

Eva Reich no.

**United States Court of Appeals
FOR THE FIRST CIRCUIT**

No. 5160

**WILHELM REICH, ET AL.,
DEFENDANTS-APPELLANTS,**

v.

**UNITED STATES OF AMERICA,
APPELLEE.**

**BRIEF FOR MICHAEL SILVERT, M.D.,
APPELLANT,
ORGONOMIC PHYSICIAN**

Pro se

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LIST OF ABBREVIATIONS

AMA	—American Medical Association
APA	—American Psychiatric Association
BF	—Black Fascist (Fascism)
DOR	—Deadly (stale) Orgone Energy
Ea	—Pertaining to Space Invaders
EP	—Emotional Plague
FDA	—Food and Drug Administration
HIG	—Hoodlum In Government
Modju	—An Emotional Plague Character (see p. 8 "The Red Thread of a Conspiracy")
NR	—Nuclear Radiation
OI	—Orgone Institute
OIRL	—Orgone Institute Research Laboratories, Inc.
OR	—Orgone Energy
ORACCU	—Orgone Energy Accumulator
RF	—Red Fascist (Fascism)
WR	—Wilhelm Reich
WRF	—Wilhelm Reich Foundation

INTRODUCTORY SUMMARY TO BRIEFS FOR APPELLANTS

THE NATURE OF THE ASSAULT UPON ORGONOMY

(A Comprehensive Survey of Motives, Compiled by
Wilhelm Reich, M. D., Chief Counsel for the
Discovery of the Life Energy)

"The Nature of the Assault Upon Orgonomy" is a result of certain common impressions based on crucial facts, not completely proved, accumulated over the years by workers in orgonomy. Dr. Reich gradually compiled these impressions, out of which he has formulated this introductory summary for all three briefs.

The legal assault upon Orgonomy is, on the basis of the evidence on record, to be regarded technically, legally and morally as a skillful attempt at *assassination*. The assailant planned with conscious intent to **KILL** Wilhelm Reich **By Proxy**. The acting judges were to execute the murder.

The Discoverer acted as he would have in the case of an actual direct assault with a weapon, that is, in **SELF-DEFENSE** against attempted murder.

The assailant induced the United States Attorney to prosecute the Discovery of the Cosmic Life Energy and to arrange for the Federal Judge in the District Court of Maine to execute the murder. The assailant acted on behalf of unlawful commercial Food, Drug and Atomic interests in the background. (Evidence was suppressed. See Table of Events in Exhibit No. 4, "*The Red Thread of a Conspiracy*," Record Appendix, Vol. I.)

The accused Discoverer of the Life Energy had to dodge the first assault in February, 1954, through non-appearance in Court. His self-defense against the attempted murder by proxy had to be carefully prepared. It could not be done within the given 20 days or even 60,

since it would have sounded incredible three years ago what is common knowledge today, September, 1956. It took nearly a decade to get a glimpse of the killer master-mind.

Factual Essence of Case

The trial court had excluded all evidence with regard to the motives, the "WHY," of the behavior of the Discoverer and his assistant in criminal case 5003. Evidence as to motives and circumstances is admitted as indispensable in cases of homicide in order to determine whether the homicide was due to deliberate murder, to accident or to self-defense against deadly assault.

The defendants acted in self-defense against attempted Murder by Proxy.

Exhibit No. 4 for defense, "THE RED THREAD OF A CONSPIRACY," shows the objective of the FDA action: It was to kill the Discoverer of the Life Energy by imprisonment in jail or lunatic asylum or to drive him to suicide by harassment and slanderous dishonoring. The purpose was to kill his discovery of the life energy (cosmic orgone energy). The financial motive was fear of powerful competition in the realm of big oil, food, atomic chemistry and pharmaceutical business.

Who directed the murder by proxy in the hidden background?

It was clear from the beginning: The FDA agents were no more than tools of the conspiracy. It took more than five years to get a glimpse into the background of the assault. Robert McCullough, the scientist who had worked in Oranur Chemistry and desert research and later testified for the discovery, investigated the complicated, well hidden conspiratorial background. During the summer of 1956 after the sentencing he reported on his findings so far: The Rockefeller Empire was cooperating with the Stalinite empire, a combination of Black and Red Fascism, to kill the discovery of a new source of Energy: *Cosmic Life*

Energy. It is obvious that such a combine of mechanical power had to launch the assault upon orgonomy, the new science of Cosmic Life Energy which is a non-mechanistic, functional approach to a new kind of technology.

The documentary compilation of the "Conspiracy" was transmitted to the Directors of the U. S. Health Service in 1954, to Mrs. Oveta Culp Hobby and the then Assistant Secretary of the U. S. Health Service, Nelson D. Rockefeller.

"AFFIDAVIT

September 30, 1956

This certifies, that according to the records of the Orgone Institute Press, 1. *Copy No. 41* of "Conspiracy—An Emotional Chain Reaction" was sent to Oveta Culp Hobby, Secretary, Department of Health, Education & Welfare, on September 1, 1954. 2. *Copy No. 52* of the same publication was sent to Nelson D. Rockefeller, Jr., Asst. Secretary, Department of Health, Education & Welfare, on September 2, 1954.

(Sworn to by Camille Thruston, Former Secretary—Orgone Institute Press and Michael Silvert, M.D., Former Supervisor. Notarized by Jacob Ring on October 1, 1956, qualified in the State of New York.)"

No one in the realm of Orgonomy, including the Discoverer and the research assistant, McCullough, would have or could have predicted in 1954 to what abuse Nelson D. Rockefeller would have put the volume on red espionage sent to him in *full confidence* in his administrative integrity. Obviously, Nelson D. Rockefeller, the Asst. Secy. of Health and Welfare in the U. S. had not quite clearly separated the public from his private interests as manager of the oil, drug and atomic energy empire. To what extent he had abused his authority as a public officer for his private interest is a matter for others to decide. At any rate, he later resigned as Asst. Secy. of Health and Welfare. Does this not tell the story?

9 September 1956

Wilhelm Reich, M.D.
Orgonon,
Rangeley, Maine

Dear Dr. Reich:

In digging through the mire and muck of the FDA's background, I have finally hit something pretty basic, I think. Always at Orgonon, in every FDA and RF attack, and in the background of the FDA, there has been something lurking in the background—some basic common denominator—a common directing force. We have called it various things: the drug trust, the AMA, the FDA, the RF, etc. It could never be solidly tacked to the wall. You came very close when you termed it a life-negating principle in people in power. Now I think I can trace it even more basically. Certain parties in power (and well hidden) infested with this life-negating principle and working through others also so infested are the basis of the conspiracy.

In a book published in 1952, Rockefeller, 'Internationalist,' by Emanuel Josephson, M.D., the whole sordid story is told. I sent to the Chedney Press to send you a copy of it. I'm checking and cross-checking the references and sources of course, but—well it is so functional the way that everything is falling into place—just like in basic natural science. No, the crux of the conspiracy is now identified—too many things are now explained for him to be very far wrong.

This conspiracy is BIG—so big that most people can't comprehend it. It is like a growing, huge carcinoma with metastases all over world society. The Rockefeller clan is at the heart of it. With intermarriage, interlocking di-

rectorships, and a host of other techniques, they pretty well control the drug interests of the world, the Federal and State Public Health bureaus, the AMA, the major part of the oil industry, education, rubber, & religion & the U.N., etc, etc, the radio, TV, and newspapers, etc, and last but not least—large inroads into the US Government. Its hard to believe—at first. Nelson Rockefeller was, during WW II, Coordinator of Hemisphere Defense. He was tied in solidly with the RF and BF in South America throughout that job and long since. He put Henry Wallace in as Editor of the "New Republic", and tied in solidly with Alger Hiss, Owen Lattimore, etc. John Foster Dulles is kin to the Rockefellers—U.S. foreign policy is Rockefeller policy. His brother, Allen Dulles is head of CIA—thus Rockefeller controls the internal intelligence of this country. And I could go on and on, I'm sorry to say. And even worse, the Rockefellers are hand in glove with the USSR. The UN is one of their tools—they were back of Panmunjon.

