: No, no, not what you learned—what you saw.

MR. MAGUIRE: Where did you make your investigation?

MR. FELDMAN: In the General Post Office in New York City.

MR. MAGUIRE: Were any documents presented to you at that time?

MR. FELDMAN: No.

MR. MAGUIRE: Did you receive any further assignments in this matter?

MR. FELDMAN: Yes, I did, on May 22, 1955, I received an assignment to investigate 25 West 3rd Street. I went to that address and there was an open window on the first floor through which I could see Orgone Accumulator Panels. I noted the names on the door bells, and noted that the top bell was Thomas Mangravite. On several occasions I went back to this address. What I would do, I would station myself outside this address in a car and watch who went in and watch who went out of the building, and I would record the license plate numbers of the car and then check with the Motor Vehicle Bureau to determine whose name the car was registered in. On June 1, 1955, I noted a 1948 Oldsmobile stopped in front of the 25 West 3rd Street and saw a man unload Orgone Accumulator Panels from the truck and bring them into 25 West 3rd Street. When I checked the Motor Vehicle Bureau, I found out that that car was registered under the name of Esther Sardell. I tried to interview Miss Sardell but found she moved to Long Beach for the summer and called the numbers that the neighbors had given to me and asked if this was Miss Sardell I was speaking to. I told her I was a Pure Food and Drug Inspector and I wanted to interview her about Orgone Accumulators but she would not speak to me and that was the end of the conversation. On June 8, 1955, I was stationed in front of 25 West 3rd Street and I saw a Chevrolet car in front. I saw a man go into 25 West 3rd Street from that car and then after came down with some accumulator panels and put them in the car. I attempted to follow that car. He went down West 3rd Street and up Broadway but he went very fast and passed two red lights.

THE COURT: Well, let us not get into that.

MR. FELDMAN: I lost him, but I did get the license number and I found out that the car was registered in the name of Norman Scnall of 42 Perry Street. That is in Greenwich Village. I tried to interview him and his wife the following day but they told me they could not give me any information. I asked them who had told them not to give me any information and they refused to answer my question.

MR. MAGUIRE: Did you make any further investigation on the premises at 25 West 3rd Street?

MR. FELDMAN: Yes, on June 14, 1955, I attempted to make an investigation at the premises of 25 West 3rd Street. I was accompanied by two inspectors, Zwer and Schoonover. I was accompanied by the other two inspectors and we waited until about 6:30 and then we saw a man who I later learned was Thomas Mangravite coming home and going into 25 West 3rd Street. We waited about twenty minutes and then knocked on his door. He came out in a dressing gown and slippers. We identified ourselves and told him we wanted to make an inspection of Orgone Accumulators, and he said to wait a minute and he would go up stairs and change his clothes . . . . .

THE COURT: Let us not go into the conversation of what he did.

MR. MAGUIRE: Did you make an inspection?

MR. FELDMAN: No, while I was waiting there I went up stairs and saw a lot of accumulator panels in this sort of carpenter shop, and then I came down. I gave him a Notice of Inspection and I filled out this Notice of Inspection and told him we wanted to make this inspection, and he said he couldn't permit it and he would have to call Dr. Silvert, and he called him on the telephone and spoke to someone there, and then he said that Dr. Silvert will only speak to the City Inspector.

THE COURT: I am going to ask the jury to disregard all these conversations. These men are intelligent enough to know that conversations are not admissible in evidence unless they are uttered in the presence of the defendant. So disregard this conversation about the telephone call with Dr. Silvert. Strike it from your mind entirely.

MR. MAGUIRE: I show you Government's Exhibit No. 37 and ask you what it is?

MR. FELDMAN: It is a carbon copy Notice of Inspection which I gave to Thomas Mangravite at that time, June 14, 1955.

MR. MAGUIRE: Do you know whether this address, 24

West 3rd Street, was the address of the truckload of material we just talked about that was delivered?

MR. FELDMAN: Yes.

MR. MAGUIRE: Will you tell us what else you did in the way of investigation?

MR. FELDMAN: I was given the assignment to interview Paul Berman.

THE COURT: We won't have any conversations whatsoever.

MR. MAGUIRE: Did you talk to Mr. Berman?

MR. FELDMAN: I did.

MR. MAGUIRE: That was Mr. Berman who testified here yesterday?

MR. FELDMAN: Yes.

MR. MAGUIRE: Was there anything further you did?

MR. FELDMAN: I maintained the watch on 25 West 3rd Street on June 14 and June 15.

MR. MAGUIRE: Were there other inspectors involved?

MR. FELDMAN: Yes, in all, about seven inspectors were involved over a period from May 19 to June 15.

MR. MAGUIRE: I ask you what Government's Exhibit No. 35 is?

MR. FELDMAN: That is a photo of 25 and 27 West 3rd Street and it shows the . . . . .

THE COURT: No, just what is it.

MR. FELDMAN: A photo of 25 and 27 West 3rd Street.

MR. MAGUIRE: I offer Government's Exhibits Nos. 35, 36 and 37.

THE COURT: Admitted.

(The documents heretofore marked Government's Exhibits Nos. 35, 36 and 37, for identification were received into evidence.)

MR. MAGUIRE: You may cross examine.

CROSS EXAMINATION BY DR. REICH:

DR. REICH: You don't know me?

MR. FELDMAN: No, I never saw you.

DR. REICH: I understand you are a very diligent and faithful inspector of the United States Government.

MR. FELDMAN: Thank you.

DR. REICH: You believe you are?

MR. FELDMAN: Yes.

DR. REICH: You went to all kinds of trouble to find out what we were doing?

MR. FELDMAN: That is correct.

DR. REICH: Now, you understand this: that you were also interested to find out everything about us, about literature for instance?

MR. FELDMAN: Yes. I might explain that I undertook these investigations on assignment and I had no assignment to investigate literature.

DR. REICH: Who gave you that assignment to look through windows?

MR. FELDMAN: My chief inspector, Mr. Lenington.

DR. REICH: Mr. Lenington?

MR. FELDMAN: He is my superior in New York City.

DR. REICH: Would you read the title of that? (Passing document)

MR. FELDMAN: "The Red Thread of a Conspiracy."

DR. REICH: Were you aware that we had refused to admit any inspectors to enter our premises since 1947?

MR. FELDMAN: No, I was not aware of it.

DR. REICH: You weren't aware of it?

MR. FELDMAN: No.

DR. REICH: That's all.

ABRAHAM LEDDER,

a witness called by and on behalf of the Government, first being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: Will you state your full name, please?

MR. LEDDER: Abraham Ledder.

MR. MAGUIRE: Are you an Inspector of the Pure Food and Drug Administration, stationed in the New York District?

MR. LEDDER: I am.

MR. MAGUIRE: How long have you been an inspector?

MR. LEDDER: Shortly it will be twenty-seven years.

MR. MAGUIRE: Now, calling your attention to June of 1955, did you get an assignment with respect to investigating Orgone Accumulators?

MR. LEDDER: I did.

MR. MAGUIRE: Will you tell us what you did?

MR. LEDDER: I received an assignment from my Chief Inspector to investigate a shipment of Orgone Accumulators and literature from Rangeley, Maine, to 25 West 3rd Street, New York City.

MR. MAGUIRE: What did you do?

MR. LEDDER: In connection with this assignment they instructed me to make an inspection of the premises there and also the premises of Dr. Michael Silvert at 50 Grove Street in New York City. I went to 50 Grove Street in New York City on

June 15, 1955. Just prior to entering the building, I made out a Notice of Inspection, filled it in, except for the time. I rang the bell on the door marked Michael Silvert, M. D., and Dr. Silvert answered the door. I was accompanied by Mr. Conway from our office. Dr. Silvert came to the door and he said, "Gentlemen come in." Inspector Conway entered the room as the door was opened by Dr. Silvert. When I started to come in and had my left foot in, Dr. Silvert held the door and wanted me to show my credentials which I did. I also started to fill in the time of Notice of Inspection and got practically through with it when he said "I won't answer anything," and started to push the door against us. He put his hands on Inspector Conway and he tried to shove him out of the door. At the same time my foot got caught in the door and I hurt my foot.

MR. MAGUIRE: I show you Government's Exhibit No. 38, marked for identification, and ask you what it is?

MR. LEDDER: This is a carbon copy of the original Notice of Inspection which I gave to Dr. Silvert at that time.

MR. MAGUIRE: What did you do after that?

MR. LEDDER: We left the building.

MR. MAGUIRE: An then what did you do?

MR. LEDDER: Later we went to 25 West 3rd Street, rang the bell that was marked Thomas Mangravite. We went up stairs and Mr. Mangravite opened the door and we showed him our credentials and gave him a Notice of Inspection.

MR. MAGUIRE: I show you Government's Exhibit No. 39, marked for identification, and ask you what that is?

MR. LEDDER: That is a carbon copy of Notice of Inspection, dated June 15, 1955, 12:15 PM, to Mr. Mangravite.

MR. MAGUIRE: What did you do after that?

MR. MAGUIRE: Did you make an inspection?

MR. LEDDER: I don't make the inspections.

MR. MAGUIRE: What happened after that?

MR. LEDDER: The next time I believe I saw Dr. Silvert was on June 23, when Mr. Conway and I went to his premises.

MR. MAGUIRE: Now, did you have with you in your possession, this morning, the official records of your District?

MR. LEDDER: Yes.

MR. MAGUIRE: And prior to coming to Court, did you hand certain documents from the records to me?

MR. LEDDER: I did.

MR. MAGUIRE: Now, I show you Government's Exhibit No. 40 and ask you what these papers are?

MR. LEDDER: This is an envelope addressed to F. L. Lofsvold, Assistant Chief of District, Department of Health, Education, and Welfare, Pure Food and Drug Administration, 201 Varick St., New York, New York.

MR. MAGUIRE: Is there a return address on that envelope?

MR. LEDDER: The return address is stamped thereon and reads Michael Silvert, M. D., 50 Grove Street, New York 14, New York.

THE COURT: Is that going in evidence?

MR. MAGUIRE: Yes.

THE COURT: Don't bother to read it. The jury can read it as well as this man can.

MR. MAGUIRE: Was there a notice of hearing pursuant to the Federal Food, Drug and Cosmetic Act served on Mr. Mangravite?

MR. LEDDER: Yes, on June 17.

MR. MAGUIRE: Are the documents, which you hold in your hand, indicative of that notice to Mr. Mangravite?

MR. LEDDER: This is the original Notice of Hearing, dated June 17, 1955, issued to Mr. Mangravite.

MR. MAGUIRE: Now, do the official documents of the

Pure Food and Drug Administration indicate that those documents were returned to the Pure Food and Drug Administration by Dr. Silvert?

MR. LEDDER: They do.

MR. MAGUIRE: I show you what has been marked as Government's Exhibit No. 41, and ask you if that is the letter pertaining to the return of these documents?

MR. LEDDER: Yes.

MR. MAGUIRE: Now, at a subsequent date, did Mr. Lofsvold address a letter to Dr. Silvert?

MR. LEDDER: He did.

MR. MAGUIRE: Do you know what that letter contained

MR. LEDDER: They are.

or what information was in it?

MR. LEDDER: That was a letter of June 22, 1955, in which Mr. . . . . .

THE COURT: Do you have the letter?

MR. MAGUIRE: Do you know whether Mr. Lofsvold wrote to Dr. Silvert indicating that you and Mr. Conway would appear at his premises at a day and time to make an investigation to determine if there were compliance or non-compliance with the Decree of Injunction?

MR. LEDDER: I do.

MR. MAGUIRE: Now, I show you Government's Exhibit No. 42 and Exhibit No. 43 and ask you if those are the documents you just testified about? You can answer that yes or no.

MR. MAGUIRE: Now, in connection with this examination, did you have an assignment to go to the Corn Exchange Bank and Trust Company in New York City?

MR. LEDDER: Yes, sir, I did.

MR. MAGUIRE: Do you know whether the Corn Exchange Bank and Trust Company was served with a subpoena duces tecum?

MR. LEDDER: They were.

MR. MAGUIRE: And in connection with that were there delivered to you documents pursuant to that subpoena?

MR. LEDDER: There were.

MR. MAGUIRE: Now, was there a further notice of inspection served on Dr. Silvert in connection with the premises at 25 West 3rd Street, and also 50 Grove Street?

MR. LEDDER: Yes, on June 15, 1955.

MR. MAGUIRE: I ask if this Government's Exhibit No. 44 is a carbon copy of that notice?

MR. LEDDER: This is a carbon of the notice that I gave Dr. Silvert on June 15, 1955.

MR. MAGUIRE: Now, I show you what has been marked Government's Exhibit No. 45, consisting of a card and two sheets of paper, and ask you if these are the documents that were delivered to you by the Corn Exchange Bank and Trust Company?

MR. LEDDER: These are the three documents.

MR. MAGUIRE: What names appear in script at the top of the document?

MR. LEDDER: Wilhelm Reich and Michael Silvert.

MR. MAGUIRE: What names appear in script at the bottom of the other two documents?

MR. LEDDER: Wilhelm Reich and Michael Silvert and William Moise.

MR. MAGUIRE: I offer Government's Exhibits Nos. 38, 39, 40, 41, 42, 43, 44 and 45.

THE COURT: Admitted.

(The documents heretofore marked Government's Exhibits Nos. 38, 39, 40, 41, 42, 43, 44, and 45, for identification, were received into evidence.)

MR. MAGUIRE: You may examine.

CROSS EXAMINATION BY DR. REICH:

DR. REICH: Now I have only one question, and that is this: Your superior was Mr. Lenmington?

MR. LEDDER: Yes.

DR. REICH: Were there any others that gave you any orders?

MR. LEDDER: I don't believe so.

DR. REICH: Do you know?

MR. LEDDER: There was no one else, possibly someone from Washington like Mr. Cain.

DR. REICH: He gave you orders. What orders did he give you?

MR. LEDDER: He didn't give me any orders specifically. I received my orders through Mr. Lenmington.

DR. REICH: Yes, but you mentioned Mr. Cain?

MR. LEDDER: Yes.

DR. REICH: What did he tell you?

MR. LEDDER: He told me nothing.

DR. REICH: But you mentioned him? You said possibly someone from Washington?

MR. LEDDER: He didn't give me any direct orders.

DR. REICH: Why did you mention Mr. Cain?

MR. LEDDER: He is connected with our Washington Office.

CROSS EXAMINATION BY DR. SILVERT:

DR. SILVERT: Did I at anytime invite you into my office or home?

MR. LEDDER: Yes, you did.

DR. SILVERT: You are under oath. Are you sure that I asked you to come in?

MR. LEDDER: You said "Gentlemen, come in."

DR. SILVERT: It is very strange. Do you recall a letter to Mr. Lofsvold in which I said "You have no authority–your department is riddled with spies . . . . ."?

MR. LEDDER: I believe that is one of the letters I testified to.

DR. SILVERT: That's all.

HELOISE PARKER BROEG,

a witness called on and in behalf of the Government, first being duly sworn was examined and testified as follows:

DIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: Will you state your name and address, please?

MISS BROEG: Heloise Parker Broeg, Medfield Street, Boston, Massachusetts.

MR. MAGUIRE: Miss Broeg in early 1954 were you in possession of an accumulator?

MISS BROEG: I was.

MR. MAGUIRE: Was that under a contract of rent between you and the Wilhelm Reich Foundation?

MISS BROEG: It was.

MR. MAGUIRE: Do you have your contract?

MISS BROEG: I do not.

MR. MAGUIRE: Do you remember whether or not there was in that contract a provision that the accumulator would be recalled by the Foundation at any time, and another provision that you would be committed to return it at any time?

MISS BROEG: I am not quite certain that there was.

MR. MAGUIRE: In early 1954 to whom were you paying your rental charges?

MISS BROEG: As I recall it, it was to the Wilhelm Reich Foundation.

MR. MAGUIRE: Did there come a time subsequent to March of 1954 when you were directed to make your payments to anybody other than the Wilhelm Reich Foundation?

MISS BROEG: I recall eventually there came a statement with a stamp on the bottom directing payment to the Orgone Institute at 50 Grove Street, in New York.

MR. MAGUIRE: And did you from then on make your payment accordingly?

MISS BROEG: I did.

MR. MAGUIRE: Did there come a time when you wanted to return that accumulator that was then in your possession?

MISS BROEG: There did.

MR. MAGUIRE: Did you communicate with the Orgone Institute Laboratory at 50 Grove Street about that time?

MISS BROEG: I did.

MR. MAGUIRE: Did you receive a reply to your communication?

MISS BROEG: I did.

MR. MAGUIRE: Do you have that reply?

MISS BROEG: I do not.

MR. MAGUIRE: Do you remember who signed the letter?

MISS BROEG: Dr. Silvert as I recall.

MR. MAGUIRE: Would that be Dr. Michael Silvert?

MISS BROEG: Yes.

MR. MAGUIRE: Do you recall what the directions were in that letter in respect to shipping the accumulator?

MISS BROEG: To ship it to Thomas Mangravite, somewhere in the Village. I don't recall the exact address.

MR. MAGUIRE: What Village?

MISS BROEG: Greenwich Village, New York City.

MR. MAGUIRE: In New York City?

MISS BROEG: That's right.

MR. MAGUIRE: Did you return that accumulator?

MISS BROEG: I did return it.

MR. MAGUIRE: At or about that time did you inquire in any way of Dr. Silvert or the Institute whether or not you might purchase an accumulator?

MISS BROEG: I did.

MR. MAGUIRE: Did you get a reply?

MISS BROEG: I did get a reply.

MR. MAGUIRE: Was that reply in the affirmative?

MISS BROEG: I was given a price and also given the rental that I could have it for. I could have it either way.

THE COURT: About what time was this?

MISS BROEG: I shipped it back in October of this year.

THE COURT: Of 1955?

MISS BROEG: I mean 1955. I have the check.

THE COURT: All right.

MR. MAGUIRE: You may examine.

DR. REICH: No questions.

BATHSHEBA BOREK,

a witness, called by and on behalf of the Government, having been first duly sworn, was examined and testified as follows.

DIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: What is your full name, please?

MRS. BOREK: Bathsheba Borek.

MR. MAGUIRE: Where do you live?

MRS. BOREK: In New Jersey.

MR. MAGUIRE: Miss Borek, did you have in your possession in January of 1954 a number of Orgone Energy Accumulators?

MRS. BOREK: I did.

MR. MAGUIRE: About how many?

MRS. BOREK: The exact number is on the receipt that I gave you.

MR. MAGUIRE: About how many would that be?

MRS. BOREK: About sixteen or seventeen.

MR. MAGUIRE: Did you have a number of accumulators in August of 1954.

MRS. BOREK: I did.

MR. MAGUIRE: How did it happen that this number of accumulators was in your possession in early 1954?

MRS. BOREK: Well, in 1952 when Dr. Reich sold his home in Forest Hills, Miss Ollendorff wrote to me and asked me if I could find a place of storage. I tried to obtain a place but I couldn't and suggested that since I had a farm, she could store them there.

MR. MAGUIRE: Were they transferred to your farm?

MRS. BOREK: Yes. They were transferred from Forest Hills to my farm.

MR. MAGUIRE: At any time, subsequent to this delivery, were there other accumulators delivered to you?

MRS. BOREK: Yes, there were.

MR. MAGUIRE: Did you perform any function in connection with these accumulators that were returned?

MRS. BOREK: What do you mean?

MR. MAGUIRE: Did you examine them? Did you repair them? Did you reship them?

MRS. BOREK: Yes, I did. There were minor repairs which I made and I would ship accumulators.

MR. MAGUIRE: Did you personally make the repairs?

MRS. BOREK: My husband and I did.

MR. MAGUIRE: Did you make shipment of the accumulators?

MRS. BOREK: Yes, I did.

MR. MAGUIRE: Who paid you for making the repairs and shipment?

MRS. BOREK: The Reich Foundation.

MR. MAGUIRE: Did they pay you by check?

MRS. BOREK: They did.

MR. MAGUIRE: By check?

MRS. BOREK: Yes.

MR. MAGUIRE: After March 1954?

THE COURT: Where was this farm of yours located?

MRS. BOREK: Freehold, New Jersey.

MR. MAGUIRE: After March, 1954, did you receive any accumulators?

MRS. BOREK: Not to my knowledge. I do not recall.

MR. MAGUIRE: Are you familiar with this document which I hand you, Government's Exhibit No. 3?

MRS. BOREK: Yes.

MR. MAGUIRE: Do you recall whether or not in July of 1954 accumulators were returned to you?

MRS. BOREK: You asked me that a moment ago and I cannot recall.

MR. MAGUIRE: Do you have any specific recollection of an accumulator being returned to you after March 1954?

MRS. BOREK: No, I do not.

MR. MAGUIRE: Would you say that none were returned to you after that date?

MRS. BOREK: As far as I remember, no.

MR. MAGUIRE: Now, calling your attention to August 26, 1954, what, if anything, happened with respect to the accumulators that were on your premises?

MRS. BOREK: They were removed.

MR. MAGUIRE: By whom?

MRS. BOREK: By Dr. Silvert and Mr. Mangravite.

MR. MAGUIRE: What do you mean when you say they were removed by them?

MRS. BOREK: I had asked them to come and take them.

MR. MAGUIRE: And did both Dr. Silvert and Mr. Mangravite go to your premises at Freehold?

MRS. BOREK: Yes.

MR. MAGUIRE: Tell us exactly what they did?

MRS. BOREK: They came with the truck and they loaded them and drove away with them.

MR. MAGUIRE: Who loaded them?

MRS. BOREK: I do not recall exactly who loaded them.

MR. MAGUIRE: I show you Government's Exhibit No. 46 and ask you what that is?

MRS. BOREK: That is a receipt that I had received from Mangravite for the accumulators picked up on my premises.

MR. MAGUIRE: Picked up by him? Picked up by him and Dr. Silvert?

MRS. BOREK: That is correct.

MR. MAGUIRE: I offer Government's Exhibit No. 46.

THE COURT: Admitted.

(The document heretofore marked Government's Exhibit No. 46, for identification, was received in evidence.)

CROSS EXAMINATION BY DR. REICH:

DR. REICH: Were you aware that at that time, around October 1954 or was it July, that physicians were exempted from the terms of the injunction?

MR. MAGUIRE: I object.

DR. REICH: The physicians were specifically exempted from the terms of the injunction during the summer?

MR. MAGUIRE: I object to this speech.

THE COURT: I do not know what it is all about.

DR. REICH: The physicians from the terms of the injunction?

THE COURT: What physicians?

DR. REICH: All the physicians who were under the injunction in 1954.

THE COURT: There is no proof of that.

DR. REICH: We have proof of it in the injunction itself.

THE COURT: Not in the presence of the jury. I will excuse the jury for a few minutes and let me see the injunction.

DR. REICH: In the Superior Court in Boston, fifteen physicians who intervened were specifically exempted from the terms of the injunction.

THE COURT: How could the Superior Court in Boston pass on that? It is in the Federal Court.

DR. REICH: It is on the records.

THE COURT: I haven't seen it. Produce it.

DR. REICH: I will produce it.

THE COURT: Show me the records.

DR. REICH: Including Dr. Silvert.

THE COURT: You don't mean the Superior Court but the Circuit Court.

DR. REICH: Yes, where the appeal was made.

THE COURT: Well, they were only suspended during the appeal period.

DR. REICH: No, not to my knowledge. The physicians were excluded from the terms of injunction including Dr. Silvert.

THE COURT: Doctor, I am not going to allow that question. Do you have any more questions? The doctor was a little confused when he said all physicians were exempted from the injunction. Judge Clifford, when he wrote the opinion, on the question of intervention, pointed out that the action was against three people and, therefore, the injunction ran only against three people. It did not effect the rights of any others to deal with this unless they acted in concert with one of the defendants. It didn't say that the physicians were entitled to use it.

DR. REICH: May I interject an explanation now?

THE COURT: No, I just made the explanation.

JOHN J. HANNIGAN,

a witness, called by and on behalf of the Government, first having been duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: Will you state your name and address?

MR. HANNIGAN: John J. Hannigan, Warwick, Rhode Island.

MR. MAGUIRE: Are you an employee of the Pure Food and Drug Administration?

MR. HANNIGAN: Yes, sir, I am.

MR. MAGUIRE: Where are you stationed?

