

HISTORY OF THE
U. S. FOOD AND DRUG ADMINISTRATION

Interview between:

Roland D. Sherman, Retired

U. S. Food & Drug Investigator

and

Robert G. Porter

Denver, Colorado

July 4, 1978

INTRODUCTION

This is a transcription of a taped interview, one of a series conducted by Robert G. Porter, who retired from the U. S. Food and Drug Administration in 1977.

The interviews were held with retired F.D.A. employees whose recollections may serve to enrich the written record. It is hoped that these narratives of things past will serve as source material for present and future researchers; that the stories of important accomplishments, interesting events, and distinguished leaders will find a place in training and orientation of new employees, and may be useful to enhance the morale of the organization; and finally, that they will be of value to Dr. James Harvey Young in the writing of the history of the Food and Drug Administration.

The tapes and transcriptions will become a part of the collection of the National Library of Medicine and copies of the transcriptions will be placed in the Library of Emory University.



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
PUBLIC HEALTH SERVICE
FOOD AND DRUG ADMINISTRATION

TAPE INDEX SHEET

CASSETTE NUMBER(S) 1 & 2

GENERAL TOPIC OF INTERVIEW: History of the Food & Drug Administration

DATE: 7/4/78 PLACE: Denver, Colorado LENGTH: 105 Min.

INTERVIEWEE

INTERVIEWER

NAME: Roland D. Sherman

NAME: Robert G. Porter

ADDRESS: [REDACTED]

ADDRESS: U.S. Food & Drug Administration

[REDACTED]
Denver, Colorado

FDA SERVICE DATES: FROM 1935 TO 1978 RETIRED? Yes

TITLE: Investigator, Chicago District

(If retired, title of last FDA position)

CASSETT NO.	SIDE NO.	EST. TIME ON TAPE	PAGE NO.
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SUBJECT

1	1	0 Min.	1	Introductory Remarks
		2	2	Elixir of Sulfanilimide Investigation
	2	13	19	Krebiozen Investigation and Trial
2	2	15	45	End of Recording

P. - This is an interview with Roland D. Sherman. It is taking place in Denver, Colorado, on July 4, 1978. My name is Bob Porter.

R. D. retired from the Chicago District as an investigator in January, 1978. He began his career with the Food and Drug Administration in 1935.

R.D., there are two things I would really like to get you to put on the tape. I know you had some very interesting experiences in the Elixir of Sulfanilamide case; and then after you talk about that a little, I'd like you to really talk about Krebiozen. You were probably the most involved person in that investigation, and when you get to Krebiozen, tell us about what you first ever heard about it or did about it and just carry on through some of the interesting instances. We would like our tape to have...well, let me say this, there is a lot of written history about the Krebiozen case. So what I want are interesting sidelights and things that might not appear in the written record. So with that, why don't you tell us a little about Elixir of Sulfanilamide, and I'll turn it over to you.

S. - The longest continuous investigation and the most widely varied was the Krebiozen investigation; but for drama, there were two weeks on the Elixir of Sulfanilamide that surpassed anything I ever encountered. I will not detail my actual original Elixir of Sulfanilamide investigation.

I was sent up to recondition some butter at Meridian and they wanted me to go on the train, and we had just heard radio and newspaper accounts of the Elixir tragedy; but I insisted on taking a car with me, and got up there at Meridian about 9:30 p.m. and happened to think I'll go to Western Union, and then I found the assignment to go on the shipments of Elixir of Sulfanilamide. So I phoned the creamery and told them that I couldn't be there to recondition the butter until later; and that was a very interesting encounter, the regular investigation. However, some weeks after the investigation I happened to have the file sent by Gladys Barbier--a snoop file--and I read how Brian Eggerton, who was then the resident at Dallas, had dug in trying to find some cases, and he had gone to the priest who registered deaths and the man who wrote up death certificates, and I thought, well Brian really gave it the old college try to find those. And then I remembered that some doctors had been evasive, so I wrote to Boudreaux and told him this, and he said go ahead, dig in. So then I went to the State House at Jackson, Mississippi and went through the death certificates, and in short time, the first name I saw was Joe Hewitt, a black man who a Dr. Purcell...I will name some of the names here, but of course, they should not be published, although they are probably all dead now, but we have to

use extreme discretion, because it does get a little ticklish--I guess I could call it that.

P. - It's been such a long time.

S. - Yes, but Dr. Purcell told me that one man had had it but didn't die of Elixir of Sulfanilamide. The first case I saw was a man who died of uremia; secondary cause, gonorrhea. Sulfanilamide was a powder--and down south, if you can't give colored people or children a red liquid medicine, you aren't any kind of a doctor at all.