So much for that aspect of it. They are going slow, consolidating their every gain. There hasn't been much effective opposition to them yet. But through their control of education, given a few generations, there will be none. They are pretty formidable looking as of now. But it looks to me that they are wide open at one place—energy. Their life's blood is oil, oil, oil. If another source of energy—power—were to be developed independently of them they could be like a fish out of water. But it would be a battle to end *all* battles.

The pressing need of a Board of Social Psychiatry (Pathology—WR) was never more clear to me than it is now. It looks like their intentions are to ensnare you in the endless variations—FDA, Immigration, Internal Revenue, etc; You perceived this long ago—the rest of us

didn't. They want to keep you tied up with their first lines of defense—to protect their heartland.

Hope this helps. I'll keep digging.

Sincerely yours,

/s/ Robert A. McCullough

(Witness for Discovery of Life Energy)

(Copied by Camille Thruston.)

(The Discoverer is in no position to tell how much in this report is standing on firm ground.)

Two facts stand out:

First: The Red-Black Fascist alliance of Stalin and Hitler of 1939 continues to threaten the world in 1956: Nelson D. Rockefeller and Red Fascism; American Big Business Conspirators and Kremlin Mass Murderers.

Second: The glue that binds these forces of evil power together is, on the deepest level, their blood brotherhood in *mechanistic—atomistic—chemistry* (DuPont, Merck, I. G. Farben, Rexall). From here their poisoning food adulteration, their drug racket, their cancer racket, their abuse of medicine emerge. Life negation, killing of life are basic characteristics of atomistic-mechanistic technology.

The choice of the prosecuting attorney, Peter Mills, was a masterpiece of the Stalin-Hitlerian principle of the "Big Lie," too. He was in deep conflict regarding his affiliation with the Wilhelm Reich Foundation in 1952-1953, when Red and Black Fascist slander threatened to engulf Oregon. (See "Record of Services" re the prosecuting attorney, Peter Mills, and the Wilhelm Reich Foundation in Appendix to Brief for Wilhelm Reich.)

The techniques employed by black and red Higs in the attempted murder by proxy are well known. They consisted of the following:

1. Paralysis of the victim through an assault based on an incredible lie, according to the well-known Hitlerian principle, "The bigger the lie, the easier it will penetrate and be accepted." (Deceit on literature.)
2. Conniving, Conspiring, Confusing the legal environment of the victim. (Events October 10, 1955. Information to Judge Sweeney in Chambers before the trial.)
3. Invading completely the victim's personal and social existence without his consent or knowledge. (Use of patients as source of information.)
4. Relying on the reluctance of ordinary people to get into trouble while hiding their own little secrets themselves. (Prying into secrets of psychiatric cases.)
5. Using others, mostly biopathic individuals, preferably those in psychiatric care, to carry out their conniving, conspiratorial activities. (Unprecedented meaning of term "Spy.")
6. Accusing the victim of the very crimes the killer has himself committed. (See enumeration of diseases promised for cure, complaint in Civil No. 1056, an exact cliché of pharmaceutical practices. Also see the Terramycin brochure, p. 51, below.)
7. Obtaining the consent of the victim in major operations designed to kill him. There were numerous attempts by Modjus to obtain interviews by the Discoverer, to be twisted later into slander by consent, as it were, as was the case with Irvin Ross of the New York Post.

The U.S. Attorney in Washington who presented the Discoverer to the Court on May 2, 1956, had previously tried to bribe WR into a confession of "guilty" with the promise he could then stay in Washington, would not be sent to Portland for trial.

8. Letting the victim carry the expenses for the CCC acts. The U.S. public has paid to the Black-Red Fascist combine all expenses of the assault.
9. Letting the victim confess to a crime never committed. (See Moscow trials, 1936.)
10. The goal: Harassment, Confusion and Paralysis before the final kill is delegated to somebody else and is executed by proxy. (Actual invasion and mixing up of personal papers, causing disorder, stealing keys to lockers.)
11. Making organized murder appear as suicide. (Beria's method of harassment into insanity or suicide à la Masaryk.)
12. Technique of such infernal, unprecedented unrecognized schemes of murder by proxy requires special study and presentation.

We recognize in these twelve points the master killer teachers, Stalin and Hitler, perpetuated in present-day U.S. & U.S.S.R. mechanistic, chemical, nuclear killer combine.

Just as little as a case of murder can be understood without the knowledge of its background, history and motives, the sentencing of Dr. Wilhelm Reich and Dr. Michael Silvert cannot be comprehended without the background, the history and the motives involved in the case of murder by proxy.

At his naturalization hearing in New York in 1945, the Discoverer was asked by the acting Judge whether he was pledging allegiance to the USA Constitution without reservations in his mind. He said there was one reservation in his mind: Should the U.S. Government or any department of it ever develop trends or attitudes toward dictatorial rule, he would fight the respective U.S. agency as fervently as he had fought the European dictatorial Hoodlums in Government in years past, 1930-1940. The acting judge seemed silently to accept this reservation; he did not reject it.

In 1947 the Discoverer encountered one of the most virulent centers of American dictatorial growth and corresponding subversive espionage, a group of FDA agents of the U. S. atomic chemistry, food and drug industry. This espionage and treason center was in close touch all through the years and in collusion with Russian subversive agents (see Table of Events in "Red Thread of a Conspiracy"). It does not matter whether the single particular agent of Treason to Mankind was aware of his or her role or not. *Consciousness of such functions is not necessary to its efficient fulfillment.* On the contrary: *The less conscious the conspirators, the better the purpose of espionage is served.*

Procedure Indirectly Reflects Character, Fact and Motive

The following is a self-evident truth in natural science and its derivative, the judicial common law: *Results obtained by unlawful means are themselves unlawful, invalid in the technical sense of jurisdiction.* The legal profession adheres to these basic self-evident principles of all jurisdiction, since it does not wish to forsake the very foundations of the administration of justice. Conscious, systematic deviation from this principle constitutes the "shyster," defined in Webster's dictionary and in the Encyclopedia Britannica as the "pettifogging lawyer."

The logical, moral and legal derivation of this principle is simple:

A house that was built with defective mortar on a sandy foundation is not a safe place in which to live.

A scientific statement which was obtained by falsification of actual observations is *automatically invalid, unacceptable, fraudulent.*

A Judgment and Sentence obtained technically by fraudulent means is legally, logically and factually null and void.

A visitor who announces himself by phone or letter, who states openly the purpose of his visit, who rings the front doorbell, who enters a home through the front door opened by the host, is a welcome, bona fide, trustworthy visitor and must be treated as such.

On the other hand, a visitor who did not announce himself, *who entered the house unannounced through the window in the dark of the night, is commonly, all over the civilized world, called a "criminal intruder."* *The motive that made him enter through the window instead of through the door in the dark of night instead of in the light of day determines this status in the moral and legal setting.*

The kind of appearance discloses automatically the motive and the nature of action. And the motive of action discloses again automatically the purpose of action. It is a priori obvious, what a person was up to, if his entry through a window in the dark of night is secured. The judgment of the action follows from this behavior "a priori," as it were.

The thief reveals himself as does the potential murderer through the manner in which he enters a home.

Statement of the Case

Nature of the Proceeding

(For background, see "Red Thread of a Conspiracy", Record appendix, Vol. I)

This is an appeal from judgment and sentence entered in the U. S. District Court, Portland, Maine, on May 25, 1956. The Wilhelm Reich Foundation, Wilhelm Reich, M.D., and Michael Silvert, M.D. were judged guilty, after jury trial, of acts charged against them by the U. S. Food and Drug Administration (FDA). The Foundation was fined \$10,000, Dr. Reich was sentenced to jail for 2 years, and Dr. Silvert for a year and a day. Execution of fine and sentence was stayed pending appeal, provided they refrained from engaging in the activities of which they were found guilty. The activities centered around the distribution of orgone energy accumulators and orgonomic literature in relation to a Federal injunction.