MR. HANNIGAN: Providence, Rhode Island.

MR. MAGUIRE: Is that within the Boston District territory?

MR. HANNIGAN: That is the sub-station of the Boston District.

MR. MAGUIRE: How long have you been an inspector, Mr. Hannigan?

MR. HANNIGAN: An inspector for twelve years.

MR. MAGUIRE: Now, calling your attention to February 1954, did you get an assignment in connection with Orgone Energy Accumulators?

MR. HANNIGAN: I did.

MR. MAGUIRE: Will you tell us what you did?

MR. HANNIGAN: I was given an assignment by the Chief Inspector, to write to the Wilhelm Reich Foundation of Rangeley, Maine, and ask them about an Orgone accumulator, and the information with respect to literature.

MR. MAGUIRE: In response to that inquiry, did you receive anything?

MR. HANNIGAN: I received a few circulars on March 9, 1954, from the Wilhelm Reich Foundation, Rangeley, Maine.

MR. MAGUIRE: Now, calling your attention to January of 1955, did you get any communication in connection with Orgone Energy Accumulators or literature pertaining thereto?

MR. HANNIGAN: Yes, in January of 1955, I received an order form from the Orgone Institute Press in New York City.

MR. MAGUIRE: What did you do in connection with that?

MR. HANNIGAN: On January 25, 1955, I made out an order for several books and sent it to the Orgone Institute Press in New York City, along with a check.

MR. MAGUIRE: Do you remember the address in New York?

MR. HANNIGAN: It was the Village Station, Box 42, New York City, I believe.

MR. MAGUIRE: I show you what has been marked Government's Exhibit No. 48, and ask you what this exhibit is?

MR. HANNIGAN: This is a photostat of the order form that I received early in January and it shows the books that I ordered from the Orgone Institute Press, Post Office 72, Village State, New York 14, New York.

MR. MAGUIRE: Mr. Hannigan, is that the address to which you wrote the letter?

MR. HANNIGAN: That's right. The books I had checked off as ordered are: "International Journal of Sex Economy and Orgone Research," for 1942, 1943, 1944, and 1945," $2.00 a year. I also ordered a book named "Character Analysis" by Wilhelm Reich at a cost of $8.00. Another book I ordered was "The Discovery of the Orgone, Volume I, The Function of the Orgasm" by Wilhelm Reich at a cost of $6.00 per year. I also ordered "The Discovery of the Orgone, Volume II, The Cancer Biopathy," at $8.50. Another, "The Orgone Energy Accumulator Booklet" at $2.00. I made out a check to cover the cost of mailing and the New York Sales Tax in the amount of $33.04. The check is dated January 25, 1955, and signed by me and made out to the Orgone Institute Press.

MR. MAGUIRE: Now, Inspector Hannigan, I show you what has been marked Government's Exhibit No. 47, and ask you if these are the documents you just testified about?

MR. HANNIGAN: Yes, they are.

MR. MAGUIRE: Did you receive these responses to that order and check?

MR. HANNIGAN: I received these books on February 5, 1955, from the Orgone Institute Press.

MR. MAGUIRE: Did you receive any further communication from the Orgone Institute Press?

MR. HANNIGAN: After this time, I received order blanks similar to the one I sent in; I believe it was in 1955.

MR. MAGUIRE: Now, I show you Government's Exhibit No. 50, 51 and 52, and ask you if those are the order blanks and the envelope in which they were contained?

MR. HANNIGAN: Yes, they are.

MR. MAGUIRE: Did you receive them?

MR. HANNIGAN: I received them from the Orgone Institute Press in New York City. These are order blanks for these different and various books, similar to the order blanks I sent in in January 1955.

MR. MAGUIRE: And marked Government's Exhibit No. 48?

MR. HANNIGAN: That is right.

MR. MAGUIRE: This appears to be a photostat copy No. 48?

MR. HANNIGAN: Yes, a photostat copy of the original order.

MR. MAGUIRE: Who made this photostat?

MR. HANNIGAN: I did.

MR. MAGUIRE: You made them?

MR. HANNIGAN: Yes.

MR. MAGUIRE: I offer Government's Exhibits Nos. 47, through 52.

THE COURT: Admitted.

(The documents heretofore marked Government's Exhibit Nos. 47 through 52, for identification, were received into evidence.)

MR. MAGUIRE: Now, Mr. Hannigan, do you know if there is a direction in the Decree that some of these items you received be destroyed?

MR. HANNIGAN: Yes, I do.

MR. MAGUIRE: And do the items you testified about come within the ban of the Decree?

MR. HANNIGAN: Yes.

MR. MAGUIRE: That's all.

CROSS EXAMINATION BY DR. REICH:

DR. REICH: You ordered these books from the Press?

MR. HANNIGAN: Yes, sir.

DR. REICH: Were you aware that I did not own those books?

MR. HANNIGAN: I do not know.

DR. REICH: You do not know?

MR. HANNIGAN: No. I just wrote to the Press.

DR. REICH: Did anybody tell you to order those books?

MR. HANNIGAN: Yes.

DR. REICH: Who?

MR. HANNIGAN: Chief Inspector Kenyon.

DR. REICH: He gave you an assignment to order those books?

MR. HANNIGAN: Yes.

DR. REICH: Did you understand why you were to order those books?

MR. HANNIGAN: No.

DR. REICH: Did you think about it?

MR. HANNIGAN: No.

DR. REICH: It is extraordinary?

MR. HANNIGAN: No, we got assignments to order books and periodicals and we do it right along.

DR. REICH: Did you read those books?

MR. HANNIGAN: I read parts of them.

DR. REICH: Did you feel that these books would promote cancer cures?

MR. MAGUIRE: I object, Your Honor.

THE COURT: I will sustain the objection. That makes no difference what he thinks about it.

FRANCIS HAMMILL,

a witness, called by and on behalf of the Government, first being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: Will you state your full name?

MR. HAMMILL: Francis Hammill.

MR. MAGUIRE: Are you an inspector of the Pure Food and Drug Administration?

MR. HAMMILL: I am.

MR. MAGUIRE: Are you stationed at the Boston District Office?

MR. HAMMILL: I am.

MR. MAGUIRE: How long have you been an Inspector of the Pure Food and Drug Administration?

MR. HAMMILL: This is my fortieth year as an Inspector.

MR. MAGUIRE: Mr. Hammill, now, in 1951 did you get an assignment in connection with Orgone Energy Accumulators?

MR. HAMMILL: I did.

MR. MAGUIRE: Now from then on, did you at various times order items and literature pertaining to that assignment?

MR. HAMMILL: I did.

THE COURT: What date was that?

MR. MAGUIRE: In 1951, Your Honor.

MR. MAGUIRE: Did you order various items?

MR. HAMMILL: I first wrote for and obtained a list of objects from the Reich Foundation, Rangeley, Maine, and from that list at various intervals over the next couple of years I ordered several books or pamphlets or pieces of literature.

MR. MAGUIRE: Now, Mr. Hammill, are you familiar with the terms of the Decree of Injunction?

MR. HAMMILL: I am.

MR. MAGUIRE: Now are the items of literature that you ordered from the Wilhelm Reich Foundation listed in that Decree?

MR. HAMMILL: They are:

MR. MAGUIRE: Now, subsequent to your initial purchase of literature, did you order Orgone Energy Accumulators?

MR. HAMMILL: I did.

MR. MAGUIRE: Will you tell us how you did that?

MR. HAMMILL: I filled out an order form and made out a check for the cost of the accumulator which was Two hundred and sixteen dollars and mailed this to the Wilhelm Reich Foundation, Rangeley, Maine. I ordered this accumulator on December 17, 1951.

MR. MAGUIRE: Did you receive an accumulator in response to that order?

MR. HAMMILL: I received an accumulator on January 8, 1952, by express.

THE COURT: What is the purpose of going back so far?

MR. MAGUIRE: We will show subsequently a violation of the Decree of Injunction with respect to this device.

THE COURT: All right.

MR. MAGUIRE: Now, I ask you to come down and look at Government's Exhibit No. 54 and tell us if this is the device you ordered and paid for and received?

MR. HAMMILL: This is the device. It bears my marks of identification.

THE COURT: Just answer the question. Is this the device? and the answer is "Yes."

MR. HAMMILL: Yes.

THE COURT: All right.

MR. MAGUIRE: Your Honor, we offer this device.

THE COURT: All right.

(The device, heretofore marked Government's Exhibit No. 54, for identification, was received into evidence.)

MR. MAGUIRE: Now, Inspector, subsequently did you receive any communication with respect to your accumulator?

MR. HAMMILL: I did.

MR. MAGUIRE: Now I hand you what has been marked Government's Exhibit No. 56, and ask you if that is what you received?

MR. HAMMILL: Yes, sir.

MR. MAGUIRE: Now what did you do upon receipt of that? Will you read it?

MR. HAMMILL: "The principle of Orgone Energy Accumulations has been developed further according to that of the cloud-buster, that is, the drawing off of DOR (stalemated energy) from the organism. Therefore, the former orgone energy accumulator is now a Reich Medical DOR-Buster. We suggest that the DOR-Buster be "grounded" by the addition of one or more pieces of flexible hollow steel (BX) cable which pass through one

of the sides of the DOR-Buster and lead into water (kept freshly changed) or firmly against running water pipes. For further details write:

Orgone Institute Research Laboratories, Inc.
50 Grove Street
New York 14, N. Y."

MR. MAGUIRE: What did you do in response to that, if anything?

MR. HAMMILL: The first thing I made photostats of the envelope personally, and of the slip.

MR. MAGUIRE: Did you reply to that notice?

MR. HAMMILL: I replied immediately and I wrote . . . . .

THE COURT: The question is, did you reply?

MR. HAMMILL: Yes.

THE COURT: All right. Don't make speeches.

MR. MAGUIRE: I show you what has been marked Government's Exhibit No. 55, and ask you if that is a photostat of your reply?

MR. HAMMILL: It is.

MR. MAGUIRE: Now, did you receive anything in response to your reply?

MR. HAMMILL: I did.

MR. MAGUIRE: Now, I show you Government's Exhibit No. 58, and ask you if that is in response to your reply?

MR. HAMMILL: It is.

MR. MAGUIRE: Will you read that?

MR. HAMMILL:

"ORGONE INSTITUTE LABORATORIES, INC.
ORGONE MEDICAL SUPERVISION
50 Grove Street

Mr. Francis Hammill July 5, 1955
155 Franklin Street
Stoneham, Massachusetts

Dear Mr. Hammill:

In regard to your letter of June 30, 1955, if you wish technical assistance in modifying your "DOR-BUSTER." you may communicate with:

Mr. Thomas Mangravite
25 West 3rd Street
New York, New York
GRamercy–7-5861

Sincerely,
/S/ Michael Silvert, M. D.
DOR-BUSTER Dept."

MR. MAGUIRE: Did you do anything in response to this letter?

MR. HAMMILL: I did.

MR. MAGUIRE: What did you do?

MR. HAMMILL: I went to New York, and I telephoned to Mr. Mangravite. I received information from Mr. Mangravite to go to 25 West 3rd Street.

MR. MAGUIRE: Did you go there?

MR. HAMMILL: I did.

MR. MAGUIRE: What happened?

MR. HAMMILL: I went into a Carpenter Shop. I purchased from him two cables which were described in the leaflet.

MR. MAGUIRE: I now show you Government's Exhibit No. 53 and ask you if these are the cables?

MR. HAMMILL: Those are.

MR. MAGUIRE: Did you take those back with you?

MR. HAMMILL: No, sir.

MR. MAGUIRE: How did you get them?

MR. HAMMILL: I received them by parcel post, at my home on July 28, 1954.

MR. MAGUIRE: Did you make any inquiries to determine whether or not Mr. Mangravite was associated with anything in connection with the Wilhelm Reich Foundation?

MR. HAMMILL: I did.

MR. MAGUIRE: What did you find out?

MR. HAMMILL: I found out that they were one and the same company and that the business according to his statement was now being transacted in New York and not in Rangeley, Maine.

MR. MAGUIRE: Now, Mr. Hammill, while you were at the premises with Mr. Mangravite, did you see any Orgone Energy Accumulators or literature pertaining to them?

MR. HAMMILL: I saw no literature but I did see a large number of parts for Orgone Accumulators. In fact, he took one down which was a panel to show me where to bore the hole to put the cable in and I was to use this new cable – this new development for my accumulator.

MR. MAGUIRE: I show you Government's Exhibit No. 59 for identification, and ask you if that is the check which you used in payment of the accumulator?

MR. HAMMILL: It is.

MR. MAGUIRE: I offer Government's Exhibits Nos. 55, 56, 58, and 59.

THE COURT: Admitted.

(The documents heretofore marked Government's Exhibits Nos. 55, 56, 58 and 59, for identification, were received into evidence.)

MR. MAGUIRE: You may cross examine.

CROSS EXAMINATION BY DR. REICH:

DR. REICH: I understand you are the Chief Inspector of the Pure Food and Drug Administration?

MR. HAMMILL: No, sir, just an Inspector.

DR. REICH: Inspector?

MR. HAMMILL: Yes.

DR. REICH: As an Inspector, you were aware of all the circumstances involved in this work in your orders?

MR. HAMMILL: I beg your pardon.

DR. REICH: You were informed on all of the evidence and all of the circumstances of the case?

MR. HAMMILL: I was informed a great deal of that.

DR. REICH: You were also informed of the fact that I had given the order to all concerned not to let anyone, any inspector, on the premises?

MR. HAMMILL: I didn't know. I did not understand that you had refused to allow inspection.

DR. REICH: Did you try to think about it; why I did that?

MR. MAGUIRE: I will object.

THE COURT: I will sustain the objection. It makes no difference what he thinks about it.

DR. REICH: Thank you, your Honor.

THE COURT: We will take a recess until 1 o'clock. (Time 12:30-1:00 p. m.)

MR. MAGUIRE: Your Honor, I believe I neglected to offer Government's Exhibit No. 53.

THE COURT: Admitted.

(The document heretofore marked Government's Exhibit No. 53, for identification. was received into evidence.)

MIRIAM SHEPPARD,

a witness, called by and in behalf of the Government, first being duly sworn, was examined and testified as follows :

DIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: Will you state your full name, please?

MISS SHEPPARD: Miriam Sheppard.

MR. MAGUIRE: Where do you live?

MISS SHEPPARD: 48 Carmine Street,

MR. MAGUIRE: In what city and state?

MISS SHEPPARD: New York City.

MR. MAGUIRE: Miss Sheppard, calling your attention to the middle of the year 1954, were you employed, in any way, by Dr. Michael Silvert?

MISS SHEPPARD: Yes, sir.

MR. MAGUIRE: When were you employed by him?

MISS SHEPPARD: I had been employed by Dr. Silvert and have been his medical assistant for about five years.

MR. MAGUIRE: You say you are his medical assistant?

MISS SHEPPARD: Yes, I am.

MR. MAGUIRE: Have you been employed by him in any other capacity, other than medical assistant?

MISS SHEPPARD: Yes, sir.

MR. MAGUIRE: Will you tell us what that employment was?

MISS SHEPPARD: As part-time secretary to Orgone Research Laboratories.

MR. MAGUIRE: When did your duties along those lines begin?

MISS SHEPPARD: I think it was June of 1954.

MR. MAGUIRE: June of 1954?

MISS SHEPPARD: Yes.

MR. MAGUIRE: Did you do anything in conjunction with Dr. Silvert pertaining to Orgone Energy Accumulators prior to June of 1954?

MISS SHEPPARD: No.

MR. MAGUIRE: You started in June of 1954?

MISS SHEPPARD: Yes.

MR. MAGUIRE: Now, will you tell us what your duties were beginning in June of 1954?

MISS SHEPPARD: In June of 1954, I got a list of names and the card file which you have here.

MR. MAGUIRE: Would that be Government's Exhibit No. 2?

MISS SHEPPARD: No, that is not. I had nothing to do with that. They were a list of names and addresses of people who had Orgone Energy Accumulators, and I sent out blanks to everyone on that list.

MR. MAGUIRE: Did you hear Miss Ollendorff testify yesterday, about a skeleton group of cards that contained names, addresses, etc.? Is that the set you are referring to now?

MISS SHEPPARD: I had no contact with Miss Ollendorff, but I believe that is the skeleton file I am speaking about. It should be in a little metal case.

MR. MAGUIRE: Now, I show you Government's Exhibit No. 61, marked for identification, and ask you to look at those cards and tell us what was on those cards, if anything, when you first received them?

MISS SHEPPARD: Shall I take one at random?

MR. MAGUIRE: Certainly you may.

MISS SHEPPARD: I take out the first one here. When I received that card it would be just the typewritten name, address, affidavit number, physician, diagnosis, and this card says also, $10.25 per month, and the accumulator number.

MR. MAGUIRE: Is that the condition that each of these cards were in when you first saw them?

MISS SHEPPARD: Most of them had this information and some of them did not.

MR. MAGUIRE: Did you make any notation on those cards after you received them?

MISS SHEPPARD: Yes, I did.

MR. MAGUIRE: Tell us what you did?

MISS SHEPPARD: In this case, I have as of September 1, 1954, a $10.25 check was received.

MR. MAGUIRE: Let me ask you this? With respect to all of these cards, do I understand that the record, which you received with this limited amount of information on the top, was the record of persons who had Orgone Accumulators on rental?

MISS SHEPPARD: Yes, these were out on loan at the time.

MR. MAGUIRE: Now, as time went on and as payments came in, did you record those payments on those cards?

MISS SHEPPARD: Yes, everytime.

MR. MAGUIRE: It is a fact, isn't it, that this card record was submitted pursuant to a subpoena duces tecum sometime in October of last year?

MISS SHEPPARD: I don't understand just what you said about pursuant to something.

MR. MAGUIRE: Was this card record, that you have in your hand, the entire box of cards delivered up here to Portland in connection with this case?

MISS SHEPPARD: Yes, it was.

MR. MAGUIRE: It has not been in your possession since then but has been in possession of the Clerk of Courts?

MISS SHEPPARD: Yes.

MR. MAGUIRE: That is a fact, isn't it?

MISS SHEPPARD: Yes.

MR. MAGUIRE: Now, from the time you started records on there up until the time it came up here and was deposited with the Clerk, under the Court Order, did you make notations from time to time as to the rental amounts that came in?

MISS SHEPPARD: Yes, I did.

MR. MAGUIRE: Did you send out monthly rental bills?

MISS SHEPPARD: I sent out notices about every two months if people did not send in their contributions, otherwise they received no word from me.

MR. MAGUIRE: In other words, anyone that was current, you wouldn't bother with, but anyone in arrears, you would send out notices?

MISS SHEPPARD: Yes.

MR. MAGUIRE: Miss Sheppard, what stationery did you send out these notices on?

MISS SHEPPARD: On Dr. Michael Silvert's stationery.

MR. MAGUIRE: Was there a time when you sent out notices on Wilhelm Reich Foundation billheads?

MISS SHEPPARD: There may have been when these cards came down from Maine, but I cannot remember.

MR. MAGUIRE: Now, I show you what has been marked Government's Exhibit No. 22 and call your attention to the date thereon, which is December 19, 1954.

MISS SHEPPARD: That's correct.

MR. MAGUIRE: When did you send out that notice?

MISS SHEPPARD: That is my rental.

MR. MAGUIRE: What does the raised heading say?

MISS SHEPPARD: The raised heading says, "The Wilhelm Reich Foundation, Orgonon, Rangeley, Maine."

MR. MAGUIRE: Is that stamped at the bottom?

MISS SHEPPARD: Yes, it is.

MR. MAGUIRE: Read that?

MISS SHEPPARD: "Make checks payable to OROP DESERT and send to Orgone Institute Laboratories, Inc., 50 Grove Street, New York 14, New York."

MR. MAGUIRE: What was the connection of Orgone Research Laboratories, Inc., in connection with the accumulators and the collection of rents?

MISS SHEPPARD: I don't quite understand the connection. I think Dr. Silvert would know better than I.

MR. MAGUIRE: Let me ask you this: Was there a bank account in the Corn Exchange Bank and Trust Company, in the branch office, near 50 Grove Street, of the Orgone Institute Laboratories?

MISS SHEPPARD: There was.

MR. MAGUIRE: Now, were the funds, which were collected as rentals of accumulators, deposited in that fund?

MISS SHEPPARD: Yes, they were.

MR. MAGUIRE: Do you know who the signatories of that account were?

MISS SHEPPARD: What?

MR. MAGUIRE: Do you know who was authorized to sign checks for the withdrawals of money from that account?

MISS SHEPPARD: Dr. Michael Silvert, Treasurer.

MR. MAGUIRE: Was anybody else authorized to withdraw money?

MISS SHEPPARD: I do not know.

MR. MAGUIRE: Did there come a time when you discontinued the use of the Wilhelm Reich Foundation billheads?

MISS SHEPPARD: Yes.

MR. MAGUIRE: What did you use then?

MISS SHEPPARD: The Orgone Research Laboratories, Inc., 50 Grove Street, with the phone number.

MR. MAGUIRE: Do you know how it came to pass that collections were made earlier by the Wilhelm Reich Foundation and at or about the time you took over, they were made by Orgone Research Laboratories, Inc?

MISS SHEPPARD: No, I really don't. I am not too clear on it.

MR. MAGUIRE: Have you ever read the decree of injunction that was entered in this case?

MISS SHEPPARD: Yes, I have.

MR. MAGUIRE: Are you familiar with the items of literature that are enumerated in that decree?

MISS SHEPPARD: I am.

MR. MAGUIRE: When you took over, did you have anything to do with the items of literature?

MISS SHEPPARD: Not a thing.

MR. MAGUIRE: Was there a stock of such literature at 50 Grove Street?

MISS SHEPPARD: No stock.

MR. MAGUIRE: Where did you work for Dr. Silvert?

MISS SHEPPARD: Do you mean regarding just the Orgone Research Laboratories?

MR. MAGUIRE: Well, tell us what you can.

MISS SHEPPARD: Well, I worked in my own home.

MR. MAGUIRE: At 48 Carmine Street?

MISS SHEPPARD: Yes.

MR. MAGUIRE: Did you have an office there?

MISS SHEPPARD: Yes.

MR. MAGUIRE: Did you have a stock of literature?

MISS SHEPPARD: No.

MR. MAGUIRE: At any time?

MISS SHEPPARD: Yes, but not at the time you are speaking of.

MR. MAGUIRE: Did you also work for Dr. Silvert at 50 Grove Street?

MISS SHEPPARD: When I had laboratory work to do.

MR. MAGUIRE: It was at 50 Grove Street? What was at 50 Grove Street?

MISS SHEPPARD: Dr. Silvert's office.

MR. MAGUIRE: His living quarters also?

MISS SHEPPARD: Yes.

MR. MAGUIRE: When did you first have anything to do with literature which we just referred to?

MISS SHEPPARD: I haven't had anything to do with literature.

MR. MAGUIRE: How did it come to pass that there was such literature in your apartment at 48 Carmine Street?

MISS SHEPPARD: At what time?

MR. MAGUIRE: Well, tell us when it was first delivered. I don't know what time.

MISS SHEPPARD: Well, books have always gone in and out of my lace. I have my own set of literature. That isn't what you are referring to?

MR. MAGUIRE: No, forget about your own personal set of literature. Wasn't there a stock of literature belonging—we will say for the purpose of this question—to the Orgone Institute Press?

MISS SHEPPARD: I am not sure. There were some cartons in my apartment, but I don't know what they were. I didn't look at them.

MR. MAGUIRE: How did it come to pass that they were in your apartment?

MISS SHEPPARD: Dr. Silvert had brought them down from Orgone.

MR. MAGUIRE: Did you notice any of the markings on the outside of the cartons?

MISS SHEPPARD: They were just big cartons. I didn't notice particularly, no.

MR. MAGUIRE: Do you know whether they consisted of any of the items of literature named in the decree?

MISS SHEPPARD: I don't think so. They were mostly records, adding machine, typewriter, etc. He didn't need them, at that time, and he left them there.

MR. MAGUIRE: Would you say, at that time, that there was no literature pertaining to Orgone literature in your apartment other than the books personally owned by you?

MISS SHEPPARD: No, I cannot say that.

MR. MAGUIRE: Now, did anyone else, connected with Dr. Silvert, ever work in your apartment for him?