Chronology in Brief

(See Clerk's Docket Entries in Record Appendix, Vol. IV)

In February, 1954, the FDA filed a complaint in U. S. District Court, Portland, Maine, saying, essentially, that orgone energy did not exist, contrary to the published researches of Dr. Wilhelm Reich (and of other physicians—concealed by the FDA), and that therefore orgone energy accumulators and publications referring to orgone energy should be banned from interstate distribution. Dr. Reich replied promptly with a letter to the Court, together with a statement entitled "Response", and pertinent literature, without appearing in person. In March, 1954 the Court issued an Injunction banning accumulators and literature from interstate distribution, with much of it ordered destroyed.

After issuance of the injunction, a group of 15 physicians of whom Dr. Silvert was one, applied to intervene. The application was denied on the ground that it was not timely made and that they were not subject to the injunction unless in concert with those named: The Wilhelm Reich Foundation, Wilhelm Reich and Ilse Ollendorff. The denial was affirmed on appeal by the U. S. Circuit Court in Boston, and the U. S. Supreme Court denied review of the case.

In July, 1955, the FDA initiated a criminal contempt action against The Wilhelm Reich Foundation, Wilhelm Reich and Michael Silvert, charging that they had violated various provisions of the injunction. There were several hearings before trial, the original information amended, broadening its scope, and various motions were entered in attempts to bring out for study the irrational motivation of the accuser, and thus express the truth in the case. Trial was held in May, 1956. They were found guilty, the Foundation fined \$10,000, Dr. Reich sentenced to jail for 2 years, and Dr. Silvert for a year and a day. Execution

of sentence was stayed pending appeal, provided they did not engage in the activities of which they were found guilty. The injunction was executed to the letter.

Dr. Silvert is a physician in general practice in New York City, with major experience in obstetrics. He has used orgone energy functions in his practice since 1947, most recently in the form of the Reich Medical DOR-Buster, and has published some of his experiences, especially in the treatment of burns and in obstetrical care.

ARGUMENT

POINT I

Dr. Michael Silvert was not in concert with Dr. Wilhelm Reich when *bona fide* he removed literature and orgone energy accumulators to New York.

The following brief excerpts from testimony show that Dr. Silvert, whose attempt to intervene (together with 14 other physicians) had been denied on the ground that he was not affected by the decree of injunction, had acted independently of Dr. Reich. In good medical right and conscience, he *bona fide* removed accumulators and literature from Rangeley, Maine to New York City without prior knowledge or consent of Dr. Reich, who was busy at the time, January, 1955, with desert research in Tucson, Arizona. The accumulators were needed for the treatment of patients, being supplied on medical prescription only, the literature was needed to fill requests by public and scientific institutions and individuals from all over the world, and the income was needed by the Orgone Institute Research Laboratories, Inc. in New York City under Dr. Silvert as treasurer, for the research project designated as OROP Desert Ea.

(1) Witness: Tom Ross, caretaker of Orgonon (Dr. Reich's laboratories and home at Rangeley, Maine). Cross by Dr. Reich—(T. R.* pp. 80-81):

Q. 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?

A. No, you never did.

Q. I never did?

A. No, you never did.

(2) Witness: Thomas Moore, agent, Hemingway Bros. Interstate Trucking Co. Cross by Dr. Silvert (T. R. pp. 100-101):

Q. So far as you can decide, was there anything undercover or misleading about the shipment?

A. If there had been I wouldn't have delivered it.

This shipment consisted of accumulators and literature and was arranged by Dr. Silvert in January, 1955, from Rangeley, Maine to New York City. At various times the FDA attorney, Mr. Maguire, had stated in court that it was accomplished "in the dead of night" or "in the dead of winter", implying that Dr. Silvert had acted with a guilty conscience. The truth was the exact opposite: an open and above-board shipment, made in good medical conscience.

(3) Witness: Camille Thruston, secretary, Orgone Institute Press Distribution Office. Cross by Dr. Silvert (T. R. pp. 163-164):

Q. Miss Thruston, do you recall our planning the shipment of books and accumulators by the Hemingway Trucking Company from Rangeley to New York?

A. Yes, I do.

* T.R.—Trial Record. See Record Appendix, Vol. II.

Q. 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.

A. This I recall because Dr. Silvert was upset.

The Court: The question is whether you know he was doing it independently or not.

A. 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?

A. Yes. He was quite upset that Dr. Reich didn't know about it.

(4) Witness: Thomas Mangravite, employed to build and repair accumulators in New York City. Cross by Dr. Silvert (T. R. p. 177):

Q. Mr. Mangravite, do you recall the time of the planning of the shipment of books and accumulators from Rangeley to New York?

A. Yes, very specifically. You wanted to know if you could get space in my shop for storage.

Q. Do you know whether I acted on my own or with Dr. Reich's knowledge and consent?

A. I know you acted on your own.

The Court: How do you know that?

A. I know that because Dr. Silvert was very much disturbed.

The Court: How do you know he acted on his own?

A. He was disturbed.

The Court: That is the only reason you know of?

A. Yes.

(5) Witness: William Moise, Clerk of The Wilhelm Reich Foundation. Re-cross by Dr. Silvert (T. R. p. 212):

Q. Mr. Moise, do you remember this letter?

A. Yes, I do.

Q. Will you say who sent it and to whom it was addressed?

A. 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.

Q. And the date?

A. January 23, 1955.

Q. Would you read the paragraph which is underlined, the first one?

A. "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 * * *"

Q. Do you recall the occasion when Dr. Reich received this letter or when you read it to him?

A. Dr. Reich was very much surprised.

Q. So far as you know, did he have any private knowledge of this?

A. So far as I know, none of us had any private knowledge of this.

At no time did the accuser introduce any evidence of concert between Dr. Reich and Dr. Silvert, while the testimony above shows the true state of affairs, independent action by a worried Dr. Silvert, who had no idea what Dr. Reich's reaction to his unauthorized action might be.

POINT II

The accuser used untruth to smear Dr. Wilhelm Reich in financial respect.

The plaintiff-accuser tried again and again to smear Dr. Reich with untruth regarding financial matters, by way of misrepresentation, distortion, innuendo, and other means. The following excerpts from testimony speak eloquently on this matter:

(1) Witness: Ilse Ollendorff, Clerk, The Wilhelm Reich Foundation. Cross by Dr. Reich (T. R. p. 37):

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.

Crucial Point: Dr. Silvert acted as treasurer in New York City during the desert research expedition in Arizona in the winter of 1954-1955.

(2) Witness: Miriam Sheppard, secretary for the Orgone Institute Research Laboratories, Inc. in New York City. Cross by Dr. Silvert. (T. R. pp. 149-150):

Q. Miss Sheppard, do you know what the use or purpose was for which this money was put?

A. I have a very good idea.

Q. 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.

A. 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.

A. * * * for just ordinary running expenses, but mostly to cover research in the scientific field.

Crucial Point: Income of the Orgone Institute Research Laboratories, Inc. was used for research purposes, specifically desert research in Arizona.

(3) Witness: Camille Thruston, secretary of the Orgone Institute Press Distribution Office. Cross by Dr. Reich (T. R. p. 163):

Q. For whom did you keep the books?

A. For the Orgone Institute Press only.

Q. Not for the others?

A. No.

Q. Do you remember a sum of \$4,500 in royalties due me which was put back into the research account?

A. The only record that I kept was cash receipts of what came in and what went out.

Crucial Point: The reference to \$4,500 earned by Dr. Reich in 1952-1953 and put back into the research account was to rebuff the accuser's slander that Dr. Reich had improperly received unearned money.