MISS SHEPPARD: Yes.

MR. MAGUIRE: Who was that?

MISS SHEPPARD: Camille Thruston.

MR. MAGUIRE: Did Mr. Mangravite ever perform any duties in connection with Orgone accumulators, or the literature we have been talking about, in your apartment?

MISS SHEPPARD: No.

MR. MAGUIRE: Now, I show you Government's Exhibit No. 62, marked for identification, and ask you, if you know, what that is?

MISS SHEPPARD: This is my writing. It has nothing to do with 48 Carmine Street.

MR. MAGUIRE: Well, describe what it is?

MISS SHEPPARD: It regards books brought down by Michael Silvert from Orgone, 11/26/54.

MR. MAGUIRE: That is November 23rd of what year?

MISS SHEPPARD: I think it has to be 1954.

MR. MAGUIRE: Your initials are at the bottom of that sheet?

MISS SHEPPARD: Yes.

MR. MAGUIRE: Are there initials other than yours at the bottom of that sheet?

MISS SHEPPARD: Yes, T. M.

MR. MAGUIRE: And that represents whom?

MISS SHEPPARD: Thomas Mangravite.

MR. MAGUIRE: Where is his apartment?

MISS SHEPPARD: 25th West Third Street.

MR. MAGUIRE: Now, you indicate here various items that are in the decree of injunction?

MISS SHEPPARD: Yes.

MR. MAGUIRE: And amounts such as 226, 280, 104, 48, 112 and so on down the line. Now, do I understand that these books, in these amounts, were in Mr. Mangravite's apartment at 25 West Third Street?

MISS SHEPPARD: This literature represents a spot check. We made an inventory and that is what this paper is.

MR. MAGUIRE: This refers to literature, as you indicate here, that Dr. Silvert brought down from Rangeley on November 23, 1954?

MISS SHEPPARD: Yes.

MR. MAGUIRE: When you say "spot check", what do you mean by that?

MISS SHEPPARD: We just counted the books and put them aside so that Mr. Mangravite would know where they were.

MR. MAGUIRE: Would you say you made an accurate count of what was there?

MISS SHEPPARD: Yes.

MR. MAGUIRE: Was there literature there, other than what was represented by this inventory, of the same nature?

MISS SHEPPARD: Not that I know of.

MR. MAGUIRE: Was this the same premises where Orgone energy accumulators were stored?

MISS SHEPPARD: Yes.

MR. MAGUIRE: Now, I am going to show you a number of checks, thirteen in amount. The dates range from September, 1954, to October 1955, and in amounts from $60.00 to $84.00, and ask you if these are salary checks that you received, signed by Dr. Silvert as Treasurer of Orgone Institute Research Laboratories, Inc.?

MISS SHEPPARD: Yes. September 8th was my first secretarial check of $61.50, signed by Dr. Silvert.

MR. MAGUIRE: Now, I call your attention to January of 1955. Were you aware of a shipment of the same type of literature that we are talking about and accumulators that came down in a Hemingway truck from Rangeley?

MISS SHEPPARD: Yes, I was.

MR. MAGUIRE: And was delivered to 25th West Third Street?

MISS SHEPPARD: Yes.

MR. MAGUIRE: Were you present at the time of delivery?

MISS SHEPPARD: No, that is a man's job.

MR. MAGUIRE: Are you familiar with premises 311 West 11th Street?

MISS SHEPPARD: I am slightly.

MR. MAGUIRE: Will you tell me what you know about those premises?

MISS SHEPPARD: Those premises were temporarily rented to take care of the Orgone Institute press.

MR. MAGUIRE: Temporarily rented by whom?

MISS SHEPPARD: Dr. Silvert.

MR. MAGUIRE: Who paid the rent—do you know?

MISS SHEPPARD: I don't know.

MR. MAGUIRE: Now, do you know what transactions were carried on there?

MISS SHEPPARD: Yes.

MR. MAGUIRE: You never participated in any of the transactions?

MISS SHEPPARD: No. I just helped to hang curtains and things like that. I just helped them to move in and out.

MR. MAGUIRE: You indicated that the premises were rented for only a short time?

MISS SHEPPARD: Yes.

MR. MAGUIRE: Who arranged for the removal?

MISS SHEPPARD: I did.

MR. MAGUIRE: Now, what was moved out of there — do you know?

MISS SHEPPARD: Yes, cartons of books.

MR. MAGUIRE: Now, what were the names of the books, do you know?

MISS SHEPPARD: In general, the things that are on the publication list of Orgone Press.

MR. MAGUIRE: And that would include all of the books that are named in the decree of injunction?

MISS SHEPPARD: It would include most of them, if not all.

MR. MAGUIRE: Was Miss Thruston also an employee of Dr. Silvert and the Institute?

MISS SHEPPARD: Yes.

MR. MAGUIRE: Now, I show you what has been marked as Government's Exhibit No. 63, and ask you if you are acquainted with these items that compose this Exhibit?

MISS SHEPPARD: No.

MR. MAGUIRE: Do you know whose signature is on the bottom of that?

MISS SHEPPARD: That is Dr. Silvert's signature on the carbon copy.

MR. MAGUIRE: Did you ever see this letter before?

MISS SHEPPARD: I'm not sure.

MR. MAGUIRE: I show you what has been marked Government's Exhibit No. 64 and call your attention to what appears to be stenographic inscriptions on the right side top of the second page.

MISS SHEPPARD: They are not mine.

MR. MAGUIRE: Now, I call your attention to the first page of a copy of a letter. Are you familiar with that?

MISS SHEPPARD: No. I had nothing to do with this.

MR. MAGUIRE: Now, I call your attention to a handwritten letter, which is the second page. This is composed of two pages and I ask you if you have ever seen the letter before?

MISS SHEPPARD: I had nothing to do with that.

MR. MAGUIRE: I presume it is your answer that you are not familiar with the letter?

MISS SHEPPARD: No, I am not.

MR. MAGUIRE: Did you have anything to do with maintaining the books?

MISS SHEPPARD: Yes.

MR. MAGUIRE: With respect to Orgone Institute Press at any time?

MISS SHEPPARD: No—only the deposits from the Orgone Institute press. Miss Thruston and I worked very closely together, but I had nothing to do with the press and she had nothing to do with the accumulator correspondence and monies coming in, but I am the only one who made deposits of money from the press.

MR. MAGUIRE: Did they all go into the same bank account?

MISS SHEPPARD: Yes, they did and we made our deposits at the same time.

MR. MAGUIRE: When was Miss Thruston first employed?

MISS SHEPPARD: I think about a month after I was employed. She might know that better than I.

MR. MAGUIRE: Now, I show you what has been marked as Government's Exhibit No. 60 and ask you if you have seen this before?

MISS SHEPPARD: No. This is in Miss Thruston's field.

MR. MAGUIRE: Have you ever seen that Exhibit?

MISS SHEPPARD: I am not sure. I don't think I have seen that book. I have never worked on it or used it.

MR. MAGUIRE: I show you a folder, which has a sticker on the outside which says, "Orgone Institute Press", and ask you to look at this to see whether or not you are familiar with it?

MISS SHEPPARD: No. I am not familiar with it.

MR. MAGUIRE: Now, I show you a folder that has a tab on it, monthly financial statements 9/54, which has not yet been

marked as an Exhibit, and ask you if you are familiar with any statement in there?

MISS SHEPPARD: May I ask whose writing this is?

MR. MAGUIRE: I am just asking you about the contents of the folder.

MISS SHEPPARD: This is my writing on the tab.

MR. MAGUIRE: I am just asking you about the contents?

MISS SHEPPARD: Dr. Silvert did all of these. I did nothing on this.

MR. MAGUIRE: Well, did you participate in the preparation of those statements?

MISS SHEPPARD: I had very little to do with that.

MR. MAGUIRE: My question was: "Did you participate in any way?".

MISS SHEPPARD: Yes.

MR. MAGUIRE: Will you tell us in a general way what they are?

MISS SHEPPARD: The only way I participated, I would make the deposits and Dr. Silvert would know immediately what deposits were made, what date, and the amount, and whether they came from the sale of books and literature or whether they came from contributions.

MR. MAGUIRE: Will you tell us, in general, just what the documents are that are in that folder?

MISS SHEPPARD: This is a financial report for October, 1955. This one is at random.

MR. MAGUIRE: Let me ask you this: Isn't it a fact that those are carbon copies of monthly statements of income from the rentals of accumulators and the sale of literature, the same which we have been talking about?

MISS SHEPPARD: Yes.

MR. MAGUIRE: Isn't it a fact that those monthly statements reflect the bank deposits of those funds and withdrawals of those funds?

MISS SHEPPARD: Yes.

MR. MAGUIRE: And in many instances the purposes for which the withdrawals were made?

MISS SHEPPARD: In every instance, yes.

MR. MAGUIRE: Do you know what happened to the original of which those are copies?

MISS SHEPPARD: No, I do not.

MR. MAGUIRE: You have no idea?

MISS SHEPPARD: No.

MR. MAGUIRE: Did you ever do any mailings for Dr. Silvert?

MISS SHEPPARD: Not regarding this, no.

MR. MAGUIRE: I show you a number of documents which have been marked as Government's Exhibits, for identification. Will you look at them to see whether or not you have any familiarity with any of them?

DR. REICH: Your Honor, we would like to object to this. It is kind of lengthy and complicated and a sleepy examination.

THE COURT: I will overrule the objection. Proceed.

MISS SHEPPARD: Yes, I filed all of these and most of these letters, I typed.

MR. MAGUIRE: Would you indicate the ones you didn't type?

MISS SHEPPARD: This one (indicating) I didn't.

MR. MAGUIRE: Your Honor, I would like to make a statement indicative about this typing at this time.

THE COURT: Overruled. Proceed.

MISS SHEPPARD: You want one that I typed?

MR. MAGUIRE: Yes.

MISS SHEPPARD: This one, I am not sure whether I typed it or Dr. Silvert typed it.

MR. MAGUIRE: You are referring to the first sheet of Government's Exhibit No. 65?

MISS SHEPPARD: Yes.

MR. MAGUIRE: You are familiar with it?

MISS SHEPPARD: I am familiar with this one. I am familiar with them only because I filed them.

MR. MAGUIRE: Now, I hand you Government's Exhibit No. 66, marked for identification, which you have indicated you have typed. Will you read it, please?

MISS SHEPPARD:

"December 25, 1954

"Ruth Pallock
132 Thompson Street
New York, N. Y.

Dear Miss Pallock:

In reply to your inquiry, you may purchase the orgone energy accumulator you are now using for $100.00, payable in one sum to OROP DESERT and addressed to the undersigned.

Sincerely,
/S/ Michael Silvert, M. D.
Treasurer, OROP DESERT"

MR. MAGUIRE: That is dated what?

MISS SHEPPARD: December 25, 1954.

MR. MAGUIRE: Now, I show you Government's Exhibit No. 25, marked for identification and will you read that?

"December 6, 1954

"Mary Jordan
c/o Thomaston Mills
40 Worth Street
New York 13, N. Y.

Dear Miss Jordan:

We are in receipt of your check to OROP DESERT for $50.00. This confirms the transfer to you of the used orgone energy accumulator which you have been using, and it is now your property.

We trust that you will continue to contribute to OROP Desert, and will send you requests for such contributions from time to time.

Sincerely,
/S/ Michael Silvert, M. D.
Treasurer, OROP DESERT"

THE COURT: These letters are in evidence so there is no sense in reading them to the jury. They can read them. You can comment on them but it is a waste of time to read them if they are in evidence.

MR. MAGUIRE: That's all.

CROSS EXAMINATION BY DR. SILVERT:

DR. SILVERT: Miss Sheppard, do you know what the use or purpose was for which this money was put?

MISS SHEPPARD: I have a very good idea.

DR. SILVERT: Will you please state the purpose?

THE COURT: We are not interested in what the monies were used for.

MR. MAGUIRE: At this point, I might say that the Government will attempt to develop some of the uses for which this money was put.

THE COURT: Then I will allow the question.

MISS SHEPPARD: The monies were deposited by me, since I have been part-time secretary. It has been used, to my knowledge, for research–to help along with the work that Dr. Reich has been doing here, in Washington and Tucson and to pay our salaries . . . . . .

MR. MAGUIRE: If Your Honor please, I object to this.

THE COURT: You said you are going into it, so I will allow him to go into it.

MISS SHEPPARD: . . . . . for just ordinary running expenses, but mostly to cover research in the scientific field.

REDIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: Were you in Tucson, Arizona, with Dr. Reich?

MISS SHEPPARD: No, sir.

MR. MAGUIRE: Have you ever seen any of the checks that were drawn in Tucson, Arizona?

MISS SHEPPARD: No.

MR. MAGUIRE: Were you in Washington, D. C., with Dr. Reich at any time?

MISS SHEPPARD: No, sir.

MR. MAGUIRE: Have you ever seen any of the checks that were drawn in Washington, D. C.?

MISS SHEPPARD: I am not sure whether I filed them or not. I don't think so.

MR. MAGUIRE: You are not too sure for what the checks were used?

MISS SHEPPARD: The checks themselves, no.

MR. MAGUIRE: That's all.

(Witness excused).

CAMILLE THRUSTON,

a witness, called by and on behalf of the Government, first being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: I offer Government's Exhibits Nos. 62-66-65.

THE COURT: Admitted.

(The documents heretofore marked Government's Exhibits Nos. 62-66-65 were received into evidence).

MR. MAGUIRE: Will you state your full name, please?

MISS THRUSTON: Camille Thruston.

MR. MAGUIRE: Where do you live?

MISS THRUSTON: Temporarily at 48 Carmine Street.

MR. MAGUIRE: Are you the Miss Thruston that Miss Sheppard was just talking about?

MISS THRUSTON: Yes, I am.

MR. MAGUIRE: At the present time, are you employed by Dr. Silvert?

MISS THRUSTON: Yes, I am employed by Dr. Silvert as secretary of the Orgone Institute Press.

MR. MAGUIRE: When did you first become so employed?

MISS THRUSTON: In October of 1954.

MR. MAGUIRE: Now, prior to your employment, were you interviewed by Dr. Reich?

MISS THRUSTON: No. I did have an interview several months previous to that with reference to a position at Orgone but I was not hired.

MR. MAGUIRE: Just to be clear, you were not interviewed by Dr. Silvert in connection with the position you now hold?

MISS THRUSTON: That's correct.

MR. MAGUIRE: But you had met him prior to that time?

MISS THRUSTON: Yes, for another position.

MR. MAGUIRE: For a position up at Rangeley, Maine?

MISS THRUSTON: That's correct.

MR. MAGUIRE: Now, will you tell us what your duties were in connection with this employment under Dr. Silvert?

MISS THRUSTON: Filling orders for books, answering correspondence regarding books. That is about it.

MR. MAGUIRE: Were they books, pamphlets and journals that are enumerated in the decree of injunction?

MISS THRUSTON: I had no knowledge of the list, but the price list which you saw earlier, which Mr. Hammill had received, are the books which we mailed out.

MR. MAGUIRE: Have you read the decree of injunction?

MISS THRUSTON: Yes, I have.

MR. MAGUIRE: Have you read those two paragraphs pertaining to the listing of literature?

MISS THRUSTON: Yes.

MR. MAGUIRE: Is that literature listed in the decree of injunction that you are now talking about?

MISS THRUSTON: Yes.

MR. MAGUIRE: When you first became employed, as you just indicated, where did you perform your duties?

MISS THRUSTON: My desk work was done at Miss Sheppard's home at 48 Carmine Street, and the book mailing was done at 25 West Third Street.

MR. MAGUIRE: Do you recall whether there was, at any time, while you were there, a stock of literature in Miss Sheppard's apartment?

MISS THRUSTON: I believe there was.

MR. MAGUIRE: Well, do you know or don't you know?

MISS THRUSTON: Yes, there was.

MR. MAGUIRE: And those are some of the items we are talking about?

MISS THRUSTON: Mostly bulletins.

MR. MAGUIRE: You mean Orgone energy bulletins?

MISS THRUSTON: Yes.

MR. MAGUIRE: That was one of the items to be destroyed?

MISS THRUSTON: That's right.

MR. MAGUIRE: Did you take order to ship out those bulletins?

MISS THRUSTON: Yes, but the shipment was not done from Miss Sheppard's home.

MR. MAGUIRE: You said you first became employed in October. Is that correct?

MISS THRUSTON: Yes.

MR. MAGUIRE: Now, with reference to a stock—when you talk about the premises at 25 West Third Street, are you talking about Mr. Mangravite's premises?

MISS THRUSTON: Yes.

MR. MAGUIRE: Is that where you would go to perform certain of your duties?

MISS THRUSTON: That is where I would mail the books from.

MR. MAGUIRE: Would you go over there to bind them up?

MISS THRUSTON: Yes.

MR. MAGUIRE: Did there come a time when you worked at 311 West 11th Street?

MISS THRUSTON: Yes.

MR. MAGUIRE: Is that the premises that Inspector Feldman testified about this morning?

MISS THRUSTON: I don't recall who Mr. Feldman is.

MR. MAGUIRE: Well, he is one of the inspectors.

MISS THRUSTON: Yes.

MR. MAGUIRE: That was the premises?

MISS THRUSTON: Yes.

MR. MAGUIRE: What did you do over there?

MISS THRUSTON: I did my desk work there, I think, in February of 1955. I had my desk there, and also worked on the books to be mailed out.

(Recess 2:45-2:55).

AFTER RECESS

MR. MAGUIRE: Now, Miss Thruston, before the recess, I think we were discussing what duties you performed at 311 West 11th Street.

MISS THRUSTON: Yes.

MR. MAGUIRE: Will you tell us what you did there?

MISS THRUSTON: I had my desk there and I mailed out books, correspondence, everything was done there.

MR. MAGUIRE: Now, there was a stock of literature, which we have been talking about, at 311 West 11th Street?

MISS THRUSTON: That's right.

MR. MAGUIRE: Do you know when that was delivered?

MISS THRUSTON: I think that was in February of 1955.

MR. MAGUIRE: Do you know where the stock came from that was put in those premises?

MISS THRUSTON: From 25th West Third Street.

MR. MAGUIRE: Were you there at the time of the removal of that stock?

MISS THRUSTON: I don't recall, but I think I probably was. I was there, yes. I helped to move it.

MR. MAGUIRE: Now, in January of 1955, were you performing your duties at 25th West Third Street?

MISS THRUSTON: Yes, up until February of 1955. I mailed books from 25th West Third Street and I had my desk at 48 Carmine Street.

MR. MAGUIRE: Now, in January of 1955, were you aware of the shipment that had come down from Rangeley, a shipment of literature and accumulators.

MISS THRUSTON: Yes, sir, I was.

MR. MAGUIRE: Were you aware that that was stored at 25th West Third Street?

MISS THRUSTON: Yes.

MR. MAGUIRE: Now, was some of that stock of literature that came down from Rangeley, in that shipment, moved over to 311 West 11th Street?

MISS THRUSTON: Yes.

MR. MAGUIRE: Was that distributed by you on orders?

MISS THRUSTON: Yes.

MR. MAGUIRE: Now, I show you a group of checks, dated November, 1954, to October, 1955, ranging in amounts from $40.00 to $102.80, and ask you if that was salary, and signed by Dr. Silvert of Orgone Research Laboratories, Inc.?

MISS THRUSTON: That is true.

MR. MAGUIRE: I show you Government's Exhibit No. 60 and ask you if you are familiar with the contents of that folder?

MISS THRUSTON: Yes, I am.

MR. MAGUIRE: Now, where did you get that folder from, originally?

MISS THRUSTON: This folder was handed to me by Miss Helen Tropp when I started to work in October.

MR. MAGUIRE: Who is Miss Helen Tropp?

MISS THRUSTON: She apparently had kept this book for a short time. I don't know for how long. I know nothing about her activities, except that she handed the material over to me.

MR. MAGUIRE: Will you tell us what type of record that book is?

MISS THRUSTON: It is a stock record book. It shows the inventory on hand for each month, the number that has gone out. The total shows the books on hand.

MR. MAGUIRE: Those are the books we have been talking about?

MISS THRUSTON: Yes.

MR. MAGUIRE: When does that record begin?

MISS THRUSTON: January of 1953.

MR. MAGUIRE: Does it go on through 1954?

MISS THRUSTON: Yes.

MR. MAGUIRE: Did you pick that record up sometime in 1954, after you became employed by Dr. Silvert?

MISS THRUSTON: Yes, I did.

MR. MAGUIRE: Is it or is it not a fact that that book was delivered here in the custody of this Court last October?

MISS THRUSTON: Yes.

MR. MAGUIRE: Was this record kept by you until it was delivered here—the book delivered here?

MISS THRUSTON: Yes.

MR. MAGUIRE: Does that reflect the items you have just indicated up to that time?

MISS THRUSTON: Yes, I believe so. Let me just check through October. It was delivered in November.

MR. MAGUIRE: Have you continued the duties that you were performing at the time you delivered up this record to the present time?

MISS THRUSTON: Yes.

MR. MAGUIRE: And you received orders for the literature and filled those orders?

MISS THRUSTON: Yes, I did.

MR. MAGUIRE: You now have another record of this — a continuation of this record?

MISS THRUSTON: I haven't a continuation. I haven't kept an inventory.

MR. MAGUIRE: I show you what has been marked Government's Exhibit No. 70, and ask you if you have any familiarity with that?

MISS THRUSTON: Yes.

MR. MAGUIRE: Now, will you tell us what your familiarity is and what that record is?

MISS THRUSTON: This is a record of cash sales, charge sales, free distribution of literature and the money for the publications.

MR. MAGUIRE: This is the literature we have been talking about?

MISS THRUSTON: Yes.

MR. MAGUIRE: Now, when did that record start?

MISS THRUSTON: It appears to have started January, 1954.

MR. MAGUIRE: Do you know whether or not that record was started up at Rangeley?

MISS THRUSTON: Yes, I am sure it was.

MR. MAGUIRE: That only pertains to the literature?

MISS THRUSTON: Literature only.

MR. MAGUIRE: It has nothing to do with Orgone Energy Accumulators?

MISS THRUSTON: No, sir.

MR. MAGUIRE: Did you continue that record from the time you were employed up until the time the record was delivered up here in Portland?

MISS THRUSTON: What record is that—the accumulators?

MR. MAGUIRE: The record that is before you now?

MISS THRUSTON: Yes, I did.

MR. MAGUIRE: Now, I show you Government's Exhibit No. 71, marked for identification, which consists of three carbon copies, and ask you if you are familiar with that?

MISS THRUSTON: Yes, I am.

MR. MAGUIRE: Will you tell us what those three sheets represent?

MISS THRUSTON: They are the royalty reports.

MR. MAGUIRE: What do you mean by royalty reports?

MISS THRUSTON: Royalties paid to Dr. Reich on the sale of his books.

MR. MAGUIRE: There are three pages there. Will you describe the three pages for us?

MISS THRUSTON: Yes. All royalty reports—just for different periods.

MR. MAGUIRE: Is there any other information, other than the amount of money paid in royalties?

MISS THRUSTON: Yes, they are broken down to what books were sold—the names of the books—the number sold, the

total sale price—retail price—the percentage of royalties which was paid to Dr. Reich on each book.

MR. MAGUIRE: That would be the percentage of royalties for each book?

MISS THRUSTON: Yes, because there are percentages on the different books. I don't know whether that is clear or not.

MR. MAGUIRE: Miss Thruston, did you compile these?

MISS THRUSTON: Yes, I did.

MR. MAGUIRE: Now, I show you what has been marked as Government's Exhibit No. 72 and ask you if you are familiar with that document?

MISS THRUSTON: Yes, I am.

MR. MAGUIRE: Are you familiar with the pen notation on the right side?

MISS THRUSTON: I'm not sure. I cannot identify that.

MR. MAGUIRE: I show you Government's Exhibit No. 73, marked for identification, and ask you if you are familiar with that?

MISS THRUSTON: Yes.

MR. MAGUIRE: Do you know whose initials appear in red letters at the bottom?

MISS THRUSTON: It says, "O. K. W. R."

MR. MAGUIRE: Do you know who W. R. is?

MISS THRUSTON: Yes.

MR. MAGUIRE: Who is W. R.?