(4) Witness: Glen Hoar, employee of the FDA. Direct by Mr. Maguire (T. R. p. 187):

Q. Now, will you tell us, during that same period when \$1,895.79 of royalties were earned, how much was actually paid?

A. \$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 \$6000 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.

Cross by Dr. Silvert (T. R. pp. 188-189):

Q. When you say a check was marked royalty alone, did you assume that that meant book royalty?

A. I did, yes.

Q. Do you know of any other royalties, such as royalties for the use of weather control equipment?

A. There were some checks marked royalties for other purposes. These were deleted.

Q. There were other checks which you recall that were simply marked royalties?

A. Yes.

Q. And those you assume were book royalties? A. Yes.

Crucial Point: This testimony is presented in some detail to show the attempts by the accuser to smear Dr. Reich by saying that he received an excess of \$4,000 in un-

earned money, on the basis of poorly understood information which was misrepresented and distorted. Dr. Reich had drawn from \$5,400 royalties retained in 1952-1953 and put back into his personal research account designated for personal desert research.

(5) Witness: William Moise, Clerk of The Wilhelm Reich Foundation. Direct by Mr. Maguire (T. R. pp. 203-204):

Q. For what other purposes was that money expended?

A. It was expended for the use of our trucks, equipment—research grants—the royalties—cloud busters, space equipment—everything.

Q. Were funds expended out there for entertainment purposes?

A. Yes, sir, some funds were expended for entertainment, I believe.

Q. 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'.

A. That is my handwriting.

Q. In whose handwriting January 6, 1956 * * *

A. That is my handwriting.

Q. 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?

A. No, the handwriting is not the same. Dr. Reich's handwriting \$21.15.

Q. 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?

A. No, it isn't.

Crucial Point: The accuser's smear tactics become clearer. He raises the issue of \$21.15 spent for entertainment as against the thousands spent for research, with over \$300,000 contributed by Dr. Reich over the years from his private earnings as physician and teacher. This is strikingly shown by the following sworn financial report:

Summary of Total Expenses by Wilhelm Reich, M. D

A. Outright cash from taxed money	\$ 37,129.45
B. and	
C. Unpaid royalties, salaries, services and income from orgone energy accumulator	162,819.62
	53,151.66
D. Expenses of business according to tax returns	82,849.70
TOTAL 1934 TO 1950 INCLUSIVE	<u><u>\$335,950.43</u></u>

Ilse Ollendorff, Treasurer

Chester M. Raphael, M.D.

Secretary & Assistant Treasurer

NOTARY PUBLIC

Personally appeared before me, Chester M. Raphael, M.D. and Made oath to the above statement this 19th day of April, 1951.

/s/ Oscar Ludmerer

NOTARY PUBLIC, No. 41-7617900, State of New York.
Qual. in Queens Co., Cert. filed with Queens Co. Clks. and
Reg. Term Expires March 30, 1952.

witness: Simeon J. Tropp, M.D.
Medical Co-Director, Orgone
Institute Research Labs, Inc.

NOTARY PUBLIC

Personally appeared before me the above Ilse Ollendorff, and made oath to the above statement.

/s/ Rupert R. Huntoon
Notary Public
April 13, 1951

The accuser also tried to show that Dr. Reich used research funds for personal living expenses, whereas Dr. Reich kept a separate household account, using money that had been earned in 1952-1953 and put back into the research account against future research need. Are these the tactics of a responsible public welfare agency, or are they mala fide?

(6) Witness: William Moise, Clerk of The Wilhelm Reich Foundation. Cross by Dr. Reich (T. R. pp. 207-208):

Q. I would like to straighten out a few points if I may.
The Court: You may if you ask the proper questions.

Q. Do you remember at that meeting in August of 1954, which we held especially for the expedition of ORP (OROP—MS) DESERT? It was in August of 1954.

A. Yes.

Q. Why did we establish two accounts, one in New York and one in Arizona?

A. 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.

Q. 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?

A. Wilhelm Steig and Dr. Baker.

(T. R. p. 209):

Q. Do you remember whether I paid for my private quarters and my private food?

A. Yes.

Q. Do you remember whether I paid it out of my private money, which I owned, to assist my family there?

A. That's right.

Q. My secretaries?

A. That's right.

Q. Is that correct?

A. Yes.

Recross by Dr. Reich (T. R. pp. 211-212):

Q. Will you tell the jury, please, who Greta Hoff is?

A. She was Dr. Reich's secretary and social worker. She was Dr. Reich's secretary on the expedition.

Q. Who paid for her sustenance?

A. Dr. Reich.

Q. Did I pay her salary?

A. You paid her salary.

Crucial Point: The testimony shows the great care in making proper preparation for the expedition: setting up separate accounts in New York and in Arizona, which were still one account essentially, having Dr. Silvert act as treasurer in New York while Mr. Moise acted as treasurer in Arizona, and correct payment by Dr. Reich of his own personal expenses, including secretary. The following signed statement by Grethe Hoff, Dr. Reich's secretary, further bears this out:

Money borrowed from Wilhelm Reich, M.D. during period of 12/12/54 - 3/17/55 (approximate dates):

12/12 1954	\$250.00
1/5 1955	100.00
1/27	100.00
3/2	25.00
cash	40.00
cash (clothes)	50.00
Total	\$565.00

/s/ Grethe Hoff

(7) Witness: William Moise, same as above, Redirect by Mr. Maguire (T. R. p. 213):

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.

Crucial Point: The accuser's charts, his untruthful essential data upon which he based his smear attempt of Dr. Reich, were not acceptable as evidence.

(8) Witness: Dr. Silvert. Direct by himself (T. R. p. 245):

Dr. Silvert: * * * 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.

Redirect by Dr. Reich (T. R. p. 247):

Q. 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?

A. Yes, that is correct.

Q. It means that money came down. How did the money come down?

A. We transmitted funds that were collected in New York and they were sent to the corresponding account, the OROP DESERT RESERVE ACCOUNT in Tucson, Arizona.

Q. It is practically one account?

A. 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.

Crucial Point: The testimony shows, that the accuser ignoring the \$5,400 retained royalties of 1952-1953, had lumped together various moneys paid to Dr. Reich, calling them *current* book royalties, in an attempt to say that he received money that he did not earn. The Court agreed

that the two accounts in New York and in Arizona were essentially one account, and again refused to accept in evidence the accuser's financial misrepresentations.

The following excerpt from the statement by Stanley Ferber, Certified Public Accountant, N. Y. C., further clarifies the truthful state of affairs during the expedition to the Arizona desert. It could not be introduced at trial because the accuser completely shocked the appellants with his unexpected smear tactics which were so out of place in the courtroom:

(From: O.R.O.P. Desert Account—

SOUTH ARIZONA BANK & TRUST COMPANY
Statement of Receipts and Expenditures
For the Period from November 1, 1954 to
April 21, 1955)

(Among) REIMBURSED EXPENSES

W. Reich \$150.00

(Among) EXPENDITURES FOR RESEARCH

Royalties (W. Reich) \$1,700.00

Household Expense (W. Reich) 264.50

Office Expense 108.54

TOTAL RESEARCH EXPENSE \$14,827.59

Here is clearly shown Dr. Reich's careful reimbursement to the research fund of personal expense. The sum of \$1,700.00 paid to Dr. Reich for royalties, was part of his own money which he had earned in 1952-1953, and put back in the research fund for future use. At the start of the expedition Dr. Reich gave Dr. Silvert \$3,000.00 to transmit to Tucson to Dr. Reich's personal research account. This, also, was part of Dr. Reich's earnings of pre-

vous years. The following excerpt from another financial report of the same Certified Public Accountant for the year 1955 shows that Dr. Reich had kept \$4,000.00 in retained royalties in the research account until used up for the most part in the desert expedition:

(From: The Wilhelm Reich Foundation

OROP DESERT
Statement of Receipts and Expenditures
For the Period January 1, 1955 to December 31, 1955)

(Among) Expenditures—Research and Expenses

Wilhelm Reich RETAINED ROYALTIES* \$4,000.00

* 1952-1953

Especially important is the following statement by Certified Public Accountant, establishing the figure of \$5,400 as retained royalties earned by Dr. Reich in 1952-1953:

[LETTERHEAD OF]
 MILLETT, FISH & DRESSER
 PUBLIC ACCOUNTANTS AND AUDITORS
 Portland, Maine

August 20, 1956

Dr. Wilhelm Reich
 Orgonon
 Rangeley, Maine

Dear Sir:

In our report of 12/31/53 of the Wilhelm Reich Foundation, we reflected as a part of the liabilities one item as follows:

Royalties Payable: \$1,791.57
 "The above represents royalties due
 Dr. Wilhelm Reich".