MISS THRUSTON: Dr. Wilhelm Reich.

MR. MAGUIRE: Now, the same question with regard to Government's Exhibit No. 74?

MISS THRUSTON: It is the same.

MR. MAGUIRE: The pen initials?

MISS THRUSTON: "O. K. W. R."

MR. MAGUIRE: And that is Dr. Reich also?

MISS THRUSTON: Yes.

MR. MAGUIRE: Do you recognize the handwriting on Government's Exhibit No. 72 which you just handed to me?

MISS THRUSTON: No, I cannot identify that. I couldn't identify it positively, no.

MR. MAGUIRE: I will ask you to look at 75 and 76 and tell me if you are familiar with the initials on the left-hand side of the paper?

MISS THRUSTON: Yes, sir, I am.

MR. MAGUIRE: Now, Miss Thruston, isn't it a fact that, when any decisions with regards to the operation that you were performing, other than the routine work in connection with the Orgone Institute Press, Dr. Reich's approval was obtained?

MISS THRUSTON: I cannot say that. I got my instructions from Dr. Silvert.

MR. MAGUIRE: Isn't it a fact that Dr. Reich approval was obtained with respect to the increase in the price of Character Analysis?

MISS THRUSTON: May I see the letter again? Yes, this is initialed with his O. K.

MR. MAGUIRE: Now, let me repeat—are there other instances of which you are aware where Dr. Reich's approval was obtained before any change in policy was made?

MISS THRUSTON: I am not sure.

MR. MAGUIRE: Now, at the time that this approval of Dr. Reich was given to the increase in the price of Character Analysis, do you know where he was?

MISS THRUSTON: When is that dated? There is no date on it.

MR. MAGUIRE: Do you know when the increase in price was effected?

MISS THRUSTON: Yes, in the latter part of 1954.

MR. MAGUIRE: Do you know where Dr. Reich was then?

MISS THRUSTON: No, I do not recall.

MR. MAGUIRE: Are you familiar with the contents of Government's Exhibit No. 69?

MISS THRUSTON: Yes, I am.

MR. MAGUIRE: Did you hear Miss Sheppard testify about that?

MISS THRUSTON: Yes, I did.

MR. MAGUIRE: Did you participate, in any way, with the material and the information that went into its monthly statements?

MISS THRUSTON: I typed some of them.

MR. MAGUIRE: Under whose direction?

MISS THRUSTON: Dr. Silvert's.

MR. MAGUIRE: Who gave you the figures and material to type?

MISS THRUTON: Dr. Silvert.

MR. MAGUIRE: Now, calling your attention to Government's Exhibit No. 61, are you familiar with that record?

MISS THRUSTON: I have seen it but I have never worked with it.

MR. MAGUIRE: Do you know that that was a record that was delivered here in Court under subpoena duces tecum?

MISS THRUSTON: Yes.

MR. MAGUIRE: Is that a record of the Orgone Research Laboratories, Inc.?

MISS THRUSTON: Yes.

MR. MAGUIRE: I offer Government's Exhibits Nos. 61, 71, 69, 70, and 60.

THE COURT: Admitted.

(The documents heretofore marked Government's Exhibits Nos. 61, 71, 69, 70, and 60 were received into evidence).

MR. MAGUIRE: Miss Thruston, I show you what has been marked Government's Exhibit No. 64 and call your attention to the stenographic notes on the right margin. Are you familiar with that letter?

MISS THRUSTON: I dont recall, exactly, I figure that the stenographic notes must be mine.

MR. MAGUIRE: Can you read them?

MISS THRUSTON: It reads: "All four volumes of the International Journal of the second weekly and Orgone Research contain articles of which you mentioned. We are, therefore, sending you under separate cover the last three. We look forward to receiving your order for the first volume.X".

MR. MAGUIRE: What is the date of that letter?

MISS THRUSTON: This letter is dated October 19, 1954.

MR. MAGUIRE: Does that letter indicate that an Orgone Energy Accumulator had been received by him just a couple of days before he wrote that letter?

MISS THRUSTON: Yes, it does.

MR. MAGUIRE: Do you know whether that accumulator was shipped?

MISS THRUSTON: No, I had nothing to do with shipping accumulators.

MR. MAGUIRE: Did you have anything to do with the first page of the Exhibit?

MISS THRUSTON: No, I always initial my letters at the bottom.

MR. MAGUIRE: I would like, at this time, Your Honor, to offer the second and third pages of Government's Exhibit No. 64.

THE COURT: Admitted.

(The document heretofore marked Government's Exhibit No. 64, for identification, was received into evidence).

CROSS EXAMINATION BY DR. REICH:

DR. REICH: For whom did you keep the books?

MISS THRUSTON: For the Orgone Institute Press only.

DR. REICH: Not for the others?

MISS THRUSTON: No.

DR. REICH: Do you remember a sum of $4,500 in royalties due me which was put back into the research account?

MISS THRUSTON: The only record that I kept was cash receipts of what came in and what went out.

DR. REICH: Thank you very much.

CROSS EXAMINATION BY DR. SILVERT:

DR. SILVERT: Miss Thruston, do you recall our planning the shipment of books and accumulators by the Hemmingway Trucking Company from Rangeley to New York?

MISS THRUSTON: Yes, I do.

DR. SILVERT: Do you recall whether this was being done by me independently of Dr. Reich or with his knowledge?

MR. MAGUIRE: I object.

THE COURT: If she knows she can say so. If she doesn't know she can say so.

MISS THRUSTON: This I recall because Dr. Silvert was upset.

THE COURT: The question is whether you know he was doing it independently or not.

MISS THRUSTON: The only statement I can make is that, to the best of my knowledge, he was.

THE COURT: To the best of your knowledge he was?

MISS THRUSTON: Yes. He was quite upset that Dr. Reich didn't know about it.

REDIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: Do you know where Dr. Reich was at the time these plans were made?

MISS THRUSTON: Yes, sir, he was in Arizona.

MR. MAGUIRE: Do you know whether Dr. Silvert made any telephone calls to Dr. Reich at that time?

MISS THRUSTON: Not to my knowledge.

MR. MAGUIRE: Do you know whether he sent any telegrams to Dr. Reich at or about that time?

MISS THRUSTON: Not to my knowledge.

MR. MAGUIRE: Do you know whether or not he communicated with him in any other way at that time?

MISS THRUSTON: To my knowledge, he did not.

MR. MAGUIRE: That's all.

(Witness excused).

THOMAS MANGRAVITE,

a witness, called by and on behalf of the Government, first being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: What is your full name?

MR. MANGRAVITE: Thomas Mangravite.

MR. MAGUIRE: Where do you live, Mr. Mangravite?

MR. MANGRAVITE: 25 West Third Street.

MR. MAGUIRE: How long have you lived there?

MR. MANGRAVITE: About three and a half years. I'm not sure.

MR. MAGUIRE: By whom are you employed?

MR. MANGRAVITE: By the Bell Telephone Laboratories, Inc.

MR. MAGUIRE: Do you have any other employment?

MR. MANGRAVITE: I have my own work shop where I do other work, yes.

MR. MAGUIRE: Who are your customers?

MR. MANGRAVITE: Dr. Silvert is one of them.

MR. MAGUIRE: How many others do you have?

MR. MANGRAVITE: Oh, on and off, people call me for jobs they want to have done.

MR. MAGUIRE: When were you first employed by Dr. Silvert?

MR. MANGRAVITE: I really don't remember.

MR. MAGUIRE: For how long have you known Dr. Silvert?

MR. MANGRAVITE: Oh, about five or six years.

MR. MAGUIRE: Were you working for Dr. Silvert in May of 1954?

MR. MANGRAVITE: I can answer that a little easier if you will let me look at my record book.

MR. MAGUIRE: I will be glad to let you look at that a little bit later.

MR. MANGRAVITE: That is the only way I can answer it. I don't remember the dates.

MR. MAGUIRE: What are the duties you performed for Dr. Silvert?

MR. MANGRAVITE: I repaired and built apparatuses for Orgone Energy Accumulators.

MR. MAGUIRE: What were you doing for him when you were first employed? What were you repairing?

MR. MANGRAVITE: Orgone Energy Accumulators.

MR. MAGUIRE: Are you still engaged in that?

MR. MANGRAVITE: Yes.

MR. MAGUIRE: Now, Mr. Mangravite, I have in my hand thirteen checks in dates ranging from October 1954 to October 1955 and ranging in amounts from $215.66 to $7.25. I will ask you to look at these to see whether or not these are checks made out by Dr. Silvert as Treasurer of the Orgone Research Laboratories, Inc., payable to you for salary and/or services rendered?

MR. MANGRAVITE: Yes. This group is and this group isn't. The purposes are listed on the left-hand corner.

MR. MAGUIRE: Now, Mr. Mangravite, you have handed me three checks. One of them refers to O. P. book storage. What is that?

MR. MANGRAVITE: That represents rent of storage rooms at 27 West Third Street, which Dr. Silvert rented in order to store some books.

MR. MAGUIRE: There is a similar notation on the other two checks. Is that the same?

MR. MANGRAVITE: Yes.

MR. MAGUIRE: Now, is it not a fact that 27 West Third Street adjoins . . . . .

MR. MANGRAVITE: It is essentially the same building.

MR. MAGUIRE: Are there communicating doors within the building and on each floor?

MR. MANGRAVITE: The same main entrance is used for both buildings. It is essentially my shop.

MR. MAGUIRE: Now, Mr. Mangravite, will you tell us what you have done in connection with the acquisition of accumulators at your premises?

MR. MANGRAVITE: I don't quite understand what you want. They have been delivered to my premises by people who wanted to return them for repair.

MR. MAGUIRE: Have you any idea when the first delivery was made?

MR. MANGRAVITE: I have an idea but the records are in your hands.

MR. MAGUIRE: I show you what has been marked Government's Exhibit No. 77, which is a bound volume, with loose sheets attached, and attached to the first page is a small slip. That is from the Hemmingway shipment, T. M. Are you familiar with that record?

MR. MANGRAVITE: Yes, this is my record as the date of arriving and leaving my shop.

MR. MAGUIRE: Tell us when the first accumulator arrived there?

MR. MANGRAVITE: Yes–6/22/54.

MR. MAGUIRE: June 22, 1954?

MR. MANGRAVITE: Yes.

MR. MAGUIRE: Do you know how it happened to be delivered to your premises?

MR. MANGRAVITE: Yes. A Mr. Lazarus P. Erpelitt returned it to Dr. Silvert. I do not remember how the original arrangements were made. I had built a few accumulators for individual patients who requested them before this. Dr. Silvert had spoken to me about doing some work for him in this regard and I had agreed. I don't know how the specific arrangements were made–whether he called me up or spoke to me about it.

MR. MAGUIRE: Who brought this particular machine to 25 West Third Street; Mr. Erpelitt brought it?

MR. MANGRAVITE: One or two of the first ones might have been brought in by Dr. Silvert, himself.

MR. MAGUIRE: Are you familiar with the terms of injunction entered in this case?

MR. MANGRAVITE: Yes.

MR. MAGUIRE: Were you served with a copy of the injunction in this case?

MR. MANGRAVITE: Yes.

MR. MAGUIRE: By a deputy United States Marshal for the Southern District of New York?

MR. MANGRAVITE: Yes.

MR. MAGUIRE: Did you read the terms of the decree?

MR. MANGRAVITE: Yes.

MR. MAGUIRE: Now, will you tell us whether it be a fact that from June, when your record begins, there was a number of accumulators that were returned to you at 25 West Third Street?

MR. MANGRAVITE: That's right.

MR. MAGUIRE: Did you direct that those accumulators be returned to you at 25 West Third Street?

MR. MANGRAVITE: No, I did not.

MR. MAGUIRE: Now, isn't it a fact that you then reshipped a number of these accumulators?

MR. MANGRAVITE: That's right.

MR. MAGUIRE: From whom did you obtain the names and addresses of the people to whom they were to be sent?

MR. MANGRAVITE: From Dr. Silvert.

MR. MAGUIRE: Did you ever collect any money for the rental of accumulators?

MR. MANGRAVITE: No, sir. I think at one time I accepted a contribution—a check. It is marked on one of these receipts. That was the only time and I turned it over to Dr. Silvert. It is probably right here.

MR. MAGUIRE: Well, it wasn't customary for you to handle any funds for rental?

MR. MANGRAVITE: No.

MR. MAGUIRE: What you call 'contribution' is the same as rental?

MR. MANGRAVITE: I wouldn't consider it so, no, sir.

MR. MAGUIRE: Now, how many Orgone Energy Accumulators have been returned to you?

MR. MANGRAVITE: Well, I would have to . . . . .

MR. MAGUIRE: Aside from the bulk shipments of deliveries of more than two at a time.

MR. MANGRAVITE: Do you want me to roughly estimate it or count through this record?

MR. MAGUIRE: A rough estimate for now.

MR. MANGRAVITE: Somewhere between thirty and fifty. That is a very rough guess.

MR. MAGUIRE: About how many of those were re-shipped by you on orders from Dr. Silvert?

MR. MANGRAVITE: A very rough guess would be, oh, twenty—maybe more,.

MR. MAGUIRE: Are you familiar with the shipment that was made in January of 1955 of accumulators and le———— your premises at 25 ————

MR. MANGRAVITE: Yes, sir.

MR. MAGUIRE: Now, at the time of delivery, who was present?

MR. MANGRAVITE: Myself, Dr. Silvert, the driver and his helper, and several men who were hired to unload.

MR. MAGUIRE: Who paid those who helped to unload, if you know?

MR. MANGRAVITE: I think Dr. Silvert did.

MR. MAGUIRE: Was there literature that was included in that shipment as well?

MR. MANGRAVITE: Yes.

MR. MAGUIRE: Was some of that literature transported to 311 West 11th Street when the premises there were rented?

MR. MANGRAVITE: I couldn't say, exactly, but I assume it would be. It was added to the stock we had on hand. It must have been.

MR. MAGUIRE: Do you know of how much of a stock you had on hand at that time?

MR. MANGRAVITE: No, I don't remember exactly.

MR. MAGUIRE: Did you make a shipment of an accumulator to a man by the name of Dunn in St. Petersburg, Florida?

MR. MANGRAVITE: No, sir, I did not.

MR. MAGUIRE: Did you make a delivery of an accumulator to a Mr. Dunn from St. Petersburg, Florida?

MR. MANGRAVITE: No, sir.

MR. MAGUIRE: Do you know a Mr. Dunn from St. Petersburg, Florida?

MR. MANGRAVITE: Yes, he picked up a small Reich DOR BUSTER at my shop, which I built for him on Dr. Silvert's prescription.

MR. MAGUIRE: Now, Mr. Mangravite, I show you a letter, addressed to Orgone Institute Press, dated October 19, 1954, and signed by Edward R. Dunn, with the notation up in the right-hand corner, first page, St. Petersburg, Florida. Is that the gentleman we have just been talking about?

MR. MANGRAVITE: I don't know, sir. I met a Mr. Dunn who came to my shop.

MR. MAGUIRE: It says that he purchased an accumulator?

MR. MANGRAVITE: It is probably the same man because I do remember his name.

MR. MAGUIRE: He purchased an accumulator from the accumulator department for $200.00. Did you deliver that accumulator to him for which he says he paid $200.00?

MR. MANGRAVITE: No, sir.

MR. MAGUIRE: Do you know where he obtained it?

MR. MANGRAVITE: No, sir.

MR. MAGUIRE: Mr. Mangravite, did you go down to Freehold, New Jersey, with Dr. Silvert to pick up a number of accumulators that were in the possession of Bathsheba Borek?

MR. MANGRAVITE: Yes.

MR. MAGUIRE: What did you do with them?

MR. MANGRAVITE: I took them to my shop. Some of them were discarded, some destroyed, others repaired depending on the condition and need.

MR. MAGUIRE: Did you re-ship some of the others?

MR. MANGRAVITE: Yes.

MR. MAGUIRE: What did you do with the accumulators that came down on that Hemmingway shipment from Rangeley?

MR. MANGRAVITE: The same thing. We put them into a store room. I would say about half of them were destroyed—maybe a little more. The rest of them are still there.

MR. MAGUIRE: How many of those accumulators that came down on that Hemmingway truck did you redistribute?

MR. MANGRAVITE: I believe I can give you a simple answer to that question.

MR. MAGUIRE: All I want are simple answers.

MR. MANGRAVITE: Yes, sir—to give you the exact number—apparently, seven.

MR. MAGUIRE: Now, Mr. Mangravite, does the record, which you have in front of you, show the code number of the accumulators that came into your premises and that went out?

MR. MANGRAVITE: Yes, with the exception of these that came in, in bulk shipment, which were too disorganized to keep a record of. There were many facts to be considered. Some of them were in very bad condition. There was no way of making a simple record so I didn't keep that.

MR. MAGUIRE: Before you re-shipped them, did you assign code numbers to them?

MR. MANGRAVITE: Yes, sir, I did.

MR. MAGUIRE: Does that record also show the return of some of those accumulators that you shipped out?

MR. MANGRAVITE: Yes. If any were returned they would be in my records.

MR. MAGUIRE: Does that record show, in some instances, either the sale or the transfer of title of accumulators?

MR. MANGRAVITE: Yes.

MR. MAGUIRE: Do you know the defendant, Wilhelm Reich?

MR. MANGRAVITE: I have met him twice.

MR. MAGUIRE: When did you first meet him?

MR. MANGRAVITE: I met him at a recess in this Court while one of the preliminary trials was going on.

MR. MAGUIRE: Was that the first time or the second time?

MR. MANGRAVITE: The first time. The second time was yesterday in the county jail house.

MR. MAGUIRE: Were you up to the premises at Rangeley?

MR. MANGRAVITE: No, sir.

MR. MAGUIRE: Did you participate in the shipment with Dr. Silvert, other than to be present at delivery?

MR. MANGRAVITE: I did a lot of muscle work unloading.

MR. MAGUIRE: Did you refuse permission to the Food and Drug Inspector to conduct an inspection of your premises at 25 West Third Street?

MR. MANGRAVITE: I refused them admission.

MR. MAGUIRE: Did you refuse them permission to inspect?

MR. MANGRAVITE: I refused them admission.

MR. MAGUIRE: Did you do that on your own responsibility or did someone instruct you to refuse?

MR. MANGRAVITE: As far as my own work shop was concerned, I did it on my own responsibility. As far as the storeroom was concerned, I called Dr. Silvert and he said he didn't want anybody in the store room.

MR. MAGUIRE: Did you have the keys to the storeroom?

MR. MANGRAVITE: Yes.

MR. MAGUIRE: They were available to you at any time you wanted to enter?

MR. MANGRAVITE: Available, yes, but it wasn't my property.

MR. MAGUIRE: Did you, from time to time, go in there and put in books or take them out as the need required?

MR. MANGRAVITE: Yes.

MR. MAGUIRE: Do you know inspector Hammill who testified here this morning?

MR. MANGRAVITE: The name is familiar. I remember the instance but I didn't recognize him right off.

MR. MAGUIRE: But you do remember that he was at your premises?

MR. MANGRAVITE: I assume it is the same man, yes.

MR. MAGUIRE: You gave him instructions in connection with the BX cable that was introduced in evidence here?

MR. MANGRAVITE: I told him how to drill a hole in the side of an accumulator, yes.

MR. MAGUIRE: Did you make any shipment of accumulators outside the State of New York?

MR. MANGRAVITE: I would have to check through my records. I assume I probably have.

MR. MAGUIRE: Do you know a Carl Riley from New Jersey?

MR. MANGRAVITE: Yes.

MR. MAGUIRE: Did you make a shipment to him?

MR. MANGRAVITE: No, I did not.

MR. MAGUIRE: Did you deliver an accumulator to him?

MR. MANGRAVITE: Yes, he picked it up at my shop.

MR. MAGUIRE: At the time he picked it up, were you aware that he lived in Hoboken, New Jersey?

MR. MANGRAVITE: Yes.

MR. MAGUIRE: Did Dr. Silvert direct you to make that shipment?

MR. MANGRAVITE: It wasn't a shipment.

MR. MAGUIRE: I mean direct you to deliver it to Carl Riley?

MR. MANGRAVITE: Yes.

MR. MAGUIRE: I think that that is all.

CROSS EXAMINATION BY DR. REICH:

DR. REICH: Mr. Mangravite, have we ever met before meeting here in Court?

MR. MANGRAVITE: No.

DR. REICH: Did I ever influence you in any way?

MR. MANGRAVITE: No.

DR. REICH: The second time we met was yesterday?

MR. MANGRAVITE: Yes.

DR. REICH: Did we meet a third time?

MR. MANGRAVITE: This morning.

DR. REICH: Have you ever met Mr. Maguire? Has Mr. Maguire ever spoken to you about accumulators?

MR. MANGRAVITE: Yes, when I was subpoenaed up here.

DR. REICH: From the F. B. I.?

MR. MAGUIRE: I object to this.

THE COURT: I will allow it. Go ahead.

DR. REICH: You had top security clearance from the F. B. I.?

MR. MANGRAVITE: Yes.

DR. REICH: We discussed that this morning here?

MR. MANGRAVITE: Yes.

DR. REICH: I asked you something right here?

MR. MANGRAVITE: Yes.

DR. REICH: Will you tell the jury what I asked you?

MR. MANGRAVITE: You asked me if I were possibly a spy.

DR. REICH: I asked you if you were possibly a spy?

MR. MANGRAVITE: Yes.

DR. REICH: You are aware that we have refused access to our premises to F. D. A. Inspectors?

MR. MANGRAVITE: Yes.

DR. REICH: You were always aware of it?

MR. MANGRAVITE: Yes.

DR. REICH: You were also aware that we never refused entrance to our work shops to anyone else?

MR. MANGRAVITE: That's right.

DR. REICH: You are aware of the fact that we have always said, "Everybody else but not the Inspectors of the F. D. A.?"

MR. MANGRAVITE: Yes.

DR. REICH: You are well aware of that?

MR. MANGRAVITE: Yes.

DR. REICH: Now, isn't it a fact that you were a seaman?

MR. MANGRAVITE: Yes, I was.

DR. REICH: In what organization?

MR. MANGRAVITE: Merchant Marine.

DR. REICH: The United States Merchant Marine?

MR. MANGRAVITE: Yes.

DR. REICH: You are aware of the conflicts that the United States has on the water front?

MR. MANGRAVITE: Yes.

THE COURT: What has that to do with this case?

DR. REICH: The next question clears it up.

THE COURT: Well, go ahead.

DR. REICH: Did you ever report to Dr. Silvert about what some Communist said or supposed to have said about Orgonomy?

MR. MANGRAVITE: Yes.

MR. MAGUIRE: Your Honor, I am certain that has nothing to do with this case.

DR. REICH: I am sorry. It is very pertinent to the whole thing.

THE COURT: Go ahead.

DR. REICH: Who came to you one day and you reported it to Dr. Silvert that you met somebody that you knew was a Red . . . . .

THE COURT: I am going to stop this examination from now on. I will just have to rule against you. You may note your objection and take it up on appeal.

DR. REICH: May I note my objection to that?

THE COURT: Yes. I want you to.

(Defendant's objection noted).

CROSS EXAMINATION BY DR. SILVERT:

DR. SILVERT: Mr. Mangravite, do you recall the time of the planning of the shipment of books and accumulators from Rangeley to New York?

MR. MANGRAVITE: Yes, very specifically. You wanted to know if you could get space in my shop for storage.

DR. SILVERT: Do you know whether I acted on my own or with Dr. Reich knowledge and consent?

MR. MANGRAVITE: I know you acted on your own.

THE COURT: How do you know that?

MR. MANGRAVITE: I know that because Dr. Silvert was very much disturbed.

THE COURT: How do you know he acted on his own?

MR. MANGRAVITE: He was disturbed.

THE COURT: That is the only reason you know of?

MR. MANGRAVITE: Yes.

THE COURT: All right.

REDIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: When did you first know that Dr. Silvert was planning to make this shipment?

MR. MANGRAVITE: Oh, probably, a few days before he went up to Rangeley to pack and load the stuff. He had been worried about hoodlums and spies around the premises and he was worried about the destruction of materials.

THE COURT: Just answer the question put to you.

MR. MAGUIRE: Mr. Mangravite, was it you who made arrangements to hire the additional space for storage?