Further detail of the above balance as taken from the books of account is appended hereto.

These royalties, I believe, were all approved by the trustees of the Foundation.

Respectfully,

MILLETT, FISH & DRESSER

by. /s/ R. M. Millett C.P.A.

RMM:hdh
 Enc.

Account of Dr. Reich
 For Royalties Due Him
 12/31/53

Unpaid Royalties 1/1/53 \$1,535.96

Credit for Royalties during 1953:

Royalties on Books	\$2,005.61	
Royalties on Cloudbusters	1,750.00	
Royalties on Accumulator Blankets	108.00	3,863.61
		<u>\$5,399.57*</u>

Deductions:

Cash Payment**	\$2,108.00	
Transferred by Dr. Reich to "Desert" account	1,500.00	3,608.00
Balance of Unpaid Royalties 12/31/53		<u>\$1,791.57</u>

*The \$5,400 referred to previously.

**Travellers checks.

Since the original amount put back by Dr. Reich was about \$5,400.00, the \$4,000.00 drawn, according to the above report, still left \$1,400.00 at the beginning of 1956, of money belonging to Dr. Reich, still in the research account.

To restate briefly: over the years Dr. Reich had contributed over \$300,000 from personal earnings as physician and teacher to basic research in orgone energy functions. In 1952-1953 he had put back into the research account \$5,400 earned as book royalties, against future need. In the Fall of 1954 he turned over \$3,000 to Dr. Silvert as treasurer in New York to transfer to Dr. Reich's personal research account in Tucson. Dr. Reich then drew additional amounts each month during the expedition, totalling \$1,000, leaving about \$1,400 in the research account still due him. Against this, the accuser attempts to give the impression that Dr. Reich is taking unearned money for personal use, and that a sum of \$21.15 spent for entertainment is evidence of improper use of funds. All this adds up to a transparent smear attack, which actually serves to expose the accuser and his real motives: not to act in the best interest of the people of the U.S.A., but to render Dr. Reich and his discovery of the Cosmic Life Energy ineffectual, at any cost.

POINT III

The impounded literature was not labeling.

The following excerpts from testimony, and an exhibit admitted in evidence, indicate the true nature of the literature which was ordered impounded or destroyed. It will also demonstrate the accuser's tactics in misrepresenting it to the court:

(1) Witness: Ilse Ollendorff, Clerk of The Wilhelm Reich Foundation. Direct by Mr. Maguire (T. R. pp. 7-9):

Q. 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

A. *None of these books were used in connection with the sale of accumulators.*

Q. 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?

A. 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 in going over that. You have the books and you have the injunction.

(Now follows a sudden switch away from a hot subject—MS)

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 ZEITSCHRIFT FÜR ORGONOMIE,

EMOTIONAL PLAGUE VERSUS ORGONE BIOPHYSICS,

ANNALS OF THE ORGONE INSTITUTE, AND

ORANUR EXPERIMENT. (OROP DESERT Ea—MS)

A. 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.

Crucial Point: *Publications of the Orgone Institute Press were not used in any way in connection with the distribution of the orgone energy accumulators, therefore were not labeling. Some of the books were published years before Dr. Reich discovered orgone energy and developed the accumulator.*

(2) Witness: Camille Thruston, secretary of the Orgone Institute Press Distribution Office in New York. Direct by Mr. Maguire (T. R. pp. 157-158):

Q. I show you what has been marked Government's Exhibit No. 70, and ask if you have any familiarity with that?

A. Yes.

Q. Now, will you tell us what your familiarity is and what that record is?

A. This is a record of cash sales, charge sales, free distribution of literature and the money for the publications.

Q. This is the literature we have been talking about?

A. Yes.

Q. Now, when did that record start?

A. It appears to have started January, 1954.

Q. Do you know whether or not that record was started up at Rangeley?

A. Yes, I am sure it was.

Q. That only pertains to the literature?

A. Literature only.

Q. It has nothing to do with orgone energy accumulators?

A. No, sir.

Crucial Point: Records of the Orgone Institute Press show that the distribution of books was entirely independent of the distribution of orgone energy accumulators, so that the books could in no way constitute labeling.

(3) Witness: Mr. Maguire. Direct by Dr. Reich (T. R. p. 222):

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.)

Crucial Point: The publications, *Red Thread of a Conspiracy* and *Atoms for Peace vs. the Hig*, were admitted as evidence. These contain information vital to an understanding of the entire case.

(4) Excerpt from Dr. Reich's Exhibit No. 5, *Atoms for Peace vs. the Hig*, pp. 44-46, the article by William Moise, an important trial witness (Record Appendix, Vol. I):

APPENDIX TO FACTUAL PRESENTATION

Compiled by WILLIAM MOISE, Secretary,
EPFO, OROP DESERT EA

The Food and Drug Administration misrepresented the following publications as dealing with the "cure", "mitigation", "prevention of the disease conditions and symptoms hereinafter enumerated * * * which constitute labeling" (Civil Action 1056) * * *; while at the same time the FDA concealed from the court the *factually true content* of the publications:

PUBLICATION

1. THE SEXUAL REVOLUTION, by Wilhelm Reich, M.D.

True is the fact that CANCER does not appear at all in either content or index; the fact is that this book was written long before the discovery of the Orgone.

Not True is the FDA allegation that this work deals with the cure, mitigation, prevention, or treatment of CANCER.

Concealed from the court by the FDA is the fact that the true content of this book is on the failure of the Russian experiment in establishing sexual reforms, due to human structural incapacity for freedom.

2. THE MASS PSYCHOLOGY OF FASCISM, by Wilhelm Reich, M.D.

True is the fact that CANCER does not appear at all in either content or index; the fact is that this book, too, was written years before the discovery of the Orgone.

Not True is the allegation by the FDA that this book is about the cure, mitigation, prevention and treatment of CANCER.

Concealed from the court by the FDA is the fact that the true content of this work describes how all forms of irrationality in politics (Red and Black Fascism used as examples) are derived basically from combined structural irrationality of human masses; that this book is an important text for present political psychology (in the libraries of the U. S. State Department and Central Intelligence Agency); that this book was ordered destroyed and burned by Hitler.

3. CHARACTER ANALYSIS, by Wilhelm Reich, M.D.

True is the fact that CANCER does not appear in the index, chapter headings, or outlines; that "cancer tumor" cannot be found in the contents.

Untrue is the claim that this book is about the cure, prevention, mitigation, or prevention of CANCER TUMORS.

Concealed was the fact that this work is a basic textbook in psychiatry, detailing the character-analytic technique of the discoverer from its beginnings in psychology to its present firm basis in natural science in the form of orgone biophysics.

4. COSMIC SUPERIMPOSITION, by Wilhelm Reich, M.D.

True is that CANCER, COMMON COLD, ICHTHYOSIS, RHEUMATIC FEVER, HYPERTENSION, OF DIABETES *appear not at all* in either content or index of this work.

Untrue is the presentation by the FDA that this work is concerned with the cure, mitigation, treatment, or prevention of CANCER, COMMON COLD, ICHTHYOSIS, RHEUMATIC FEVER, HYPERTENSION, DIABETES.

Concealed, the fact that this work deals with hurricanes, the shape of the galaxies, and the "ring" of the aurora borealis; that their request for the enjoining of the entire book was solely upon the inclusion of the Bibliography of Works on Orgone Energy at the back of the book.

5. ETHER, GOD AND DEVIL, by Wilhelm Reich, M.D.

True is that CANCER does not appear in the index or content, with the following one exception, p. 123, Chp. VI, "Concentrated Orgone Energy has many beneficial effects on living organisms which I have tried to describe in my CANCER BIOPATHY * * *"

Not True is the allegation that this book deals with the cure, mitigation, prevention, or treatment of CANCER.

Concealed again is the factual content of this work: the description of how the process of functionalism led to the discovery of Orgone Energy (Ether) through objective logic of the thought process; how humanity until this, had evaded discovery through various erroneous thought systems: mysticism, mechanism, etc. * * *

6. THE MURDER OF CHRIST, by Wilhelm Reich, M.D.

True is that CANCER *appears not at all* in index or content.

Not True is the claim that this work constitutes a claim of cure, mitigation, treatment, and prevention of CANCER.

Concealed again from the court is the true content: The Murder of Christ which is the Murder of Life through the ages by and in each of us through the Emotional Plague.

7. PEOPLE IN TROUBLE, by Wilhelm Reich, M.D.

True is that this work is a translation of the original German manuscript "Menschen im Staat" (1936-7), translated in 1947; that on page 123 of the Appendix the discoverer writes of, "The new set of problems grouped around the natural functions of endogenous infection and decay * * *", "The cancer process is a long-drawn-out process of decay within the human organism due to the bio-energetic shrinking of the life system."

Not True is the opinion that this book constitutes a claim of cure, mitigation, treatment, of CANCER.

Not True is the opinion by the FDA that "Blood" or "Tissue" is a "disease", a "disease condition" or a "symptom"; that this book states them as such; that this book constitutes a claim of cure, treatment etc. * * *

Concealed, that this work is a historical document of the discoverer's experiences in the socialist and psychoanalytic movement of 25 years ago, between 1927 and 1937.

(signed) WILLIAM MOISE

Crucial Point: *The accuser misrepresented the literature to the Court.*

Discussion and Integration:

Underlying the above points and tying them into a unit, is the basically mala fide nature of the actions of the accuser. The following list of conspirators was taken from "The Red Thread of a Conspiracy" (Record Appendix, Vol. I). Among other things it shows a closeness of FDA activities with those of the American Medical Association and American Psychiatric Association, which points to a hidden collaboration with complete disregard of public welfare:

List of Persons Involved in Conspiracy

Against the

Discovery of the Life Energy

COMPILED BY
WILLIAM MOISE
Secretary OROP Desert Ea
EPPO

Conspirators

AUGUST 1955

NAME	SOURCE
Blain, David, M.D. 1785 Mass. Ave. N.W. Washington, D.C.	N. J. Neuropsychiatric A.P.A. Newsletter (II-163)* K. Bremer, M.D. (II-240) P. Gold, M.D. (II-275)

*I and II refer to Volumes of "Conspiracy—An Emotional Chain Reaction."

NAME	SOURCE
Brady, Mildred	New Republic (I-13) Karl Frank (I-49) (Paul Hagen) M. Sharaf (I-380)
Cameron, Dr. Edwin	Ellsworth Baker, M.D. (I-439)
Englander, Dr. Charles 14 Hillside Ave. Newark, N. J. Member council of N.J.N.A.	N. J. Neuropsychiatric Association Newsletter, May 1954 (II-209)
Gordon, Dr. J. Berkeley N. J. State Hospital Marlboro, N. J.	Ellsworth Baker, M.D. (I-9) Chester Raphael, M.D. (I-9) Theodore P. Wolfe (I-26) K. Bremer, M.D. (II-240)
Jackman, Philip A. Inspector, FDA	Rev. Arnold Purdy (I-47) Lonnie C. Carpenter (I-146) Record Appendix to brief for Appellants. affidavit (II-423)
Kenyon, Harris Inspector, FDA	Statement Orgone Institute (I-356) Tom Ross William Moise
Kerlan, Irvin, M.D. Medical Director, FDA	FDA News Release Electronic Med. Digest (II-85)
Langfelt, Gabriel	Ola Raknes (I-152)
Legman, Dr.	Ilse Ollendorff (I-150)
Maguire Assistant Council FDA	Charles Haydon (II-222) C. Kelley (II-262)

NAME	SOURCE
<i>Masters</i> Consumer Union Staff	Angelica M. Haymes (I-178)
<i>Potter, Dr. Howard</i> Treasurer, APA	Ellsworth Baker (I-439A) Dr. Walling
<i>Pfeiffer, John</i> Staff, Saturday Review of Literature	Book Review (I-407)
<i>Richie, Dr.</i> District Head Neuropsychiatry Vets. Adm. N. J., Sector	Victor M. Sobey, M.D. (I-177)
<i>Robie, Theodore R.</i> 676 Park Ave., East Orange, N. J.	K. Bremer, M.D. (II-240)
<i>Wertham, Frederic</i>	New Republic (I-8) Walkenstein, Eileen, M.D.
<i>Oppenheimer, Robert</i>	(II-7)
<i>Infeld, Leopold</i>	"The Einstein Affair" New York Post (II-322)
<i>McCurdy, Nan</i> Psychologist	Letters

Tools of the Conspiracy

NAME	SOURCE
<i>Wood</i> Inspector, FDA	1947 (I-202) OI, Tom Ross
<i>Kinney</i> Inspector, FDA	1948 (I-121) Jack Diether
<i>Wharton, W.R.M.</i> FDA Eastern District Chief	1947 (I-34, 42) Letter to Law Office of Hays
<i>Smith, Austin</i> Secretary, Council on Pharmacy and Chemistry A.M.A.	1949 (I-108a) J.A.M.A.
<i>Lander, J., M.D.</i> Consumer Reports	1949 (I-185) Consumer Reports
<i>Malaney, James A.</i> Ex. Sect. of Professional Conduct State of New York	1949 (I-187) Letter
<i>Fransblau, Dr. Rose N.</i> Staff, N. Y. Compass now on Staff of N.Y. Post (?)	Article (I-295) N. Y. Compass 1950
<i>Cleckley, Hervey, M.D.</i> Professor, Psychiatry and Neurology University of Georgia Med. School Augusta, Ga.	"The Mask of Sanity" 1950 (I-300)
<i>Milana,</i> Inspector Dept., of Education N.Y. State	A. I. Duvall, M.D. (II-9)

NAME	SOURCE	
<i>Blau, Helen</i> Inspector Dept., of Education N.Y. State	1951	
<i>Palmer, Dr. Leo</i> FDA	J. A. Willie, M.D. 1954 Charles Haydon	(II-197)
<i>Crawford, Charles W.</i> Commissioner FDA	C. Kelley 1954	(II-261, 262)
<i>McCurdy, Judson Gordon, M.D.</i> Hotel Adams Phoenix, Arizona		

Victims of the Conspiracy

<i>Allen, Henry B.</i> Exec. Vice President	1947 FDA	(I-62)
<i>Davenport, W.</i> Editor, <i>Colliers</i>	T. P. Wolfe, M.D. 1947 repeats Brady slander	(I-36, 53)
<i>Soskin, W.</i> Howell, Soskin and Co.	T. P. Wolfe, M.D. 1948 repeats Brady slander	(I-131)
<i>Bulletin of the Menninger Clinic</i>	1948 reprints Brady slander	(I-149)
<i>Hauschka, Theodore S.</i> The Institute for Cancer Research 7701 Burholme Ave. Philadelphia, Pa.	Dr. A. F. Meyer 1950	(I-226, 228b)
<i>Thompson, Dr. Clara</i>	"Psychoanalysis, Evolution and Development" 1950	(I-227a)