MR. MANGRAVITE: Yes, it was.

MR. MAGUIRE: Was it 25 or 27?

MR. MANGRAVITE: Twenty-seven.

MR. MAGUIRE: Now, how soon before that shipment came down was the arrangement made for additional space?

MR. MANGRAVITE: Probably a few days. I don't remember, exactly.

MR. MAGUIRE: That's all.

JOHN CAIN,

a witness, called by and on behalf of the Government, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: What is your full name, please?

MR. CAIN: John Cain.

MR. MAGUIRE: Where do you live, Mr. Cain?

MR. CAIN: Silver Springs, Maryland.

MR. MAGUIRE: Are you employed by the Department of Health, Education, and Welfare?

MR. CAIN: Yes, sir.

MR. MAGUIRE: What Division?

MR. CAIN: Food and Drug Administration.

MR. MAGUIRE: Is it part of your duties to assist in the preparation of the presentation of cases in court?

MR. CAIN: Yes, sir.

MR. MAGUIRE: Have you assisted in the preparation of this case and the earlier case for preparation in court?

MR. CAIN: I have.

MR. MAGUIRE: Now, in that connection, I show you Government's Exhibit No. 77 and ask you if you are familiar with that record?

MR. CAIN: Yes, sir.

MR. MAGUIRE: Now, I show you two Exhibits, both of which were testified to by Miss Ollendorff, Exhibits Nos. 9 and 10. With respect to these Exhibits, she verified the information in columns one through four on each of these charts. Now, did you have anything to do with the balance of the material in these Exhibits?

MR. CAIN: I did.

MR. MAGUIRE: Now, will you tell me what your basic material was for the preparation of this information?

MR. CAIN: The basic material was the book which was just shown to me – two different sets of card records, which were given to me for the purpose of assisting in the preparation of this case.

MR. MAGUIRE: Now, I show you Government's Exhibit No. 3, and ask you if you have ever seen that before?

MR. CAIN: Yes, sir, I have. I also used this book in preparation of the charts.

MR. MAGUIRE: Now, Mr. Cain, will you look at Government's Exhibit 9 and tell us what the information is on that chart?

MR. CAIN: This is a two-page chart which contains information concerning Orgone Energy Accumulators, which were on rental on March 19, 1954, and which were returned to New York City. It includes the code numbers of the various accumulators, the consignee–the name of the person who received the ac-

cumulator, who shipped the accumulator, whether or not it was the Wilhelm Reich Foundation or the Orgone Research Laboratories, Inc., the approximate date the customer received the accumulator, originally, the approximate date the customer returned it, and the page number of the record book out of which most of this information was secured.

MR. MAGUIRE: Will you tell me how many accumulators referred to on this chart were returned to Mr. Mangravite and which did not leave his premises?

MR. CAIN: Twenty-eight, I believe.

MR. MAGUIRE: What are you reading from?

MR. CAIN: I am reading from a little slip of paper that I prepared, after looking at those charts, and I did that a moment ago.

MR. MAGUIRE: I show you Government's Exhibit No. 10 and ask you to describe the information on it?

MR. CAIN: This is a three-page chart containing somewhat similar information, except that it is extended to redistribution. It includes Orgone Energy Accumulators that were on rental on March 19, 1954, that were returned to New York City and again redistributed from New York City. It also includes the code number of each accumulator, the consignee to whom it was originally shipped, either by the Wilhelm Reich Foundation or the Orgone Research Laboratories, Inc., the approximate date the accumulator was received by the customer and the approximate date it was returned, the page number from which most of this data was secured, the page number in Mr. Mangravite's record, the date it was reshipped from New York City, the consignee who received it after it was returned to New York City and later shipped out, the page number again in Mr. Mangravites record which shows the redistribution of the accumulator.

(Court was adjourned at 4:00 P. M. to dispose of other Court matters scheduled for hearing at that time).

MAY 5, 1956
Federal Building
Courthouse
Portland, Maine
10:00 A. M.

JOHN CAIN RESUMES THE STAND:

MR. MAGUIRE: Mr. Cain, I believe when we adjourned yesterday, you had begun to testify about Government's Exhibit No. 10 . . . . .

MR. CAIN: That's right.

MR. MAGUIRE: Will you explain to us the meaning of the columns and the information contained therein?

MR. CAIN: There are nine columns on this chart. Beginning with number five, column five notes the date the accumulators were returned. Column six notes the page number in Mr. Mangravite's record book in which the return is recorded. Column seven notes the date that they were reshipped to new customers or new users. Column eight notes the name of the customer or user and column nine notes the page number in Mr. Mangravite's record book, showing the redistribution.

MR. MAGUIRE: Now, let me be sure that I understand you. Do you indicate that what you have just testified to is a record of the accumulators that had come back to Mr. Mangravite at 25 West Third Street in New York and then were shipped out by him after the injunction?

MR. CAIN: That's right.

MR. MAGUIRE: Now, I show you Government's Exhibit No. 78 and ask you if you prepared that from the same records that you have earlier testified about?

MR. CAIN: Yes, sir.

MR. MAGUIRE: Tell us what that record represents?

MR. CAIN: This record shows Orgone Energy Accumulators received in shipment from Rangeley, Maine, in January, 1955, and distributed in New York City.

MR. MAGUIRE: How many shipments are indicated on there?

MR. CAIN: Eight shipments—eight accumulators.

MR. MAGUIRE: Now, I show you Government's Exhibit No. 79, marked for identification, and ask you if you prepared that chart?

MR. CAIN: Yes, sir, I did.

MR. MAGUIRE: What is the information on that chart?

MR. CAIN: This chart shows Orgone Energy Accumulators in possession of Borek—New Jersey, returned to New York City August, 1954.

MR. MAGUIRE: Were there shipments made by Dr. Silvert through Mr. Mangravite?

MR. CAIN: Yes, sir, there were.

MR. MAGUIRE: How many?

MR. CAIN: Four.

MR. MAGUIRE: Have you made totals with respect to all of these Exhibits?

MR. CAIN: I have.

MR. MAGUIRE: Will you tell us how many accumulators subsequent to the injunction of March 19, 1954, were returned to the premises of Mr. Mangravite—accumulators that under the injunction were to have been recalled to Rangeley, Maine.

MR. CAIN: Ninety-seven accumulators.

MR. MAGUIRE: Now, how many shipments were made by Mr. Mangravite, under Dr. Silvert's direction, out of the 25th West Third Street address, after the injunction?

MR. CAIN: Approximately, fifty-nine.

MR. MAGUIRE: I offer Government's Exhibits Nos. 9, 10, 77, 78, 79.

THE COURT: Admitted.

(The documents heretofore marked Government's Exhibits Nos. 9, 10, 77, 78, and 79, for identification, were received into evidence.)

MR. MAGUIRE: You may examine.

DR. REICH: No questions.

(Witness excused)

MR. MAGUIRE: Your Honor, I would like to have it understood that there were only certain columns in those Exhibits that we offered.

THE COURT: All right.

GLEN W. HOAR,

a witness, called by and on behalf of the Government, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: Will you state your name, please?

MR. HOAR: Glen W. Hoar.

MR. MAGUIRE: Will you give us your address for the record?

MR. HOAR: Haytesville, Maryland.

MR. MAGUIRE: Mr. Hoar, by whom are you employed?

MR. HOAR: Food and Drug Administration.

MR. MAGUIRE: Your employment is in Washington, D. C.?

MR. HOAR: Washington, D. C.

MR. MAGUIRE: Have you had training in bookkeeping and accounting?

MR. HOAR: I have.

MR. MAGUIRE: Now, I show you, Mr. Hoar, Government's Exhibits Nos. 69, 70, and 71—also 60 and 7, and I ask you if you have had an opportunity to study these records?

MR. HOAR: Yes, I have.

MR. MAGUIRE: And have you studied these records?

MR. HOAR: Yes, I have.

MR. MAGUIRE: I show you what has been marked Government's Exhibit No. 80 and ask you if you have studied these checks?

MR. HOAR: Yes.

MR. MAGUIRE: Now, in connection with the studying of these records what did you do?

MR. HOAR: I transcribed the figures on those records to work sheet and prepared a chart.

MR. MAGUIRE: Where did you obtain these checks that are marked as Government's Exhibit No. 80?

MR. HOAR: From the record books produced by the defendant, I believe.

MR. MAGUIRE: Were they in the custody of the Clerk of this Court when you examined them?

MR. HOAR: They were.

MR. MAGUIRE: Now, I show you what has been marked as Government's Exhibit No. 8 and ask you if you prepared that chart?

MR. HOAR: I did.

MR. MAGUIRE: And did you prepare it from a study of these records and the work sheets you had used in connection with the chart that is now before you?

MR. HOAR: I did.

MR. MAGUIRE: Will you tell us what that chart represents, indicating the period covered and the information in each of the two second columns?

MR. HOAR: It represents income from Orgone accumulators and income from the sale of literature from April, 1954, to September, 1955.

MR. MAGUIRE: Now, do you know whether or not April was the beginning of the first month after the injunction was entered in this case?

MR. HOAR: It was the beginning of the first four months after the injunction.

MR. MAGUIRE: Now, will you tell us, approximately, what the average income per month was from the rental of accumulators?

MR. HOAR: Approximately, $1,400 per month.

MR. MAGUIRE: Now, what was the approximate average from the sale of literature during that same period?

MR. HOAR: Approximately, $600.00 per month.

MR. MAGUIRE: Now, totaling the income from the rental of accumulators and the sale of literature, over that period of time, what was the approximate average per month of income from those two sources?

MR. HOAR: Approximately, $2,000 per month.

MR. MAGUIRE: I offer Government's Exhibit No. 8.

THE COURT: Admitted.

(The document heretofore Marked Government's Exhibit No. 8, for identification, was received into evidence).

MR. MAGUIRE: Now, Mr. Hoar, I show you Government's Exhibit No. 81, marked for identification, and ask you if you compiled the information on that chart?

MR. HOAR: I did.

MR. MAGUIRE: Now, did you use the same source of material that you testified that you compiled the information from on the chart that was just received into evidence?

MR. HOAR: Yes.

MR. MAGUIRE: Was all of that material, if you know, under subpoena duces tecum, and in possession of the Clerk of this Court?

MR. HOAR: It was.

MR. MAGUIRE: Will you tell us what the figures on that chart represent?

MR. HOAR: The figures on this chart represent earnings of royalties from the sale of literature and tabulation of royalty checks paid during the period of April, 1954, through September, 1955.

MR. MAGUIRE: Are you familiar with the items of literature that are named in the decree of injunction?

MR. HOAR: No, sir, not completely.

MR. MAGUIRE: Do you know whether or not the items that are listed, on this chart, are named in the decree of injunction?

MR. HOAR: Yes, they are.

MR. MAGUIRE: Whether or not the royalties, as earned and reflected in this chart, apply to the sale of those items of literature?

MR. HOAR: They do.

MR. MAGUIRE: Will you tell us during that period, from April 1, 1954, the first full month after the injunction and for the next eighteen months, what the total amount of revenue was that was earned on the literature actually sold?

MR. HOAR: $1,895.00.

MR. MAGUIRE: Have you read the entire figure?

MR. HOAR: And 79 cents.

MR. MAGUIRE: Will you repeat that figure?

MR. HOAR: $1,895.79.

MR. MAGUIRE: Now, will you tell us to whom the royalties were paid?

MR. HOAR: The royalties were paid to the Orgone Institute and to Dr. Wilhelm Reich in other instances.

MR. MAGUIRE: Do you know who the Orgone Institute is?

MR. HOAR: Not entirely. I don't think so.

MR. MAGUIRE: Now, will you tell us, during that same period when $1,895.79 of royalties were earned, how much was actually paid?

MR. HOAR: $6,025.89.

DR. REICH: I object to this.

MR. MAGUIRE: If the Court please, the defendant has entered an objection.

DR. REICH: I object to this evidence here. They are not royalties.

THE COURT: What is your objection?

DR. REICH: My objection is that they are not royalties. The sum of $6,000 is not royalty, because out of this money that came in, we had an expedition to Arizona, and we had to maintain living quarters, and I am afraid that that wasn't taken into account.

MR. MAGUIRE: The defendant will be entitled to cross examine. I will withdraw the offering until then. That's all.

DR. REICH: We discovered one mistake about which a point was made . . . . .

MR. MAGUIRE: If the Court please, is not this the time for the defendant to cross examine . . . . .

THE COURT: Let him make his statement.

DR. REICH: The monies that were paid out in royalties, so-called, were re-invested in research and were not only royalties from books. It makes no sense that books . . . . .

THE COURT: Wait a minute. I thought you were going to state an objection. You are now stating evidence, so I will have to shut you off here. You may repeat that if you take the stand, but I cannot allow you to make a statement in front of the jury until you are under oath and until you testify. You may question him about it.

DR. REICH: I shall postpone questioning the witness until later.

MR. MAGUIRE: Mr. Hoar, in examining the records about which you testified, did you find checks, other than these, for other purposes?

MR. HOAR: Yes, I did.

MR. MAGUIRE: Did you find other checks for household running expenses, for telephone, fuel, oil, and other things?

MR. HOAR: Yes, I did.

MR. MAGUIRE: But the checks you have testified about, which are reflected on that chart, are in payment for royalties and literature?

MR. HOAR: The checks are marked 'payments of royalties', and not in all cases are they marked 'literature'.

MR. MAGUIRE: Tell us what you did when you found a check marked for royalties, not literature?

MR. HOAR: It was deleted from my chart.

MR. MAGUIRE: It was not included in your ultimate computation?

MR. HOAR: Yes. It wasn't included where it is marked otherwise.

CROSS EXAMINATION BY DR. SILVERT:

DR. SILVERT: When you say a check was marked royalty alone, did you assume that that meant book royalty?

MR. HOAR: I did, yes.

DR. SILVERT: Do you know of any other royalties, such as royalties for the use of weather control equipment?

MR. HOAR: There were some checks marked royalties for other purposes. These were deleted.

DR. SILVERT: There are other checks which you recall that were simply marked royalties?

MR. HOAR: Yes.

DR. SILVERT: And those you assume were book royalties?

MR. HOAR: Yes.

DR. SILVERT: That's all.

(Witness excused).

WILLIAM MOISE,

a witness, called by and on behalf of the Government, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: Will you state your full name, please?

MR. MOISE: William Moise.

MR. MAGUIRE: Where do you live, Mr. Moise?

MR. MOISE: My legal residence is in Hancock, Maine.

MR. MAGUIRE: When was the last time you lived up there, Mr. Moise?

MR. MOISE: The last time, for any length of time, was in the summer of 1954.

MR. MAGUIRE: For the entire summer?

MR. MOISE: Oh, yes.

MR. MAGUIRE: Mr. Moise, how long have you known Dr. Reich?

MR. MOISE: I have known Dr. Reich since the summer of 1951.

MR. MAGUIRE: Now, you are presently associated with Dr. Reich?

MR. MOISE: I am.

MR. MAGUIRE: And are employed by him or one of his affiliate corporations?

MR. MOISE: I am employed by the Orgone Research Laboratories, Inc.

MR. MAGUIRE: When did you first become employed by Dr. Reich?

MR. MOISE: I first became employed by the Orgone Institute Research Laboratories at the beginning of October in 1954.

MR. MAGUIRE: Now, to repeat my question, when did you first become employed by Dr. Reich?

MR. MOISE: I received some payments from the Wilhelm Reich . . . . .

THE COURT: No. Answer the question. When did you first become employed by Dr. Reich? Give us the date.

MR. MOISE: Well, during the summer of 1952, I received some payment but that payment did not come direct from Dr. Reich. It came from the Wilhelm Reich Foundation.

MR. MAGUIRE: Were you ever employed and paid by Dr. Reich?

MR. MOISE: No. I may have received bonus checks, but never employed by him.

MR. MAGUIRE: For services rendered?

MR. MOISE: Yes, for services rendered.

MR. MAGUIRE: Have you acted in the capacity as secretary for Dr. Reich?

MR. MOISE: That's correct.

MR. MAGUIRE: Now, when did your duties begin?

MR. MOISE: Those duties began with the expedition of Orgone Desert in the fall of 1954.

MR. MAGUIRE: Were you employed, in any way, by either the Wilhelm Reich Foundation or the Orgone Research Laboratories in the spring of 1954?

MR. MOISE: In the spring of 1954, I received some payments for some weather control, experimental work that I was doing.

MR. MAGUIRE: Did you have anything to do in the spring of 1954 with books of the Wilhelm Reich Foundation?

MR. MOISE: No, I didn't have a thing to do with the books.

MR. MAGUIRE: Did you know, prior to the time that Miss Ollendorff was leaving the organization in Rangeley, that she was leaving?

MR. MOISE: Yes, I did know.

MR. MAGUIRE: Did you ever consult with her in connection with the books and records of the Wilhelm Reich Foundation or the Orgone Institute Press?

MR. MOISE: Yes, I asked her about the bookkeeping process.

MR. MAGUIRE: Will you tell us what you asked her?

MR. MOISE: At that time everything was completely . . . . .

THE COURT: We are not going into conversation. If the doctors were not present, it is not admissible.

MR. MAGUIRE: Mr. Moise, in June or July, 1954, had you familiarized yourself with the books of the Wilhelm Reich Foundation?

MR. MOISE: I attempted. I can't say I familiarized myself.

MR. MAGUIRE: Was that with Miss Ollendorff?

MR. MOISE: No, that was not.

DR. REICH: Object—which books—there are many books, financial books, printed books.

THE COURT: He said books of the corporation. I will overrule your objection.

DR. REICH: They should be specified.

THE COURT: You may cross examine later.

MR. MAGUIRE: Did you in the summer of 1954 hire someone to continue the bookkeeping work that Miss Ollendorft had been doing at the time she left?

MR. MOISE: I didn't hire anybody, but somebody was hired. I was incidental in finding this person.

MR. MAGUIRE: Where did you find that person?

MR. MOISE: In Ellsworth, Maine.

MR. MAGUIRE: That is up in Hancock, where you live?

MR. MOISE: Yes.

MR. MAGUIRE: How many miles from Rangeley?

MR. MOISE: About 170 miles.

MR. MAGUIRE: What was that person's name?

MR. MOISE: I can't recall her name right off-hand.

MR. MAGUIRE: Would the name Jeanette Richards mean anything to you?

MR. MOISE: Yes, that is the person.

MR. MAGUIRE: Was she hired?

MR. MOISE: Yes, she was hired.

MR. MAGUIRE: Who hired her?

MR. MOISE: Dr. Reich hired her.

MR. MAGUIRE: Did she do the bookkeeping for a period of time for the Wilhelm Reich Foundation?

MR. MOISE: Yes, for a short period of time.

MR. MAGUIRE: Where did she perform her duties?

MR. MOISE: Most of her duties she performed in her own quarters, where she lived near Ellsworth.

MR. MAGUIRE: How did she get the books and records to work on, and the information needed to put into the books?

MR. MOISE: She made one trip to Rangeley and, I think that is when she got most of the records. I was making trips back and forth, from Rangeley to Ellsworth . . . . .

MR. MAGUIRE: Mr. Moise, we are talking about the records of the Wilhelm Reich Foundation. Now, included among the records that Miss Richards had at Ellsworth, were they the records of the payments of monthly rentals for accumulators?

MR. MOISE: That I do not know.

MR. MAGUIRE: Were they records of payments for the sale of literature that is named in the decree?

MR. MOISE: I couldn't say positively. I do not know what Miss Richards had.

MR. MAGUIRE: Did you transport any checks that came to Rangeley up to Ellsworth for Miss Richards' bookkeeping purposes?

MR. MOISE: I can't recall whether I did or did not.

MR. MAGUIRE: Do you know where the bank accounts of the Wilhelm Reich Foundation were maintained at that time?

MR. MOISE: No, I don't know. I am not positive. I think the bank accounts were in Rangeley at that time but I am not certain.

MR. MAGUIRE: Now, at this period of time, do you know whether or not rents for accumulators were being collected and monies being received for the sale of accumulators?

MR. MOISE: I am not positive. I think the monies were coming in. I was not in it at that time. I would not know.

MR. MAGUIRE: Did you learn later that such monies were coming into the Foundation?

MR. MOISE: Oh, yes.

MR. MAGUIRE: When did you first become acquainted with that?

MR. MOISE: When I first became acquainted with that it was in August. I believe it was August when I first began preparations for becoming secretary for the expedition. That is when I went into bookkeeping and finance.

MR. MAGUIRE: Was that in August, 1954?

MR. MOISE: Yes, that was about August of 1954.

MR. MAGUIRE: At that time, did you familiarize yourself with the methods of bookkeeping and income, etc.?

MR. MOISE: Yes.

MR. MAGUIRE: You ultimately familiarized yourself with the finances of the Wilhelm Reich Foundation and the Orgone Research Institute Inc., is that right?

MR. MOISE: Yes.

MR. MAGUIRE: Ultimately, you became familiar with all of the transactions?

MR. MOISE: Yes.

MR. MAGUIRE: Now, sometime, in the year of 1954, did Dr. Reich, you, and others leave Rangeley to go to Arizona?

MR. MOISE: We did.

MR. MAGUIRE: Now, calling your attention to the 8th day of August, 1954, was there any kind of corporate meeting held in Rangeley?

MR. MOISE: Yes, I could not be sure of the exact time but during the summer, the end of July or the beginning of August, we had a meeting of the Orgone Research Laboratories, Inc., at Rangeley.

MR. MAGUIRE: Who was present at that meeting?

MR. MOISE: Dr. Silvert, Dr. Reich, myself – Mr. McCullough, I believe. Those are the only ones that I am certain of who were there at that meeting.

MR. MAGUIRE: Was that a meeting of the board of directors?

MR. MOISE: I believe so.

MR. MAGUIRE: Did you hold office in that corporation, at that time?

MR. MOISE: It is my recollection that I became an officer at that meeting.

MR. MAGUIRE: So that, at sometime during the meeting, you were elected to office?

MR. MOISE: Yes–that is the meeting that I am thinking about.

MR. MAGUIRE: Was Dr. Silvert an officer of that corporation at that time?

MR. MOISE: I am not sure whether he was an officer, but I know at that meeting he became one.

MR. MAGUIRE: What office did he assume at that time?

MR. MOISE: If I am correct, I believe he assumed the office of treasurer.

MR. MAGUIRE: Was Dr. Reich an officer of the corporation at that time?

MR. MOISE: Yes. He was Chairman of basic research.

MR. MAGUIRE: Is that comparable to the office of president in the ordinary corporation?

MR. MOISE: I would say it is similar.

MR. MAGUIRE: There was no other person who was actually named president of the corporation?

MR. MOISE: No–not to my knowledge.

MR. MAGUIRE: Well, you were at the meeting?

MR. MOISE: Yes, but that was a long time ago.

MR. MAGUIRE: Is there any other person called president of that corporation?

MR. MOISE: I don't think so.

MR. MAGUIRE: When did you leave Rangeley for Tucson?

MR. MOISE: I left in October.

MR. MAGUIRE: Was that at or about the same time that Dr. Reich and others left?

MR. MOISE: No, I left about ten days before.

MR. MAGUIRE: Did you make a stop-over in New York on your way?

DR. REICH: I object.

THE COURT: I will allow the question.

MR. MOISE: Yes, I made a stop.

MR. MAGUIRE: Did you see Dr. Silvert on that trip?

MR. MOISE: I don't know whether I saw him or called him. I think I probably called him. I don't think I saw him because I was quite rushed.

MR. MAGUIRE: Would you say that you were at least in communication with him?

MR. MOISE: Yes.

MR. MAGUIRE: What was the purpose of that early August meeting at Rangeley of the Orgone Research Laboratories, Inc.?

MR. MOISE: The purpose of that meeting was to make the final plans.

MR. MAGUIRE: At that meeting was there a resolution of the corporation authorizing the opening of a bank account?

MR. MOISE: Oh, yes.

MR. MAGUIRE: Authorizing the opening of an account in what bank?

MR. MOISE: I think in New York City. The bank would be the Chemical Corn Exchange, or Corn Exchange.

MR. MAGUIRE: Was there a document that was prepared and signed for the purpose of submission to the bank and for the purpose of opening that account?

THE COURT: Isn't that in evidence already?

MR. MAGUIRE: Yes, Your Honor.

THE COURT: What is the sense of asking him if it is in evidence? You are going into too much detail.

MR. MAGUIRE: I show you Government's Exhibit No. 45 and ask you whose signatures are on that Exhibit?

MR. MOISE: Wilhelm Reich, M. D.—Michael Silvert, M. D. —William Moise on weather control.

MR. MAGUIRE: What position is indicated for Wilhelm Reich?

MR. MOISE: Chairman.

MR. MAGUIRE: And Dr. Silvert?

MR. MOISE: Treasurer.

MR. MAGUIRE: Now, will you turn to the next page? That is of the Orgone Institute Research Laboratories, Inc.?

MR. MOISE: Yes.

MR. MAGUIRE: Orgone Research Laboratories, Inc., is that right?

MR. MOISE: Yes. Wilhelm Reich, M. D., Chairman, Basic Research—Michael Silvert, M. D., Medical Orgonomy—William Moise, weather control.

MR. MAGUIRE: Now, that was the certificate that was submitted to the bank for the opening of that account?

MR. MOISE: Yes.

MR. MAGUIRE: Now, looking at the card that is affixed to the top of that Exhibit, is that the card which was submitted authorizing the signatures to that account?

MR. MOISE: I think so. I never saw this card before but it looks like it.

MR. MAGUIRE: Do you recognize the signatures?

MR. MOISE: Yes,—Wilhelm Reich, M. D., Chairman — Michael Silvert, M. D., Treasurer.

MR. MAGUIRE: Did you ever become a signatory to that account so that you could sign checks or make withdrawals?

MR. MOISE: No, I didn't. I am pretty sure of that.

MR. MAGUIRE: Now, Mr. Moise, after you went to Arizona, were there bank accounts opened up out there?

MR. MOISE: Oh, yes.

MR. MAGUIRE: Will you tell us what bank account was opened up out there?

MR. MOISE: The bank account that was opened up was Orgone Institute Research Laboratories, Inc., Expedition ORP DESERT EA.

MR. MAGUIRE: What was the name of the corporation?

MR. MOISE: Orgone Institute Research Laboratories, Inc.

MR. MAGUIRE: Who were the authorized signatories of that account?

MR. MOISE: I was authorized. Wilhelm Reich was authorized.

MR. MAGUIRE: Now, I show you what has been marked Government's Exhibit No. 82, for identification, and ask you what that is?

MR. MOISE: This is the card that you fill out at the bank for the opening up of an account. This was made out to the Southern Arizona Bank & Trust Company, Tucson, Arizona.

MR. MAGUIRE: Is that the same corporation that Dr. Reich and Dr. Silvert were signatories of in New York?

MR. MOISE: It operates under the Chairman of the same corporation. Whether it is the same or not, I don't know.

MR. MAGUIRE: At the time this card, which you hold in your hand, was signed, were the officers of that corporation the same as you indicated they were at the meeting up in Rangeley?

MR. MOISE: Yes.

MR. MAGUIRE: Were the directors the same?

MR. MOISE: Yes.

MR. MAGUIRE: Who were the directors?

MR. MOISE: Dr. Reich, Dr. Silvert, myself. I don't know if Dr. Baker was a director. I think so . . .

THE COURT: If you don't know say so. Don't do a lot of thinking out loud.

MR. MAGUIRE: I don't like to make this observation but I even heard one of the defendants prompting the witness.

THE COURT: The jury will decide the conduct which has been going on here. You go on with the testimony.

MR. MAGUIRE: Mr. Moise, will you tell us what Government's Exhibit No. 83 is?

MR. MOISE: This is to the Wilhelm Reich Foundation, ORP DESERT Research, Southern Arizona Bank & Trust Company, Tucson, Arizona. It is the form that opens up the bank account.

MR. MAGUIRE: Who were the authorized signatories of that account?

MR. MOISE: Only Wilhelm Reich, M. D., Director.

MR. MAGUIRE: That is the Wilhelm Reich Foundation?

MR. MOISE: That's correct.

MR. MAGUIRE: Now, Mr. Moise, after you and Dr. Reich, and whomever else was with you, got to Tucson, Arizona, what was the source of funds used by you? From where did it come?

MR. MOISE: The source of funds came from three sources. The first source was from contributions handled by Mr. Wilhelm Steig. Other contributions came in regularly from the Association

of Medical Orgonomists for the purpose of the expedition, and the third source came from the Orgone Institute Research Laboratories of New York City. That was from the organization that Dr. Silvert was treasurer of.

MR. MAGUIRE: How long were you and your group in Tucson?

MR. MOISE: We arrived there at the end of October and stayed there approximately six months and left for Maine in the middle or the end of April.

MR. MAGUIRE: During that period of time, how much money did you get from the Steig source?

MR. MOISE: Can I give you an approximate figure?

MR. MAGUIRE: You can approximate it, surely.

MR. MOISE: It ran to about $500.00 a month.

MR. MAGUIRE: $500.00 a month?

MR. MOISE: I think so.

MR. MAGUIRE: How much did you get during that period from what you call 'Medical Orgonomists'?

MR. MOISE: I would make another approximation of about $500.00 a month.

MR. MAGUIRE: $500.00 a month?

MR. MOISE: Yes, approximately.

MR. MAGUIRE: During that period, how much money did you get from the sale and rentals of accumulators, and the sale of literature? You understand that I am talking about the literature that is named in the injunction.

MR. MOISE: Each month we got a check from Dr. Michael Silvert in one lump sum. It came from both the sale of literature and accumulators, and that sum ran to approximately $1,500 a month.

MR. MAGUIRE: Now, as against the rental of accumulators and the sale of literature, what would be the greater, if you know, and in what proportion?

MR. MOISE: I don't know.

MR. MAGUIRE: Mr. Moise, I hand you Government's Exhibit 69 and ask you if you are familiar with the carbon copies of those reports in there?

MR. MOISE: Yes.

MR. MAGUIRE: Now, Mr. Moise, have you the originals of those reports?

MR. MOISE: Yes, I have.

MR. MAGUIRE: Do you have them in your possession?

MR. MOISE: Yes, they are in our possession.

MR. MAGUIRE: Here in the courtroom?

MR. MOISE: Not in the courtroom, no.

MR. MAGUIRE: Mr. Moise, the originals were subpoenaed to be here, were they not?

MR. MOISE: Yes.

MR. MAGUIRE: And through some inadvertence they are not here?

MR. MOISE: Through some inadvertence they are not here.

MR. MAGUIRE: Are these actually the carbons of the original reports that Dr. Silvert sent to you?

MR. MOISE: Oh, yes.

MR. MAGUIRE: Will you indicate to us, on one or two of the monthly reports, the $500.00 per month amount you received from the Medical Orgonomist and the $500.00 per month amount you received from the Steig source?

MR. MOISE: I don't believe they would be put on these reports because these reports came direct from Dr. Silvert. The contributions that came from the Wilhelm Steig fund came direct to our expedition in Tucson and the other contributions came from the physicians direct.

MR. MAGUIRE: Mr. Moise, did you get a report from Dr. Silvert of the payment of $333.55 to the Hemmingway Brothers

Interstate Trucking Company with respect to the shipment that was made from Rangeley to New York City?

MR. MOISE: I cannot say positively. I assume it would be on one of these reports.

MR. MAGUIRE: Will you turn to the report that it might be on? I would suggest that it might be on either the January 1955 or the February 1955 report.

THE COURT: Is that report in evidence?

MR. MAGUIRE: Yes, it is, Your Honor.

THE COURT: What is the sense of asking that question? You can point it out to the jury in your argument. Ask another question.

MR. MAGUIRE: Mr. Moise, did Dr. Reich check these reports with you when they were received?

MR. MOISE: Yes, sir.

MR. MAGUIRE: Do you know whether he was aware that that check was paid?

MR. MOISE: I think so—if it is in the report here.

MR. MAGUIRE: Did he communicate with Dr. Silvert about it?

MR. MOISE: Not to my knowledge.

MR. MAGUIRE: Did he do anything, to your knowledge, to countermand that shipment?

MR. MOISE: The shipment was all made when Dr. Reich heard about it so he couldn't do anything.

MR. MAGUIRE: Did he do anything?

MR. MOISE: He didn't do anything.

MR. MAGUIRE: Was the bank account practically depleated each month, except for a few dollars, because of the funds Dr. Silvert sent from New York to Dr. Reich out in Tucson?

MR. MOISE: Yes.

MR. MAGUIRE: What did you do with the funds when they arrived in Tucson?

MR. MOISE: I paid all expenses of the expedition and the research.

MR. MAGUIRE: How much rent did you pay out there?

MR. MOISE: The expedition paid $200.00 a month.

MR. MAGUIRE: Now, Mr. Moise, I am talking about the corporation. Wasn't it the Orgone Institute Research Laboratories, Inc., that paid out the funds?

MR. MOISE: Yes, from the expedition's bank account.

MR. MAGUIRE: Now, what monies did the Orgone Research pay for rent while you were out there?

MR. MOISE: It ran, approximately, to $200.00 a month for rent—$200 and $300 a month.

MR. MAGUIRE: Was there a variation in the amount of rent that was paid?

MR. MOISE: Yes, there was.

MR. MAGUIRE: For what other purposes was that money expended?

MR. MOISE: It was expended for the use of our trucks, equipment—research grants—the royalties—cloud busters, space equipment—everything.

MR. MAGUIRE: Were funds expended out there for entertainment purposes?

MR. MOISE: Yes, sir, some funds were expended for entertainment, I believe.

MR. MAGUIRE: Now, I show you this check and I ask you in whose handwriting this is in? The amount is $21.15 and there is also the word 'entertainment'.

MR. MOISE: That is my handwriting.

MR. MAGUIRE: In whose handwriting January 6, 1956 . . .

MR. MOISE: That is my handwriting.

MR. MAGUIRE: Do you have any comment with respect to the earlier notations that I asked you to look at. In other words, is the handwriting the same?

MR. MOISE: No, the handwriting is not the same. Dr. Reich's handwriting $21.15.

MR. MAGUIRE: Isn't it a fact that the entire running expenses of the household were paid out of the funds that Dr. Silvert sent out to Dr. Reich in Tucson?

MR. MOISE: No, it isn't.

MR. MAGUIRE: Is it or is it not a fact that you were paying maintenance expenses up at Rangeley, Maine—for instance, telephone and lights?

MR. MOISE: That's true, yes.

MR. MAGUIRE: You were paying the salary of the caretaker up there?

MR. MOISE: At times, yes.

MR. MAGUIRE: Now, is it or is it not a fact, Mr. Moise, that Dr. Reich was aware of all of these transactions?

MR. MOISE: Yes, that is true.

MR. MAGUIRE: And isn't a fact that you, Dr. Reich and all the rest of the people out there, were living from the money, day to day, that was coming from Dr. Silvert in New York?

MR. MOISE: Yes, from the money coming from Dr. Silvert in New York.

MR. MAGUIRE: Now, what has transpired since that time with respect to this operation, and by that I mean the monies being collected by Dr. Silvert in New York and transferred to Tucson? What has happened since that time?

MR. MOISE: Well, since that time, the arrangements have ceased. In other words, I stopped being the treasurer when the expedition was ended.

MR. MAGUIRE: Do you know whether or not Dr. Silvert is, at the present time, collecting rentals and selling literature as he had been doing when you were out in Tucson?

MR. MOISE: Yes.

MR. MAGUIRE: Do you know what he is doing with those funds?

MR. MOISE: Yes. Those funds of the Orgone Research Laboratories, Inc., go to pay all of the expenses that are connected with the research.

MR. MAGUIRE: Where have you, Dr. Reich, and your wife been since last fall?

MR. MOISE: We have been in Washington, D. C.

MR. MAGUIRE: Have you been there continuously until you and Dr. Reich came up here for this trial?

MR. MOISE: Yes.

MR. MAGUIRE: The checks that Dr. Silvert sent to you in Tucson, are they now being sent to you in Washington?

MR. MOISE: With one difference. Instead of sending a lump sum, most of the expenses are being paid now by Dr. Silvert in New York.

MR. MAGUIRE: What do you mean by that?

MR. MOISE: By that, one example will suffice. Instead of sending a check to us, the expenses are being paid direct by Dr. Silvert.

MR. MAGUIRE: Do you and your wife occupy the same quarters as Dr. Reich in Washington?

MR. MOISE: No.

MR. MAGUIRE: Who is paying Dr. Reich?

MR. MOISE: Well, Dr. Reich receives from the Orgone Research Laboratories, Inc., a certain amount each month for maintenance of quarters in Washington.

MR. MAGUIRE: Who pays Dr. Reich for his living quarters?

MR. MOISE: Paid by the Orgone Research Laboratories.

MR. MAGUIRE: Who pays your rent?

MR. MOISE: I pay my rent.

THE COURT: How far are you going in this thing—buying cigarettes and cigars and such things. The man has said he is on salary.

MR. MAGUIRE: Isn't it a fact that all of the money that comes down to Washington for the expenses of you and Dr. Reich comes from the funds that are being collected from the rental of accumulators and the sale of literature?

MR. MOISE: Yes, plus the contributions that come in.

MR. MAGUIRE: I show you what has been marked Government's Exhibit No. 84, for identification, and ask you if you are familiar with the contents?

MR. MOISE: Yes, I am.

MR. MAGUIRE: Do you know whether that was sent to Dr. Silvert?

MR. MOISE: Yes, it was.

MR. MAGUIRE: And also to Tom Ross?

MR. MOISE: Yes.

MR. MAGUIRE: Is that a telegram which directs Dr. Silvert not to give any information to the Food and Drug Inspectors, with some other epithets in there?

MR. MOISE: That's correct.

MR. MAGUIRE: Who sent that telegram?

MR. MOISE: I believe I sent it for Dr. Reich.

MR. MAGUIRE: Were you in this courtroom on July 26 last when Dr. Reich, Dr. Silvert and the corporation were arraigned?

MR. MOISE: Yes, I was.

MR. MAGUIRE: Did you see and hear Dr. Reich deliver a speech from the witness box where you are now sitting?

MR. MOISE: I did.

MR. MAGUIRE: Did you hear him tell Judge Clifford that he would, in effect—I am not quoting but in effect—not live up to the injunction, even though he went to jail for ten years?

MR. MOISE: The exact wording I cannot recall. I suggest you ask Dr. Reich.

THE COURT: Did you hear him say anything to that effect, or did you not, or can't you remember?

MR. MOISE: I heard him say something to that effect, yes.

MR. MAGUIRE: Do you know whether or not there was a document that was published in 1956, of this year, purported to be composed by Dr. Reich to be presented to a jury in this courtroom?

THE COURT: You need not answer that question. The pamphlet is not in evidence yet.

MR. MAGUIRE: Did you, as secretary to Dr. Reich, take down a speech that he had prepared about which I just expressed the purpose?

MR. MOISE: I did.

MR. MAGUIRE: Did he say in that proposed speech . . . . .

THE COURT: We are not going into that. You are going into too much detail here.

MR. MAGUIRE: That's all.

CROSS EXAMINATION BY DR. REICH:

DR. REICH: I would like to straighten out a few points if I may.

THE COURT: You may if you ask the proper questions.

DR. REICH: Do you remember at that meeting in August of 1954, which we held especially for the expedition of ORP DESERT? It was in August of 1954.

MR. MOISE: Yes.

DR. REICH: Why did we establish two accounts, one in New York and one in Arizona?

MR. MOISE: For the reason that we were simply going to be too busy with research work in Arizona to take care of all the financial business. So that was New York's job to take care of that.

DR. REICH: That means in a few words that I designated Dr. Silvert to stay in New York and to provide the money for the expedition—together with whom?

MR. MOISE: Wilhelm Steig and Dr. Baker.

DR. REICH: These three men constituted the . . . . .

MR. MAGUIRE: If Your Honor please, if Dr. Reich is going to testify . . . . .

THE COURT: You must not testify. You can ask questions only.

DR. REICH: Were you then especially designated secretary and treasurer for the expedition?

MR. MOISE: Yes, for the expedition.

DR. REICH: Do you know how much we paid for our quarters there?

MR. MOISE: We paid a total of $300.00.

DR. REICH: That was only for rent?

MR. MOISE: Just for rent and it ran to about $50.00 for electricity.

DR. REICH: Would you say how much a month, approximately?

MR. MOISE: $400.00 to $500.00.

DR. REICH: And how much of this was paid by the Orgone Institute Research Laboratories? I want the exact amount.

MR. MOISE: I don't remember the exact amount.

DR. REICH: Was it $200.00?

MR. MOISE: It was about one-half of the sum—$200 or $250.00.

DR. REICH: Do you remember whether I paid for my private quarters and my private food.

MR. MOISE: Yes.

DR. REICH: Do you remember whether I paid it out of my private money, which I owned, to assist my family there?

MR. MOISE: That's right.

DR. REICH: My secretaries?

MR. MOISE: That's right.

DR. REICH: Is that correct?

MR. MOISE: Yes.

DR. REICH: Now, I shall ask you somewhat of a peculiar question. I hope I make myself clear. Do you remember that I said you can ask questions in two ways. One way you wear a hat . . . . .

THE COURT: Just a moment. This is improper. The jury will disregard that entirely.

DR. REICH: I'm very sorry.

THE COURT: We know there are twenty-five different ways to ask a question.

DR. REICH: I regret it very much. I'm sorry.

DR. REICH: Now, when I objected before—Mr. Maguire asked you whether you had some appointment on your way to Arizona, and I objected. Do you remember that?

MR. MOISE: I remember that.

DR. REICH: Now, do you know why I objected?

MR. MOISE: I do.

DR. REICH: Will you tell the jury why I objected?

MR. MOISE: Because one of those appointments, on the way to Arizona, was an appointment that concerned *top secret work.*

DR. REICH: You had a top secret assignment, where?

MR. MOISE: In Dayton, Ohio.

DR. REICH: With whom?

MR. MOISE: With the airforce . . . . .

THE COURT: Wait a minute. This is not germane to the issue.

DR. REICH: Thank you very much.

DR: REICH: But you had a top secret assignment?

MR. MOISE: Yes, sir.

DR. REICH: Now, I shall be very brief. About the shipment to New York, did I know that this shipment had been made by Dr. Silvert?

THE COURT: How could he know what you knew?

DR. REICH: Because he told us about it.

THE COURT: Well, you might not have disclosed it to him. He can tell what he knows but not what you know.

MR. MOISE: I know that . . . . .

THE COURT: Wait a minute. I said you couldn't answer it.

DR. REICH: Did I know that such a shipment had been made by Dr. Silvert from Orgone to New York, to his own address?

THE COURT: That question is objectionable and shall not be answered. You can testify to that yourself but he cannot.

DR. REICH: Another question. Did you have anything to do with carrying books to a Miss Richards in Ellsworth, Maine?

MR. MOISE: No, I did not.

DR. REICH: It was a mistake. You testified to the contrary.

THE COURT: The jury will decide whether it was a mistake or not.

DR. REICH: Did you know that Miss Richards kept the books?

MR. MOISE: Yes.

DR. REICH: What happened to the books?

MR. MOISE: They were taken to Rangeley.

DR. REICH: Why?

MR. MOISE: Because she wasn't doing a good job of it—that's all.

DR. REICH: So she was discharged then?

MR. MOISE: Yes.

DR. REICH: That is all, Your Honor. Thank you.

REDIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: Mr. Moise, isn't it a fact that you, as treasurer of the Orgone Institute Laboratories, issued checks for the payment of food, while you were down to Tucson, Arizona? The checks were delivered to one Greta Hoff who cashed them?

MR. MOISE: I think there were some, yes.

MR. MAGUIRE: That's all.

RECROSS EXAMINATION BY DR. REICH:

DR. REICH: Will you tell the jury, please, who Greta Hoff is?

MR. MOISE: She was Dr. Reich's secretary and social worker. She was Dr. Reich's secretary on the expedition.

DR. REICH: Who paid for her sustenance?

MR. MOISE: Dr. Reich.

DR. REICH: Did I pay her salary?

MR. MOISE: You paid her salary.

RECROSS EXAMINATION BY DR. SILVERT:

DR. SILVERT: Mr. Moise, do you remember this letter?

MR. MOISE: Yes, I do.

DR. SILVERT: Will you say who sent it and to whom it was addressed?

MR. MOISE: This came from Michael Silvert, M. D., Orgone Research Laboratories, Inc., in New York City. It was addressed to William Moise, Treasurer of the Orgone Research Laboratories, Tucson, Arizona.

DR. SILVERT: And the date?

MR. MOISE: January 23, 1955.

DR. SILVERT: Would you read the paragraph which is underlined, the first one?

MR. MOISE: "All books and accumulators, except Wilhelm Reich's personal property, have been removed from Orgone. If you wish further information about this, I would be glad to advise. It added up to a ten-ton load . . . . ."

DR. SILVERT: Do you recall the occasion when Dr. Reich received this letter or when you read it to him?

MR. MOISE: Dr. Reich was very much surprised.

DR. SILVERT: So far as you know, did he have any private knowledge of this?

MR. MOISE: So far as I know, none of us had any private knowledge of this.

DR. SILVERT: That's all.

REREDIRECT EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: Do you know whether or not Dr. Reich received any telephone calls from Dr. Silvert—telegrams or other communications at or about that time?

MR. MOISE: I don't know.

MR. MAGUIRE: At this time, we offer Government's Exhibits Nos. 82 and 83.

THE COURT: Admitted.

(The documents heretofore marked Government's Exhibits Nos. 82 and 83, for identification, were received into evidence).

MR. MAGUIRE: Your Honor, during the course of the Government's presentation, we have offered, after presenting them to the defendants, Exhibits. I understand that they had been admitted when the specific offer had been made.

THE COURT: That's right. There has been no objection. Now, there is one objection which I think Dr. Reich has made. Do you object to that?

DR. REICH: What?

THE COURT: That Exhibit which you said a few minutes ago you objected to.

DR. REICH: I don't remember it.

THE COURT: I will say this: Until it is withdrawn I will not admit it as evidence. I will admit it, however, as a chalk, and by that I mean to say that a chalk is merely a compilation of figures. It is not evidence. You can attach such faith and credit to that statement as you consider it is worth in the light of the fact that there has been no certification of its truth. It is not evidence, but it is a chalk and you can use it.

MR. MAGUIRE: Your Honor, I will now offer Government's Exhibits Nos. 80 and 81.

THE COURT: I will make the same ruling.

MR. MAGUIRE: The Government rests.

(The Government Rests)

THE COURT: I want to explain to you what your proper procedure will be. We are now hearing the facts. After the facts are in, you will have a chance to argue the case. Now, in the discussion of the facts, we are interested in the question of whether there was or was not a violation of the Decree. We cannot go into the wherefores. You have heard the evidence that has been presented on which the Government rests. Now you have a right to make an opening to the Jury, telling them what you have to prove, but only on the question of violation, and I hope that I won't have to stop you. The only question in this case is whether the Injunction has been violated.

(An opening statement by Dr. Reich)

WILLIAM MOISE,

a witness, called by and on behalf of the Defendants having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY DR. REICH:

DR. REICH: Do you recognize this letter?

MR. MOISE: Yes, I do.

DR. REICH: We shall identify it. Is that my signature?

MR. MOISE: That is your signature, Wilhelm Reich, M. D.

DR. REICH: Did you write it?

MR. MOISE: Yes, sir, I did.

DR. REICH: Would you read that letter or do I have to present it?

THE COURT: Yes. Show it to the United States Attorney.

DR. REICH: May I have the witness read the letter?

MR. MAGUIRE: We object to the letter. It is absolutely and entirely immaterial and irrevelant to the issues before this court.

THE COURT: Let me see it.

(A document passed to the Court)

THE COURT: The objection is sustained. It is not pertinent.

DR. REICH: Your Honor, May I inject a remark here? It is pertinent to one point.

THE COURT: No, it is not pertinent at all.

DR. REICH: It is a fact that I did not obey the Injunction.

THE COURT: The only question here is whether you disobeyed or did not disobey the Injunction. The Court does not recognize any excuse for not obeying it after it was issued.

DR. REICH: May I reenforce my statement that I have disobeyed the Injunction?

THE COURT: Then what are we trying here?

DR. REICH: That is not my question.