NAME	SOURCE	
Magazine " <i>Psychiatry</i> " Editors	Theodore Hauschka 1950	(I-226)
<i>Murray, Dr. William</i> Administrative Director R. B. Jackson Laboratory, Bar Harbor, Maine	Richard Blasband 1953	(Appendix Vol I)
<i>Estes, O. C.</i> Asst. Administrator, Orange Memorial Hosp.	K. Bremer, M.D. 1954	(II-240)

List of Slanderers Originating the Conspiracy

NAME	" <i>Crazy</i> " Slander	SOURCE
<i>Fenichel, Dr. Otto</i>	WR "insane"	Nic Wall, M.D. (I-175)
<i>Rubinstein, Dr. Annie</i>	WR "insane, paranoia"	PEOPLE IN TROUBLE Eva Reich, M.D.
<i>Bornstein, Bertha</i>	WR "insane"	Eva Reich, M.D.
<i>Fabian, Mitya M.D.</i> Psychoanalyst, Menninger's	WR "crazy"	Nic Wall, M.D. (I-175)
<i>Menninger, Karl M.D.</i>	WR "crazy"	Nic Wall, M.D. (I-175)
<i>Horwitz, Dr. William</i>	WR "psychotic"	S. Levine, M.D. (I-176)
<i>Kutash, Dr. Samuel</i>	WR "paranoid"	K. Bremer, M.D. (II-240)
<i>Shlionsky, Dr. Herman</i>	WR "Schizophrenic"	S. Levine, M.D. (I-176a)

Slander "A La Brady"

NAME	SOURCE
<i>Puner, H. W.</i>	Freud, His Life and Mind (I-65)
<i>Portugal, Allan</i> writer	McGill Daily article Montreal, Canada (I-58)
<i>Plapinger, Sylvie</i> writer	Article, Pageant Mag. (II-337)
<i>Stoke</i> Canadian Psychiatrist	Nic Waal, M.D. (II-330)
<i>Murray, Dr. Harold</i> Pres. N. J. Med. Soc. Newark, N. J.	Duvall, A. I. M.D. (II-9)
<i>Frazier, George</i> writer	Article, Cosmopolitan (I-324)
<i>Gardner, Martin</i> writer	In The Name of Science 1952 (I-353)
<i>Woodward, Dr.</i>	K. Bremer, M.D. (II-240)
<i>Chamberlain, Dr. Richard R.</i>	K. Bremer, M.D. (II-240)

One of these conspirators, Frederic B. Wertham, M.D., is the subject of the following revealing report by a physician:

September 14, 1955

Wilhelm Reich, M.D.
Orgonon
Rangeley, Maine

Dear Dr. Reich:

I have been asked to forward an account of my experience with Dr. Frederic Wertham and am enclosing this account, not without some embarrassment at my naivete. Perhaps the record is too lengthy for your purposes, but for the sake of clarity I thought it better not to omit any details.

If you think copies of my correspondence with Dr. Wertham would be useful, please let me know and I will forward them to you.

I regret delaying this writing for so long a time and trust the delay has not proved inconvenient.

Sincerely yours,

Eileen Walkenstein, M.D.

September 14, 1955

To Whom It May Concern:

I first met Dr. Frederic Wertham on March 17, 1948, when, as a second year medical student at the Woman's Medical College of Pennsylvania, I was on vacation in New York. Having become interested in his work through my readings, I visited the Lafargue Clinic and introduced myself to Dr. Wertham, telling him of my interest in his work. I subsequently corresponded with him.

Our next meeting occurred in the summer of 1949 at which time I was working in New York during my summer vacation from medical school. Dr. Wertham invited me to attend the Lafargue Clinic conferences. At that time he suggested that I help him with some work relating to Ezra Pound, whom Dr. Wertham considered a "traitor" who was saved from court trial by fraudulent psychiatric examination. I was asked to do research work in the public library in order to summarize all newspaper articles which had appeared over the years pertaining to Ezra Pound.

In July, 1950, I started my internship at the Bronx Hospital. I offered to work at the Lafargue Clinic during my free evenings, and I began attending the conferences there. I was later assigned to treat a patient with psychotherapy for the rest of the year. By the fall of 1951, having started a residency in psychiatry at the Kingsbridge Veterans Administration Hospital, I was considered a staff psychiatrist at the Lafargue Clinic and was treating two patients in addition to attending the conferences of the clinic staff. Now follows an account which I recorded on October 2, 1951. Dr. Wertham's statements are verbatim and were recorded almost immediately after the related incidents.

October 2, 1951: Two weeks ago Dr. Wertham held a special conference with some of the staff members of the Lafargue Clinic and informed us of a "confidential" matter for which he sought our help. The State of Delaware had

written a statute denying Negroes the right to attend public schools, and Dr. Wertham was to be called upon within a few weeks as a professional witness in a test case. He said his point of approach, as a psychiatrist, would be to testify on the mental health aspects in an attempt to show how segregation prevents mental health in both the segregated and the segregators; how, in fact, it contributes to mental sickness. He asked us to think about the problem and to bring in any suggestions or thoughts we might have on the subject, such as, for example, how segregation contributes to "feelings of inferiority, superman ideas, excessive aggressiveness, suspiciousness, etc." In attempting to evaluate this problem, I later discussed, in general terms, the effects of segregation with some of the hospital staff and learned of a statistical survey carried out by the National Committee for Mental Hygiene which purportedly showed the incidence of psychosis in the United States to be greatest among Negroes of the South, particularly in those areas in which segregation and race prejudice was greatest.

The following Tuesday evening, before the patients were seen, Dr. Wertham called a conference of the entire clinic staff (psychiatrists, psychologists, social workers, clerks, etc.). Sitting next to Dr. Wertham at the *head of the room* was a *Negro woman* whom I saw for the first time, and although she said nothing during the conference, her presence *seemed to dominate the meeting*. Dr. Wertham presented the same material which he had discussed the previous week and again asked for suggestions. I volunteered the information concerning the study conducted by the National Committee for Mental Hygiene, whereupon Dr. Wertham suddenly reacted violently, asked angrily where I had gotten such data, called it a "*bunch of lies*" and then said excitedly, "*Who's talking about psychosis? How can you make such an anti-Marxist statement? If you made such a statement in Russia you'd be shot!*" He exclaimed

that "there are a bunch of Fascists" working in the Mental Health Department and therefore one "can't believe what they say and any conclusion they arrive at is certainly not going to be on our side."

I was startled by his sudden outburst and his unexpected vehemence. When the group dispersed to work in the clinic, Dr. Wertham detained me, saying that he did not want to be harsh but that he was worried about my thinking processes, that I thought too mechanically and that he had noticed this on previous occasions. I attempted to learn the nature of my 'transgression' that created such a tumultuous reaction, and I asked if he thought the psychoses were inherent or whether environmental factors could be of etiological significance. He again became very excited, shouting: "Have you read my writing? You can't have read one line of my writings and asked such questions. If you were a medical student and asked such questions I'd flunk you." He then turned to Dr. Hilde Mosse, a psychiatrist, who was the only other person present, and said, "It would take too much of me now to explain. Perhaps we should have a meeting and discuss these things. I'd have to start from the beginning."

I then left his office and went out to the clinic where my patients were waiting. Apparently my 'error' consisted in considering an environmental etiology of psychoses. Dr. Wertham's view paralleled that prevalent in psychiatry in the Soviet Union, and it struck me that his outburst during the conference may have been related to the unidentified woman whom I speculated might be some functionary of the Communist Party.