THE COURT: If you have admitted that you have disobeyed this Injunction, then you are really wasting our time here. I cannot listen to why you disobeyed it or why you had to. The fact is that if you admitted you disobeyed it your case is about over. I said to you, today, we are producing facts. When the case is argued by you, you have a greater range of variation to argue to the Jury. You can argue, for instance, any inference that would naturally arise from the facts that have been produced. You can argue motives. You have a greater range on argument, but until you have entered a plea of guilty, we will go on with this case.

DR. REICH: I do not plead guilty.

THE COURT: You said you disobeyed the Injunction. I do not recognize that as a valid excuse.

DR. REICH: It is pertinent to the fact that we did not obey the Injunction.

THE COURT: You may ask any question for the purposes of the record and then I will rule on it.

DR. REICH: Mr. Moise, do you remember back in early July of 1955?

MR. MOISE: Yes, I do.

DR. REICH: You were armed then?

MR. MOISE: We were armed constantly.

DR. REICH: You were armed?

MR. MOISE: We were armed.

DR. REICH: With what?

MR. MOISE: With rifles and pistols.

THE COURT: You are not going to go into this at all.

DR. REICH: Well, Your Honor, I think I shall not waste your time or anybody else's time.

THE COURT: The only question is whether you violated the Injunction.

DR. REICH: Was the Injunction violated?

MR. MOISE: Yes, sir, we had to.

DR. REICH: Was it violated in a strong manner and very defiant with great determination?

MR. MOISE: With great determination.

DR. REICH: Did we have a reason to do so?

MR. MAGUIRE: I object to that, Your Honor.

DR. REICH: Was it?

MR. MOISE: Yes.

THE COURT: I will sustain the objection.

MR. MAGUIRE: I ask that that answer be stricken.

THE COURT: The answer may be stricken.

DR. REICH: Your Honor, may this question be brought in argument?

THE COURT: I will not say. I will say you have a greater latitude in your argument.

DR. REICH: Did we keep all the inspectors of the Pure Food and Drug Administration off our premises?

MR. MOISE: Yes, sir.

DR. REICH: That's all.

MR. MAGUIRE: No cross examination.

DR. ALBERT DUVALL,

a witness, called by and on behalf of the respondents, first having been duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY DR. REICH:

DR. REICH: What is your name, please?

DR. DUVALL: Dr. Albert Duvall.

DR. REICH: Are you a physician?

DR. DUVALL: Yes, I am.

DR. REICH: Are you licensed?

DR. DUVALL: Yes. I was licensed in Tennessee in 1933 and in New Jersey in 1936.

DR. REICH: You are a specialist?

DR. DUVALL: Yes. I am a Medical Orgonomist and a Psychiatrist.

DR. REICH: Did I ever direct you to do anything with Orgone Energy Accumulators?

DR. DUVALL: No.

DR. REICH: Did I order you to return Orgone Energy Accumulators?

DR. DUVALL: No.

DR. REICH: Do you use Orgone Energy Accumulators with your patients?

MR. MAGUIRE: I object to that.

THE COURT: I will allow it.

DR. DUVALL: I do.

DR. REICH: Have I ever asked you to return the accumulators?

DR. DUVALL: No.

DR. REICH: Why not?

THE COURT: That is out.

DR. REICH: You could not have returned the accumulators?

DR. DUVALL: No, I'm sorry. I could not have.

MR. MAGUIRE: I object.

DR. REICH: Did you ever have an affidavit to that effect?

DR. DUVALL: Yes, I did.

DR. REICH: An affidavit is on file and may I submit that as evidence.

THE COURT: You don't need to because his testimony is the best evidence.

DR. REICH: Thank you, that's all.

CROSS EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: Do you own an accumulator?

DR. DUVALL: Yes.

MR. MAGUIRE: Do you have a contract of rental?

DR. DUVALL: With one yes, and with one no. I have one for which I contribute money.

MR. MAGUIRE: I have no more questions.

JOSEPH MAGUIRE,

a witness, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY DR. REICH:

DR. REICH: Mr. Maguire, you conducted the case against Orgone for how long,–since when did it begin?

MR. MAGUIRE: Well, in the first place, I have conducted no case.

DR. REICH: Well, you have presented it?

MR. MAGUIRE: I have conducted no case against Orgone, at any time.

DR. REICH: But you were the lawyer?

MR. MILLS: I object, Your Honor, as entirely irrelevant.

THE COURT: I will allow it. I am going to give him a little more latitude than a lawyer would have.

DR. REICH: (Shows book to the witness) Can you identify this book, please?

MR. MAGUIRE: I have never seen this book before.

DR. REICH: You say you have never seen this book before. On July 26, you had the same book in your hands, and you quoted from it. Would you kindly read the title of the book?

MR. MAGUIRE: "Wilhelm Reich, History of the Discovery of Life Energy–1942-1954."

DR. REICH: Just read the title of the book, that's all.

THE COURT: Read the title.

MR. MAGUIRE: Well, there is so much on here, I don't know what is the title.

DR. REICH: It is right here.

MR. MAGUIRE: Reading what Dr. Reich has pointed out to me, which is the title, and which is in rather small print, "Conspiracy and Emotional Pain Reaction."

DR. REICH: Have you ever had that in your hand?

MR. MAGUIRE: I have had what might be a similar volume.

DR. REICH: Similar or identical?

MR. MAGUIRE: I can't answer that. The way the book is constructed, it is loose leaf and the pages can be withdrawn very readily.

DR. REICH: Mr. Maguire, may I repeat my question? Did you see that book? Did you ever have it in your hands on July 26– yes or no?

THE COURT: He said he did not know.

MR. MAGUIRE: No.

THE COURT: I can't receive that in evidence.

DR. REICH: Did you ever see this pamphlet?

MR. MAGUIRE: I have seen one similar to it.

DR. REICH: Would you read the title, please?

MR. MAGUIRE: "Wilhelm Reich, Biographical Material–History of the Discovery of the Life Energy–Documentary Supplements No. 2–The Red Threat of a Conspiracy."

DR. REICH: Is that known to you?

MR. MAGUIRE: Well, I said I have seen something or probably similar to this.

DR. REICH: Did you see this pamphlet?

MR. MAGUIRE: No, I didn't.

DR. REICH: You never saw this pamphlet?

MR. MAGUIRE: No, I didn't.

DR. REICH: The third one–this is the last one. Do you know this one? Here is the title. The same series?

MR. MAGUIRE: I don't understand what you mean.

DR. REICH: Did you ever read it or have it in your hands? Are you acquainted with this title? Would you please read it?

MR. MAGUIRE: Did I have this pamphlet in my hands?

DR. REICH: Not this one.

MR. MAGUIRE: I have seen and had one in my hands, I presume.

DR. REICH: With the same title. Would you read the title?

MR. MAGUIRE: "Atoms for Peace vs The Hig."

DR. REICH: Did you read it?

MR. MAGUIRE: I think I read that one.

DR. REICH: You think you read it?

MR. MAGUIRE: Yes.

DR. REICH: I offer this as an Exhibit now.

MR. MILLS: I object. It is irrevelant and immaterial.

THE COURT: Are these books covered by the Decree?

MR. MILLS: I believe so.

THE COURT: All right I will admit them.

MR. MAGUIRE: May I make a statement? That book is not covered by the Decree.

DR. REICH: The decree covers everything, past, future, and present. We have refused to obey that injunction. May I introduce it in the same series?

THE COURT: Is that book covered by the injunction?

MR. MILLS: That book was not compiled at the time of the injunction.

DR. REICH: But the injunction had impounded all literature, past, present, and future–and all associates, everybody, all doctors, and all associates.

THE COURT: Wait a minute. Let us do this orderly. Let me see the injunction to where it says past, present, and future publications.

DR. REICH: The decree impounded all publications.

THE COURT: I just want to read it. Will you point out to me wherein the decree says past, present, and future?

(Discussion at the Bench)

THE COURT: I will allow the pamphlets, but I will not allow the books.

(The documents heretofore marked Deft Reich's Exhibits Nos. 4 & 5, for identification, were received into evidence.)

DR. REICH: This book was compiled. May I present it later?

THE COURT: You may offer it later.

DR. REICH: Were you aware of the fact that in August 1954, about that time, there were discharged 230 persons suspected of subversive activities?

MR. MILLS: I object.

THE COURT: That is out. The Jury will disregard the import of that question.

DR. REICH: May I ask Your Honor for information as to what we have violated?

THE COURT: A few minutes ago you said that you had ignored the Injunction. Now I don't know what more you can ask about it because you have admitted it. You have not pleaded guilty, but you have admitted it and that is the sole issue before the jury. If you can show any bias or prejudice you can argue, but I don't know what further you can ask this witness.

DR. REICH: Not now.

THE COURT: This is your one chance to ask him. You have put him on the stand.

DR. REICH: I will ask it in this manner. This Injunction which was issued and not obeyed by me, was that in any way connected with any subversive activities in the Health Department, The Department of Health and Welfare?

MR. MAGUIRE: I will be happy to answer that. The answer is no, emphatically.

DR. REICH: That is all, Mr. Maguire.

MR. MILLS: No cross examination.

THE COURT: Do the defendants think that they are being rushed in this matter?

DR. REICH: No, I am very grateful.

THE COURT: Would you like some time to organize?

DR. REICH: Yes, and I would like to object to the procedure.

THE COURT: No, but I want you to have every chance you can. If the Jury would not object we can recess now until 2:00 which would give the defendants the opportunity to consider how they want to move. Now, I want to point out that you will have a chance to argue your case in its broadest aspects.

DR. REICH: Your Honor, may I call another witness. Just as a fact that we have not obeyed the Injunction?

THE COURT: Surely.

TOM ROSS,

a witness, called by the respondents, first having been duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY DR. REICH:

DR. REICH: Mr. Ross, will you tell the jury whether we have ignored the Injunction?

MR. ROSS: I could not answer that question for you.

DR. REICH: Did we obey it,—tell the truth please?

MR. ROSS: I cannot answer that question.

THE COURT: Have you seen something done that would be a violation of the Injunction?

MR. ROSS: Yes.

THE COURT: Well, that is the answer he wants.

DR. REICH: Mr. Ross, did I talk to you very often about not obeying the Injunction? You know I talked to you about it?

MR. ROSS: Yes.

DR. REICH: I spoke to you many times about it. I shall not mention why. Did you have an order to be always armed and to have a rifle in your car and not to admit anyone?

MR. ROSS: Yes.

DR. REICH: Will you tell the jury as a consequence of this attitude or of this determination that I was ready to die last summer?

THE COURT: He can't tell you what you were ready to do.

DR. REICH: Well, he was present.

THE COURT: Well, how does he know what you were ready to do?

DR. REICH: I shall ask you differently.

MR. ROSS: Do you mean you want me to answer it?

DR. REICH: In connection with our being armed certain happenings occurred at Orgone last July which were very dangerous in connection with not obeying the Injunction. Do you remember that we had chains and we were armed?

MR. ROSS: Yes.

DR. REICH: Did you prepare a grave for me during those two weeks?

MR. MAGUIRE: I object to that.

DR. REICH: That is not ridiculous if you are in it.

THE COURT: All right, did you prepare the grave?

MR. ROSS: Yes.

THE COURT: You didn't use it?

MR. ROSS: I prepared it.

DR. REICH: Do you think it was serious then?

THE COURT: Not what he thinks.

CROSS EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: Don't you mean you dug a hole?

DR. REICH: I object. It is a serious thing.

THE COURT: I will sustain the objection.

ROBERT McCULLOUGH,

a witness, called by and on behalf of the defendants, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY DR. REICH:

DR. REICH: Mr. McCullough, you are a biologist, right?

MR. McCULLOUGH: Yes.

DR. REICH: You worked at the University of New Hampshire?

MR. McCULLOUGH: Yes, one year as research associate.

DR. REICH: At the University of New Hampshire?

MR. McCULLOUGH: Yes.

DR. REICH: You worked in what capacity?

MR. McCULLOUGH: As a research associate. It was wild life management.

DR. REICH: You came to our Laboratories when?

MR. McCULLOUGH: 1953.

DR. REICH: And when did you leave?

MR. McCULLOUGH: In April of 1955.

DR. REICH: April of 1955?

MR. McCULLOUGH: Yes.

DR. REICH: That was in Arizona?

MR. McCULLOUGH: Yes.

DR. REICH: You did not return to the east?

MR. McCULLOUGH: Yes.

DR. REICH: Can you remember that we resisted the Injunction and was ready to use force?

MR. McCULLOUGH: Yes.

DR. REICH: Do you remember it was very serious?

MR. McCULLOUGH: Very serious.

DR. REICH: Did I order you to always to have a rifle with you?

MR. McCULLOUGH: Yes.

DR. REICH: And to defend yourself?

MR. McCULLOUGH: Yes.

DR. REICH: Against any kind of intrusion?

MR. McCULLOUGH: Yes.

THE COURT: Did anyone ever attack you?

MR. McCULLOUGH: Nobody did, no sir.

DR. REICH: But was an attack expected?

MR. McCULLOUGH: Yes, an attack was expected. I was referring to something else.

THE COURT: Do you mean to say that had the United States Marshal sought to do something you would have shot him?

MR. McCULLOUGH: No, sir. I would say I was armed to prevent trespass.

THE COURT: Would you have shot a Pure Food and Drug Inspector?

MR. McCULLOUGH: I would not have shot, but I might use it to stop trespassing.

THE COURT: Well, suppose he kept coming?

MR. McCULLOUGH: Well, I am big enough.

THE COURT: Well, suppose he was big, too? You wouldn't shoot anybody, would you?

MR. McCULLOUGH: Well, I wouldn't say that. Under some conditions, I might have shot somebody, yes.

DR. REICH: I have but one question. Did you suffer an injury during that work?

MR. McCULLOUGH: Yes.

DR. REICH: When was that?

MR. McCULLOUGH: I believe December 6th or December 7, 1954.

DR. REICH: During the expedition?

MR. McCULLOUGH: Yes.

DR. REICH: Was it serious?

MR. McCULLOUGH: Yes.

DR. REICH: Are you still limping?

MR. McCULLOUGH: Yes.

DR. REICH: You did not limp before?

MR. McCULLOUGH: That's right.

DR. REICH: That's all.

THE COURT: What is your injury?

MR. McCULLOUGH: Injury to the hip or loin on the right side.

THE COURT: That wasn't caused by any Pure Food and Drug Inspector?

MR. McCULLOUGH: No.

DR. REICH: That's all.

MICHAEL SILVERT,

one of the defendants, having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY DR. REICH:

DR. REICH: Dr. Silvert, how long have you known me?

DR. SILVERT: I knew you since 1948. I heard of you about a year before that.

DR. REICH: Did we violate the Injunction?

DR. SILVERT: We did.

DR. REICH: We were determined to disobey it and ignore it?

DR. SILVERT: Yes.

DR. REICH: At the risk of our lives?

DR. SILVERT: Yes, sir.

DR. REICH: It is very serious, Your Honor. It was extremely serious.

THE COURT: I have told you it was.

DR. REICH: Your Honor has informed me, thank you.

DR. REICH: At the risk of our lives?

DR. SILVERT: Yes, sir.

DR. REICH: And in many ways?

DR. SILVERT: Yes, sir.

DR. REICH: Did you take some material from New York down to Tucson?

DR. SILVERT: Yes, I did.

DR. REICH: How much did that cost?

MR. MAGUIRE: I object unless he identifies the material . . . . .

THE COURT: Wait a minute. What is the material, Doctor?

DR. REICH: What was the material you brought from Orgone down to Arizona?

DR. SILVERT: The name we have given to it is Orur.

DR. REICH: Is that mentioned in that pamphlet "Atoms for Peace"?

DR. SILVERT: It is.

THE COURT: Was this Orur covered by the injunction?

DR. REICH: Yes, everything.

THE COURT: Go ahead with your questions.

DR. REICH: And this material could not be taken onto the plane?

DR. SILVERT: Definitely, it could not.

MR. MAGUIRE: I object to this line of questioning. It is very far afield from the issue.

DR. REICH: It is not far afield.

THE COURT: Why could it not be taken on a plane is not important.

DR. REICH: Were we determined in connection with that material to resist the injunction?

DR. SILVERT: Yes, we were.

DR. REICH: Very determined?

DR. SILVERT: Yes.

DR. REICH: We were ready to go to jail?

DR. SILVERT: We had been for some time.

DR. REICH: How long would you say we had been ready to go to jail?

DR. SILVERT: Since the Injunction.

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DR. REICH: Since the injunction in March of 1954 when I did not go to court. Was this attitude already taken? We took great risk, didn't we?

DR. SILVERT: Yes, sir.

DR. REICH: Not to appear and to protect our discovery?

DR. SILVERT: Yes.

DR. REICH: Did I ask you to be armed and to be careful?

DR. SILVERT: Yes.

DR. REICH: In New York?

DR. SILVERT: Yes.

DR. REICH: You consented to this procedure?

DR. SILVERT: I did, and I followed it.

DR. REICH: You are ready to go to jail?

DR. SILVERT: Yes, sir.

DR. REICH: That's all.

CROSS EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: When you said "We did violate the injunction", the injunction you referred to is the injunction involved in this case?

DR. SILVERT: Yes, sir.

MR. MAGUIRE: When you said "We violated it", you mean you personally have violated the injunction?

DR. SILVERT: I would certainly have been willing if I had, but I was never covered by the injunction, myself.

MR. MAGUIRE: Have you violated this injunction?

DR. SILVERT: I am not named in the injunction.

THE COURT: Have you violated the injunction?

DR. SILVERT: I would like to say yes, but actually I don't believe I have.

MR. MAGUIRE: Doctor, have you done, or have you been connected with those acts that are specified in the amended complaint with respect to which we are in this court room today?

DR. SILVERT: I have done some of them, but not the ones that would place me in contempt.

MR. MAGUIRE: That is all.

RE-DIRECT EXAMINATION BY DR. REICH:

DR. REICH: Dr. Silvert, you were among the 15 physicians to intervene?

DR. SILVERT: Yes, I was one of those physicians who attempted to intervene in this injunction matter.

DR. REICH: Now, this question is in connection with whether you have violated the injunction . . . . .

DR. SILVERT: I have never hesitated to act in any way whether it violated it or not.

DR. REICH: No, Doctor, we want to get the point across that you were specifically among the physicians who were not bound by the injunction.

THE COURT: Even though he was not named in the injunction, if he had acted with the knowledge that the injunction had been served on him, or if he helped another person violate the injunction, he is still guilty.

DR. REICH: Will you explain to the jury in what manner your situation, your position of the whole case has been confused?

MR. MAGUIRE: I object.

THE COURT: That is not a proper question.

DR. REICH: Dr. Silvert, will you tell the story of how you were in the injunction and out of the injunction and in the injunction again?

THE COURT: He never was in the injunction.

DR. REICH: Oh, yes, Your Honor, he was, everybody was in it.

THE COURT: No, they were not either. It merely said it was not limited to those enumerated in the injunction proceedings.

DR. REICH: The injunction was against all books, all activities, all doctors, all associates, even my foreign publishers.

THE COURT: I will tell the jury who was covered by the injunction.

DR. REICH: According to the documents as I read them . . . . .

THE COURT: I have ruled on the matter and I will not argue with you.

DR. REICH: May Dr. Silvert now testify?

THE COURT: To what.

DR. REICH: To whether he has violated the injunction or not.

THE COURT: I think he said he has not but that he would never hestitate to. Is that correct?

DR. SILVERT: Let me say I violated the injunction as it was originally formulated, and then I was specifically exempted by this Court from the terms of that injunction. I did not ask for that exemption.

MR. MAGUIRE: I move that the last statement be stricken.

THE COURT: Unless you have some evidence of it, let me say to the Jury, the injunction is what they call an action in personam. It is directed against certain people. Now, when an injunction issues, it is directed against those people, plus their agents, servants, associates, etc.; then, as a matter of law it follows that when anyone is not named in the injunction, or is not covered by association or concerted action, and if he does nothing in aiding the original people enjoined, then he is not covered by the injunction. The question of fact that will be submitted to you is this: For example, if Dr. Silvert took accumula-

tors from Maine to New York, if he did that in the interest of anyone named in the injunction, no matter what the relationship was between them, then he comes within the injunction because he is acting in concert with them. If, on the other hand, it had no connection whatsoever with the people not named in the injunction, then he is not covered. I hope that that is clear to you, but I will explain it to you again.

DR. REICH: My discovery is every where . . . . .

THE COURT: Let us not argue.

DR. REICH: Your Honor, I am not certain whether I can produce this material or not, and I would appreciate your advice. This is material to show that Mr. Mills had dealt with the methods pertinent to the injunction before the injunction was issued. May I offer that as an Exhibit?

THE COURT: Let me see it.

DR. REICH: This is a list, a table of evidence of all activities of Mr. Mills in connection with this injunction.

THE COURT: You charge that Mr. Mills is biased or prejudiced against you?

DR. REICH: Yes.

THE COURT: And has been in his activities?

DR. REICH: Yes, all along the line.

THE COURT: Well, you may question him on that score.

DR. REICH: Right now?

THE COURT: Yes, you may ask him if those events occurred.

DR. REICH: I don't understand the word 'charge'.

THE COURT: Well, I will say this: Unless you do charge him with bias or prejudice, I won't let you read those papers.

DR. REICH: Yes, I charge him with bias and prejudice.

THE COURT: Do I understand that you charge improper motives on his part in this prosecution?

DR. REICH: Yes.

THE COURT: All right.

PETER MILLS,

a witness, called by and on behalf of the defendants, first being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY DR. REICH:

DR. REICH: Here is the first Exhibit, Mr. Mills. This was taken from the records about your activities in connection with what you did for us. Mr. Mills, what is this?

MR. MILLS: This is a table of events from the records. What is your question, Doctor?

THE COURT: I presume, Mr. Mills, that all he means is this: To the best of your knowledge, is this a fair representation of your activities.

DR. REICH: This is an abstract of our association?

MR. MILLS: I don't know.

DR. REICH: Would you please inspect it?

MR. MILLS: I am presented, Your Honor, with an eight-page list of items and dates and I am in no position to verify or deny.

THE COURT: Do you have any reason to challenge any of it from your memory?

MR. MILLS: No, I have no reason to challenge it but I haven't any reason to confirm it either, Your Honor, as they are listed. I could state, generally, that I would try to be responsive to any questions that the examiner asks.

THE COURT: They have a right to show the transactions. If we have to go through the books and take item by item, and

you use the charts and books, I think you should check that this noontime and let us see if it is a fair and accurate representation. He asked you if that is a fair representation of your activities in relation to the corporation.

MR. MILLS: Well, I am looking at the photograph, and it bears my signature, which I recognize as a statement, as a Notary Public, on August 11, 1947. I believe that was the first contact that I had with Dr. Reich. Dr. Reich called at my office to have a Notary take a statement and I notarized that statement and I affixed my name on it.

DR. REICH: There are dozens of them?

MR. MILLS: There was one other occasion.

THE COURT: I am going to ask you to hand that list to Mr. Mills and I am going to ask you during the recess to check, so far as you can, whether that is a fair representation of your activities.

(Recess 12:20-2:05)

MR. MILLS RESUMES THE STAND:

DR. REICH: Mr. Mills, did you look through the material?

MR. MILLS: I did.

DR. REICH: Is it authentic material in connection with your connection with Orgone Institute and the Wilhelm Reich Foundation?

MR. MILLS: I did not get the first few words?

DR. REICH: Is this material legal material which you have handled in your function as a counsel for the Foundation, for the Orgone Institute, and for many of its employees and directors?

MR. MILLS: It is not.

THE COURT: Let me ask you this: Is that list a fair representation of activities in which you were engaged in relation to the corporation or some of its subsidiaries?

MR. MILLS: It is not, Your Honor.

DR. REICH: Mr. Mills, have you been the counsel of the Corporation of the Wilhelm Reich Foundation? Did you incorporate the papers and sign all documents?

MR. MILLS: Part of your question I would say in the affirmative. I was at one time counsel for the Corporation, and I was the attorney at the time it was incorporated.

DR. REICH: Did you act as counsel for the Corporation?

MR. MILLS: Yes.

DR. REICH: That was in 1949?

MR. MILLS: I think 1950 or 1951.

DR. REICH: The Wilhelm Reich Foundation was incorporated by you as a lawyer in 1949. Isn't that true?

MR. MILLS: I was the attorney at the time of the incorporation.

DR. REICH: You partook in the meetings of the physicians who constituted the board of trustees of the Wilhelm Reich Foundation?

MR. MILLS: Some of them.

DR. REICH: But you were our counsellor, our attorney?

MR. MILLS: On some matters.

DR. REICH: Yes, on basic matters, some of our legal matters, from 1949 to 1952?

MR. MILLS: I believe that that is correct.

DR. REICH: That is about three years?

MR. MILLS: Yes.

DR. REICH: The documents which pertain to this service, that you rendered, are in there?

MR. MILLS: I couldn't say all of them are in there, but certainly many of them are.

DR. REICH: Would you permit that I submit this material as evidence?

THE COURT: The question is: Does he agree that this material, which he identifies, substantially or partially, represents his transactions. Will you agree that that be put in evidence?

MR. MILLS: I would not agree to agree or disagree. I would not from my review of it.

DR. REICH: My question was, do these documents pertain to your service as our counsel?

MR. MILLS: There is a great deal more in these documents that I have no knowledge of.

DR. REICH: Would you agree to eliminate those which do not pertain to your service as counsel?

MR. MILLS: I would agree that many of these are. There are corporation papers here. There are many other things which certainly appear to be authentic.

DR. REICH: For instance, one or two examples—one document there appears to be a notarization?

MR. MILLS: Yes.

DR. REICH: Another notarization is a very important, crucial document pertaining to what we called Vacar Phenomenon. Do you remember that?

MR. MILLS: I do.

DR. REICH: You do?

MR. MILLS: Yes.

DR. REICH: The fact that I want to establish here is only one. You were for three years—for more than three years—a good friend of ours and a counselor?

MR. MILLS: That's correct. I was professionally, but not intimately.

DR. REICH: There was some private contact?

MR. MILLS: Yes, a cup of coffee.

THE COURT: With cream and sugar in it?

DR. REICH: That's right.

DR. REICH: Now, Mr. Mills, the problem which is before us here, in this legal case—I think the Court will permit me, as a human being, to ask one central question which pertains to the Injunction since you are the counsel for the opponent.

MR. MILLS: Are you asking me a question or testifying?

DR. REICH: I am leading up to my question. My question is now why you changed from our counsel to be the counsel for the opponents?

DR. REICH: This problem, Your Honor, I submit to you to be admitted in Court.

THE COURT: Well, what is your question?

DR. REICH: My question is, under the circumstances, what reasons, or what facts induced Mr. Mills after being our counsel for three years, and I regarded him as a good friend, to be our opponent's counsel, and the one to prosecute me and Dr. Silvert as criminals?

THE COURT: That is a fair question if there is anything.

MR. MILLS: The question is, what prompted me?

DR. REICH: What made you change your mind?

MR. MILLS: I have never changed my mind. I am not conscious of changing my mind.

THE COURT: Wait a minute. The original question was, what prompted you to change sides.

MR. MILLS: I never changed sides. I first made my connections, I believe, with you on August 29, 1952. I never advised you on matters concerning the Pure Food and Drug Administration. I did not read the law with respect to the Pure Food and Drug Administration. I did not know it had any application in this business. You did not advise me.

DR. REICH: In 1952 you stopped being our counsel, and then in 1954—I think it is 1953, because we have information that the complaint was here in court for a long time, and you were the attorney for the opponent in 1952. Do you remember that in 1952 to put it correctly and legally, that you were present at a meeting with the Pure Food and Drug Administration . . . . .?

MR. MILLS: I do not.

THE COURT: Let him finish the question.

DR. REICH: You don't know?

MR. MILLS: That's right.

DR. REICH: You do not remember the meeting where the physicians were there in my study, in the Observatory?

MR. MILLS: The only recollection I have with reference to the Pure Food and Drug Administration, in your connection, is one afternoon we were on the premises, you and I, and you said to me "spies—The Pure Food and Drug Administrations . . . ."

DR. REICH: I do not remember that, but do not interrogate me. I will ask you questions. You will have plenty of time to interrogate me later. I am sorry, but that was out of step. Are you convinced that I am trying to get out the truth here?

MR. MILLS: I presume so.

DR. REICH: Will you agree with me also that it is the job and the task and the obligation of everyone to get out the truth?

MR. MILLS: I certainly do.

DR. REICH: You will certainly agree that the function of the District Attorney is not to prosecute by all means and to convict, but to find the truth? I will appreciate it if you will help to find the truth.

MR. MILLS: I certainly agree with you. I will try to help you.

THE COURT: You are getting argumentative. You have shown he was your counsel for three years. You can argue the rest of it when you argue your case, but I do not think you ought to pursue it any further.

CROSS EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: Now, Mr. Mills, will you tell us exactly what your association was with Dr. Reich and the Foundation from the time you first became acquainted with it?

MR. MILLS: In the summer of 1947 our office was called and asked for a Notary Public to come to Rangeley to take a statement. The call was made to my father and my father sent me. I did go up and take a statement. The following summer I took another statement, and subsequent to that, there was discussion about a chartable corporation under the laws of the State of Maine. I prepared the corporation papers and drafted the by-laws, and they were adhered to by Dr. Reich and his associates. The corporation took place under the laws of the State and I was the clerk but not a member of the Board of Trustees. I was asked to be a member, but I was not. I was a clerk for that corporation for several years when my activities terminated some months before my resignation. My resignation went in, I believe in October,—about the 29th of August, 1952, and from then on I had no further connection with the Wilhelm Reich Foundation. I never advised them in any regard to Pure Food and Drug matters. I never knew what the Pure Food and Drug Administration said. I never advised anyone about it.

MR. MAGUIRE: Was the Wilhelm Reich Foundation, or Dr. Reich, at that time, just another client of yours?

MR. MILLS: That's right.

MR. MAGUIRE: When did you assume the office you now hold as United States Attorney?

MR. MILLS: August 17, 1953.

MR. MAGUIRE: Now, in connection with litigation, as a result of which this case is on trial, will you tell us just exactly what happened? How did you happen to get into the case as counsel for the Government?

MR. MILLS: Several months after I had been in the office of United States Attorney, there was a conference in my office in regard to a Pure Food and Drug case. Later, a discussion was had between my former assistant and the agents and this case was mentioned. That was the first knowledge I had that there was any case at all. A short time after that the Pure Food and Drug Administration transmitted to the Department of Justice a recommendation for prosecution, civil prosecution for an Injunction . . . . .

THE COURT: I think this is too much detail. Why don't you say the matter was referred to the Department of Justice?

MR. MILLS: It was, Your Honor.

MR. MAGUIRE: Now, Mr. Mills, did you have any discretion pursuant to orders of the Attorney General as to whether or not you could proceed or not proceed?

THE COURT: That is not a fair question. We all know he may have assigned it to someone else if he did not care to sit on it.

MR. MAGUIRE: Did you do anything in connection with the continuation of the litigation?

MR. MILLS: I did.

MR. MAGUIRE: What did you do?

MR. MILLS: I asked the Attorney General to make you my Special Assistant to handle the litigation.

MR. MAGUIRE: Did he do that?

MR. MILLS: He did.

MR. MAGUIRE: That's all.

DR. REICH: No further questions.

ILSE OLLENDORFF,

a witness, called by and on behalf of the respondents, first being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY DR. REICH:

DR. REICH: Miss Ollendorff, I shall not ask any questions as to identification since we know who you are. Do you know this volume? (Shows document to witness)

MISS OLLENDORFF: Yes.

DR. REICH: Will you tell the jury what that is, please?

MISS OLLENDORFF: This is a volume of photostated copies of original letters and newspaper clippings that I helped to collect during the time I was an employee of the Foundation. It was collected in a loose leaf binder like that.

DR. REICH: When was that material collected? When was it done, exactly?

MISS OLLENDORFF: I was there at the time. Part of the material was contained in the files and records that I kept, and it was collected in the present order after the injunction was filed.

DR. REICH: Will you please tell the jury why this material was collected?

THE COURT: I don't think we are interested in why it was collected.

DR. REICH: Will you please read the title?

MISS OLLENDORFF: "Conspiracy and Emotional Chain Reaction."

DR. REICH: Will you tell the jury whether you saw this volume here in the hands of Mr. Maguire Tuesday?

MISS OLLENDORFF: I saw a volume of this material. It was a limited edition, No. 41.

DR. REICH: Of this volume?

MISS OLLENDORFF: Of this material in Mr. Maguire's office on Tuesday.

THE COURT: This is of this year?

MISS OLLENDORFF: Yes, when I was called again to identify some of the material from the bookkeeping records.

DR. REICH: Will you please tell the jury how it came about that I brought that here?

MISS OLLENDORFF: You showed me a document, a statement, that I gave as a witness before, and you asked me if I was aware of what this document contained in this volume. I said I was not sure of it. I knew that I wrote that document but I took your word that it was in this volume because it would be one of the documents that would be contained in this volume.

DR. REICH: You are quite certain? You are under oath. Are you quite certain that the volume, which you saw in Mr. Maguire's hands and the volume I show you, are the same series, the same kind?

MISS OLLENDORFF: It is the same material.

DR. REICH: Are you aware that Mr. Maguire had denied that?

MR. MAGUIRE: I certainly object to that. That is absolutely an incorrect statement. May I have the Court Reporter read the testimony back?

THE COURT: The jury will be the people to decide. The jury has heard your testimony, and now they have heard this testimony, and they will decide it.

DR. REICH: May I repeat the question?

THE COURT: You may.

DR. REICH: This morning, when Mr. Maguire was on the witness stand, I held up the same volume . . . . .

THE COURT: Let me put this question to you. It is your testimony that you saw that in the hands of Mr. Maguire, and whether it was about some statement of yours that was in there. Do you consider it inconsistent with his testimony this morning?

MISS OLLENDORFF: I consider it inconsistent and I was disturbed about it.

THE COURT: All right.

DR. REICH: I have no more questions.

CROSS EXAMINATION BY MR. MAGUIRE:

MR. MAGUIRE: You apparently was paying quite some attention to my testimony while I was on the stand?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: Did you see Dr. Reich present to me the volume that he has just retrieved from you?

MISS OLLENDORFF: I don't know whether it was exactly the same volume but it was the same contents.

MR. MAGUIRE: Well, let us assume that it was the same volume that he presented to me and the same volume he just presented to you. Did you hear him ask me if I had ever seen that volume before?

MISS OLLENDORFF: Yes I heard him say that.

MR. MAGUIRE: Did you hear my answer?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: Didn't you hear me tell him later that I had seen another volume that was apparently of the same contents as this, and did you see me open the cover? I said that it was the same and it was a loose leaf binder and you could open it up and it will fall out?

MISS OLLENDORFF: I did not hear that. I know you said it in regard to another pamphlet.

MR. MAGUIRE: I am going to show you what you have described as a limited edition, No. 41, and ask you if it is not the edition that I had with me when I discussed your testimony with you earlier this week, and you noted the number here, limited edition No. 41?

MISS OLLENDORFF: I think it was in the hard binder.

MR. MAGUIRE: You have seen me take the binder out?

MISS OLLENDORFF: Yes.

MR. MAGUIRE: Isn't it very easy to pull out portions of the contents of the binder?

MISS OLLENDORFF: It would be but I think, more or less, they are numbered in sequence.

MR. MAGUIRE: My question, isn't it easy to spread the binder out and remove the contents or a portion of the contents?

MISS OLLENDORFF: It would be easy to do that, but I do not see the purpose of it.

MR. MAGUIRE: No further questions.

DR. SILVERT: If Mr. Maguire wants to check that with me he can confirm the figures. The royalties earned from literature from April 1, 1954 to September 30, 1955 are listed here as $1,895.79. I am assuming that that is correct. The royalties, however, are listed as $6,000 and some small sum. Here are the checks that account for this sum of $6,000. Now, among these checks there are checks which I have signed as treasurer in New York City and other checks which were signed on an account either in Rangeley or in Tucson. The only checks that are referred to book royalties are the checks which I have signed, and the total, they total to $2,175 and some change. The discrepancy between the one thousand eight hundred and ninety-five dollars, which is listed by the FDA accountant, and Two thousand one hundred and seventy-five dollars, or a difference of about two hundred and eighty dollars is easily accounted for by a sum which was paid for royalties before this period and carried over. The other royalty, the difference between two thousand dollars and six thousand dollars, about four thousand dollars, represent royalties paid to Dr. Reich for use of various weather control equipment that Dr. Reich had invented and the royalties for the use of which were to be paid to him.

DR. SILVERT RESUMES THE STAND:

CROSS EXAMINATION CONTINUED BY MR. MAGUIRE

MR. MAGUIRE: Now, Dr. Silvert, in this group of checks, marked Government's Exhibit No. 80, there is a check here of November 23, 1954, drawn by Mr. Moise in Tucson, Arizona, for three hundred dollars for royalties. There is another one November 30, 1954, for three hundred dollars in royalties to Orgone Institute . . . . .

DR. SILVERT: Signed by whom?

MR. MAGUIRE: These that I am reading are signed by Mr. Moise. Here is one here for five hundred dollars, January royalties, Southern Arizona Bank and Trust Co. It has Mr. Moise's signature. Here is one here for two hundred dollars February 1, 1955, Moise again, royalties for February 1955.

DR. SILVERT: Yes, we grant all that.

THE COURT: What is the question?

MR. MAGUIRE: I have not finished my question.

THE COURT: That is hardly a question. You are making a statement.

MR. MAGUIRE: Here is March 1st, five hundred dollars. Did you maintain the books with Moise who was in Arizona while you were in New York?

DR. SILVERT: No.

MR. MAGUIRE: Here is one here for April 1, 1954, for two hundred and fifty dollars, signed by Wilhelm Reich to Orgone Institute. You understand that Orgone Institute is Wilhelm Reich?

DR. SILVERT: Yes.

MR. MAGUIRE: That was signed by him. It is the First National Bank of Farmington. Did you maintain the books with Dr. Reich in Rangeley at that time?

DR. SILVERT: No.

MR. MAGUIRE: That's all.

RE-REDIRECT EXAMINATION BY DR. REICH:

DR. REICH: I would like to put it in the form of a question. We had two accounts within each other. There was your account in New York and one account in Tucson?

DR. SILVERT: Yes, that is correct.

DR. REICH: It means that money came down. How did the money come down?

DR. SILVERT: We transmitted funds that were collected in New York and they were sent to the corresponding account, the ORP DESERT RESERVED ACCOUNT in Tucson, Arizona.

DR. REICH: It is practically one account?

DR. SILVERT: Yes.

THE COURT: All right. That has been apparent right along.

MR. MAGUIRE: I reoffer the chart and the checks, Your Honor.

THE COURT: I will admit them as chalks, but not in evidence.

DR. SILVERT: I have one question. I would like to recall Miss Sheppard.

MARION SHEPPARD,

a witness, called by and on behalf of the respondents, having previously testified, was examined and testified as follows:

DIRECT EXAMINATION BY DR. SILVERT:

DR. SILVERT: Miss Sheppard, do you recall the period preceding the shipment of books and accumulators from Maine to New York?

MISS SHEPPARD: I do.

DR. SILVERT: Would you please tell the jury what my reactions were at that time?

MR. MAGUIRE: I object.

THE COURT: We won't have that.

DR. SILVERT: Did I know that Dr. Reich knew anything about this?

MR. MAGUIRE: I object to that, Your Honor.

THE COURT: I will sustain the objection. She cannot know what Dr. Reich knows.

DR. SILVERT: I have asked this question of two other witnesses and it is clear that I would like to ask the same question of Miss Sheppard.

THE COURT: I will sustain the objection. One person cannot know what another one may be thinking. They may be fooled sometime.

DR. SILVERT: May I ask her if she recalls some of the discussion we had at that time?

THE COURT: Yes, she cannot give the discussions.

DR. SILVERT: The general content?

THE COURT: It would be self-serving.

DR. SILVERT: That's all.

MR. MAGUIRE: I have no questions.

THE COURT: Do I understand that the defendants rest.

DR. REICH: I have one question, Your Honor. I am not clear about the material in the back of this volume, and that is page 34, Appendix to Factual Presentation.

THE COURT: I have told the Doctor that from this pamphlet, which he has previously drawn, I am going to let him read portions in his argument to the Jury. I have not decided on the portions as yet. I am not passing on this until I have a further

opportunity to read it, but in general, I will allow you to read part of it as you argue. I understand that the defendants have rested and you have no more witnesses.

DR. REICH: That's right.

THE COURT: Dr. Silvert?

DR. SILVERT: No.

THE COURT: You, Mr. Moise?

MR. MOISE: No, I have not.

(Defendants rest)

MR. MAGUIRE: Before you conclude, I would like the permission to take photostats of the two exhibits which pertain to the bank records in Tucson?

THE COURT: That may be done. Does the Government have any rebuttal?

MR. MAGUIRE: No.

SUMMATIONS BY MR. MAGUIRE FOR THE GOVERNMENT AND DR. SILVERT FOR THE RESPONDENTS.

CHARGE

LADIES AND GENTLEMEN OF THE JURY:

Now, our Government is divided into three separate and distinct branches. There is the Legislative, which is Congress, and which enacts statutes and makes the laws of the land. Then there is the Executive, which is the branch presided over by the President and includes all of his departments in Washington, and they are charged with the enforcement of the laws that Congress pass, and then there is the Judiciary, which is the Courts of the land, which interpret the laws.

Now, Congress makes the laws. The departments of the executive branch enforce them, and the Courts interpret them. Now, Congress, in this instance, has passed the Pure Food and Drug Act, and they have delegated to a department, the Pure Food

and Drug Administration, the enforcement of that act. Now, the department cannot go out and just put people in jail for not complying with the Act. They have to bring them before the Courts, so that the Courts may interpret the law and apply it as Congress passed it.

Now, this case should be decided free of any sympathy, any bias, or any prejudice, and should be decided purely on the evidence produced before you. Justice is best achieved in the Courts where the jury, using their common sense and ordinary intelligence and the experiences of their past lives, ascertain what the facts are in the case. Now, that is your duty, and while I, in the Federal Court, as distinguished from the State Courts, have the right to tell you what I think the facts are, I am not going to do it because I am in no better position to judge them than you. So I am going to leave those facts entirely to you, and as I do that and waive my right to comment on the facts, I expect you to leave the law to me and to apply the law as I give it to you regardless of how unfairly you think I interpret the law or how bad you may think the law is.

Our justice demands that the laws be obeyed. Now, in this particular case--you see it started, as you probably have gleaned, by an action brought against Dr. Reich and the Reich Foundation. Bear in mind that the other Doctor was not a party to the original action and that action was not contested. As a result a default decree was issued, and in that default decree the two defendants named, Dr. Reich and the Reich Foundation and any other person who might act in concert with them, were forbidden to do certain things. I am going to read a summary of the decree to you. Wilhelm Reich and the Reich Foundation and those in concert with them, are enjoined from introducing or causing to be introduced or delivering or causing to be delivered for introduction into interstate commerce any such article or device which is misbranded or adulterated. Second, doing any act or causing any act to be done with respect to any Orgone Energy Accumulator device while such device is held for sale, including rental, after shipment in interstate commerce which results in said device being misbranded or adulterated in any respect. Then it is further ordered that all of the devices and their labeling which are shipped in interstate commerce and which are on a rental basis, or otherwise owned by the defendant,

should be recalled to Rangeley. That is, the corporation and Dr. Reich were ordered by the Court, insofar as they could, to have all the accumulators that were out in the hands of the public returned to Rangeley for destruction or dismantling. Then it further ordered that certain literature should never again be used as labeling. Then it further provided that all written instructions for the assembling of the devices be destroyed, and that instructions shall be taken under the supervision of the Pure Food and Drug Administration.

There is only one question in this case--that injunction was issued. It will be with you in the jury room. You can read it to see what it says, and that is an established fact--that is, the record of the Court that that injunction was issued.

Now, the only question in the case is this: Was that injunction disobeyed? Now, it could be disobeyed by shipping accumulators in interstate commerce. It could be disobeyed by failing to turn over the literature, etc., or destroying it. It could be disobeyed by any action which would result in the dissemination of information, literature, or accumulators in interstate commerce. Now, I am going to read something that the Courts have said with regard to presumption of innocence and the burden of proof, etc. In the first place, the law presumes that persons charged with crime are innocent until they are proven, by competent evidence, to be guilty. Now, the crime here charged is that they disobeyed the injunction; although that is not a statute law, nevertheless, it is the law. To the benefit of this presumption of innocence, the defendant is entitled and this presumption stands as his sufficient protection, unless it has been removed by evidence proving his guilt beyond a reasonable doubt.

The burden is on the Government before the defendant can be convicted of establishing every essential element of the crime charged beyond a reasonable doubt. A reasonable doubt of guilt is a doubt growing reasonably out of the evidence or the lack of it. It is not a captious doubt. It is not a doubt engendered merely by sympathy for the unfortunate position of the defendant or by a dislike to accept responsibility of convicting a fellow man. If having weighed the evidence of both sides, you reach the conclusion that the defendant is guilty to that degree of certainty that would lead you to act on it in the most important and critical affairs of your life, you may properly convict. Proof

beyond a reasonable doubt is not proof to a mathematical certainty. It is not proof beyond a possibility of mistake. If such were the standards of evidence required most crimminals would go unwhipped of justice.

Now, the burden is on the Government to prove that this man or these people violated the injunction. They are entitled to establish that fact by any evidence that is presented by either themselves or by the defendant. In other words, if they have satisfied you beyond a reasonable doubt that this violation has occurred, the violation of this injunction, then you could return no other verdict except guilty.

Now, when you come back, the clerk will ask you for separate verdicts, a verdict in the case of Doctor Reich, a verdict in the case of Dr. Silvert, and a verdict in the case of the Reich Foundation.

Now, let us take the Reich Foundation first. This is a corporation or an association which is an inanimate person. It is a person in the eyes of the law, but it is composed of individuals who in turn create this fictitious person, but it can be convicted of crime just as well as an ordinary person. Well, how can a corporation commit a crime if it is an inanimate object. It can do it this way: through its agents or its servants or its employees. In other words, it is responsible for all of its employees, for all of its officers and for all of its directors. So you will examine the evidence to see if the corporation, through its officers, has done anything to violate this decree.

Now, in the case of Dr. Reich, he was specifically named in the injunction and he was forbidden to do certain things, either by himself or through others. So you will examine into his case to see if he has violated the injunction.

Now, Dr. Silvert was not named in the injunction by name, and you could only convict him if you find that he acted in concert with one of the other defendants in violating the decree. Now, the word 'concert' has no particular meaning. It means that they simply did it together or did it at the suggestion of another defendant or did it with the approval of another defendant. In other words, if one of the defendants gains or profits by an act done by Dr. Silvert and it is done with the knowledge

of the defendant, and Silvert knows it is done with the knowledge of the defendant, although Dr. Silvert was not named in the injunction, he, nevertheless, is covered by it and you would examine into his case to see whether or not he has violated the injunction.

I don't know if there is much more that I can say to you that will be helpful. The case has been well presented to you and, as I say, it is a simple case. This Court has the power to enforce its own decrees. There is no question about that. It would be a sorry state of affairs if the Court made an order and somebody says: "Well, I am not going to obey it." That is not done in this country. So I am going to turn the case over to you now and ask you to return a verdict in each case of guilty or not guilty.

Now, the case we are trying is purely on the question of the violation of the injunction. We are not trying the merits of Orgone. We are not trying the merits of anything in this world, except that we are going to justify the dignity of this Court, if we can, if anyone has violated its order.

Now, I leave it to you to say whether there has been a violation of the order and who did it.

JURY VERDICT: The Wilhelm Reich Foundation, GUILTY

Dr. Wilhelm Reich, GUILTY

Dr. Michael Silvert, GUILTY

SENTENCE: The Wilhelm Reich Foundation ordered to pay a fine of $10,000.

Dr. Wilhelm Reich ordered to be punished by imprisonment for the term of two years.

Dr. Michael Silvert ordered to be punished by imprisonment for the term of one year and one day.

– CERTIFICATE –

I certify that the foregoing is a correct transcript of my shorthand notes taken at the time and place and in the matter therein referred to.

Joseph R. Johnston,
Official Reporter
U. S. Courts
District of Maine