The following Tuesday I arrived at the Clinic and before seeing my patients I was called into Dr. Wertham's office. He invited me to be seated and said: "I mean this in a nice way—you're in residency now and I think that since

we don't have enough people here to supervise you that for your own good it would be better to wait a year before continuing here." His subterfuge was patent; one year prior to this, as an intern, he had considered me sufficiently 'trained' to carry a patient in therapy without supervision, and this year, with some psychiatric training in my hospital residency, I was still acceptable and carried two patients in therapy at his clinic. But now, having made a statement which ran counter to his dogma, I suddenly became insufficiently trained.

He continued: "Imagine how Jews would react if a fascist said there was more psychosis among Jews than other people." Then he maintained that several Negroes at the conference the previous week were disturbed by my statement, but shortly thereafter he contradicted himself, insisting that no one had complained about it. He then said he would invite me to attend all his conferences this year. (No such invitation was subsequently offered.) Then, as I got up to leave his office, he spread out on his desk two pages from Life Magazine on each of which was a large photograph of a Negro man, and between the two men there was a picture of the Communist Party headquarters in Harlem. He excitedly said that the article was calculated to incite race riots. Before I left, I was handed a reprint of an article written by Dr. Wertham entitled "Medico-Legal Report on a Deserter."

The outstanding facts which impressed me as a result of this experience are as follows: 1) I had presented a point of view (not even necessarily my own—I quoted the results of a statistical survey which, granted, may be invalid or false). This point of view ran counter not only to Dr. Wertham's but to the current view of Russian psychiatry; 2) One week after making an "anti-Marxist statement" for which I "would be shot in Russia", Dr. Wertham expelled me from his clinic.

EILEEN WALKERSTEIN, M.D.
New York, N. Y.

Again, the following brochure was widely distributed to physicians in the USA. It was accompanied by a letter from which a significant excerpt is given. It demonstrates that the original complaint in Civil 1056 was constructed, in accusing the Discoverer of fraud, exactly in accordance with claims for cures for Terramycin and other pharmaceuticals with the approval of the American Medical Association:

TERRAMYCIN® Brand of oxytetracycline

Actinomycosis
Acute anthrax
Acute bronchitis and bronchiolitis
Acute infectious croup (non-diphtheritic)
Acute laryngotracheobronchitis
B. coli infections including urinary tract infections, peritonitis, abscesses (with surgical therapy) and meningitis
Bacillary dysentery
Bacillary infections caused by *A. aerogenes*, *B. coli*, *K. pneumoniae*
Bacterial endocarditis produced by susceptible strains of gram-positive and gram-negative bacteria
Bacteroides infections
Beta-hemolytic streptococcal infections
Brucellosis
Chancroid
Clostridium welchii
Gonococcal infections (including acute gonorrheal ophthalmia)
Granuloma inguinale
Intestinal and extraintestinal amebic infections (including amebic hepatitis and, with surgery, amebic abscess)
Leptospira icterohemorrhagica
Listeria monocytogenes
Lymphogranuloma venereum
Meningitis caused by *Hemophilus influenzae* (conjunction with sulfonamides)
Meningococcal infections *Micrococcus pyogenes* (*Staphylococcus aureus*)
Murine typhus
Nonspecific urethritis
Ocular viral infections, such as inclusion conjunctivitis, follicular conjunctivitis and acute trachoma
Ocular infections caused by susceptible bacteria
Otitis media and mastoiditis (with indicated surgical therapy)
Pinworm infestation
Primary atypical pneumonia
Proteus vulgaris and *Pseudomonas aeruginosa* (occasional strains)

Psittacosis
Puerperal sepsis
Q fever
Rocky Mountain spotted fever
Scrub typhus
Shigella (species of)
Staphylococcal and pneumococcal infections
Streptococcus faecalis and other species of streptococci
Surgery large bowel (suppression of colonic bacterial flora pre- and postoperatively)
Syphilis (certain stages of)
Tuberculosis (conjunction with streptomycin to delay emergence of microbial resistance to streptomycin in patients unable to tolerate, or infected with organisms resistant to p-aminosalicylic acid or isoniazid)
Tularemia
Typhoid fever (limited value) and *Salmonella* infections (to be determined)
Typhus
Urinary tract infections produced by *B. coli*, *A. aerogenes*, staphylococci and streptococci
Vaginitis produced by *Trichomonas vaginalis*
Vincent's infection
Whooping cough
Yaws

TETRACYN® Brand of tetracycline

Pneumococcal infections, including pneumonia with or without bacteremia
Streptococcal infections, with or without bacteremia, including follicular tonsillitis, septic sore throat, scarlet fever, pharyngitis, cellulitis, urinary tract infections due to susceptible organisms, and meningitis
Staphylococcal infections, with or without bacteremia, including furunculosis, septicemia, abscesses, impetigo, acute otitis media, ophthalmic infections, susceptible urinary tract infections, bronchopulmonary infections, acute bronchitis, pharyngitis, laryngotracheitis, tracheobronchitis, sinusitis, tonsillitis, otitis media, and osteomyelitis
Certain mixed bacterial infections
Soft tissue infections due to susceptible organism

Excerpt from letter:

"MEDICAL DEPARTMENT, PFITZER LABORATORIES

Dear Doctor:

*** Both Terramycin and Tetracycline (tetracycline) are accepted by the Council on Pharmacy and Chemistry of the American Medical Association and we are attaching the currently recognized claims for both agents. ***

Sincerely,

W. Alan Wright, M.D.
Medical Director"

The accuser also expressed concern that use of the orgone energy accumulator might interfere with effective treatment of cancer, something he never demonstrated. How, then, to comprehend the failure of the FDA to check the danger of food additives as a potential cause of cancer, until prodded by public concern? The following newspaper headlines are eloquent:

From The N. Y. Times, August 21, 1956:

CANCER IS TRACED TO FOOD ADDITIVES

Experts' Symposium in Rome Lists Many Dyes, Flavors, Preservatives as Unsafe

ASKS LEGISLATIVE CURB

Appeals for International Collaboration to Protect Mankind From Hazards

From The N. Y. Times, September 18, 1956:

SCIENTISTS RATE FOOD ADDITIVES

150 of 400 Used Have Not Been Adequately Tested, Federal Official Says

From The Washington Daily News, Feb. 24, 1956
(Front Page)

- U. S. Testing (200—M.S.) Cancer Drugs for 1st Time
- Space Shortage Delays Unprecedented Work
- U. S. Begins Testing Cancer Cure Drugs

Here, the accuser's disregard for the public welfare until prodded by public outcry is in striking contrast with the intensity of his effort regarding the accumulators and literature. One wonders in whose interest the FDA actually functions. It is significant, that, historically, the FDA grew directly out of a flouting of the authority of the Federal Courts by highly placed administrative officials (Harvey Wiley, M.D.—The History of a Crime Against the Food Law, as reported by Robert McCullough, a trial witness).

This discussion is made necessary by the simple fact that only by examining most carefully *how* the Injunction came about, can this case be understood. And this means getting at the *motives* of the accuser, the only way toward discovering the real criminals behind the cases 1056, 5003, 5614, 5617, and others.

Relief Sought

Based on the foregoing, defendant-appellant Michael Silvert, M.D. respectfully requests that the Court:

1. Open the entire question of the validity of the Injunction in Civil 1056, basis for Criminal 5003 and others, to serious judicial review, especially including an investigation of the irrational motivation of the accuser.
2. Change the verdict and judgment of the District Court to Not Guilty, and remove the jail sentence.
3. Open the way to restitution to Dr. Silvert of serious financial loss which has resulted from interference with his medical practice which is his only source of income, and from large legal expenses; not to speak of the anguish and the heartache.

Respectfully submitted,

MICHAEL SILVERT, M.D.
Orgonomic Physician

Pro Se