So, Massengill had made--put it in solution--with considerable difficulty. Now, it was given for kidney infections or gonorrhea, and it was the first specific in years. So, I encountered other deaths of uremia, which was the action of the drug, because it blocked the kidneys, and it was being given for those two ailments. So I picked up five or six cases, looked for certain. I found other cases of uremia, cause people of 80 or 90 do, sometimes, die of uremia. But the first case that I recall that I went to, was a little town--I think it's Vaughan, Mississippi, it's where Casey Jones came round the bend and derailed after he hit a stopped train. Now, there was a country store there, and I went back there--and it was winter--and everyone was gathered around the hot stove, about three or four men, and Dr. Purcell was there. And I listened awhile, and then

said, "Dr. could I speak with you," and we wandered away from them. I said, "Dr. Purcell, Joe Hewitt died of Elixir of Sulfanilamide didn't he?" He said, "Yes." I said, "How about this boy a few miles away?" He said, "I don't know of him and anything about him." I said, "Well, will you go with me to see his parents?" He said, "Yes, I'll go with you, but he wasn't my patient." I said, "Alright, then you don't have to go--cause if you're willing to, I know he wasn't your patient." Later, I went to another little town and interviewed a doctor about a ten year old black boy, and he said, "No, no, that boy never had any Elixir of Sulfanilamide--I never had any." He had signed the death certificate. So then I went to Yazoo City--and down south there are no section lines--so it's very hard to find houses on rural roads. And so, if you're lucky you get a local guide, and I went to the county health officer, a physician. When I first got the assignment, I realized I couldn't cover places fast enough, so I sat down at Jackson and sent out wires--and even sent them government rate, collect--and some of the doctors reminded me I owed them fifty-five cents, or something like that. There was one doctor--I routed him out of bed in his night shirt, about 8:00 in the small town, where they take up the sidewalk. But anyway, the health officer agreed to drive with me, and we interviewed the mother of the dead boy. And, she said, "Well, I don't want to

get anyone in trouble", and I said, "Well, we wouldn't get anyone in trouble."

She said, "My boy went to a doctor in Yazoo City, and we got a prescription at one (of two or three) drug stores in town, and when he didn't get better after the one doctor saw him, I took him to the other doctor and he died." She described typical elixir symptoms. I said, "What did you do with the medicine?"--because people often bury it--and I didn't want some child to dig it up from a shallow grave--and one ounce did kill a full grown man. Massengill had physician samples of one ounce.

So we left the woman, and went back to Yazoo City and I said, "That drug store was the only one that had any, and I remembered coming in there at 8:00 at night and the guy saying we didn't use any, would you like to check the prescriptions?"

So this time, I went alone to the drugstore, and I went through the prescriptions of the date that the boy got it. I found a prescription--we'll say number 11--leaving off the other digits. It was for this boy who died. Number 13 was another prescription for the boy who died, but 12 was missing. So I then went to another drugstore, and picked up the doctor who had been with me, and we went back and confronted the druggist. And the doctor suggested, "Maybe it's a narcotic prescription;" and we looked at narcotics and there was

no difference in numbering systems. So, I said, "This is rather peculiar. Here's two prescriptions, the missing one, number 12, should be this same boy, and now he's dead. And you did have Elixir of Sulfanilamide in your store. How do you account for it?"

He was quite embarrassed, but couldn't account for it. And I said, "Well, let's go see the prescribing doctor, who has an office on the second floor across the street." It was a Sunday, as I recall. So we went up there, and on the way up there, I met a small teenage black boy who was from the drugstore, and said he had a message from Mr. Jones, the druggist. For a moment, I almost said, "Let me have it, and I'll give it to the doctor." And then, I thought that would be real high-handed now, looking at that note, so I desisted--sometimes my better judgment did prevail. So we sat in there talking to the doctor, the three of us, and I was sitting on a sofa or something, and the doctor said, "Oh no, that boy never had any Elixir of Sulfanilamide." I told him of the prescription numbers and all this, and I said the boy's mother had described the symptoms which were identical with victims of Elixir of Sulfanilamide--that he, after taking it several days, began to vomit a green bile, and later his kidneys completely blocked with uremia. He said, "Oh no, he never had it." And I said, "Well, what was in that note from Mr. Jones?" He said, "What note?"

I jumped up like I was shot. I said, "Come on, doctor, there's no use staying anymore here." The doctor we were interviewing, his jaw dropped down on his chin--so we left, and as we walked down the street, I said, "I know that boy had Elixir of Sulfanilamide. I don't know what I'll do about it, and I have to think it over." And then I said, "That's right, I asked if the note was from Mr. Jones. It was from Mrs. Jones, so I'm going back there." So I went back, bounded up the stairs, knocked on the door; the doctor came to the door and said, "Oh, I'm glad it's you, come on in I want to see you." I said, "Well, Doctor A. has been with me on this investigation, so I think I have to have him." Reluctantly, "Alright, go get him." So I went to the other drugstore, got Doctor A. and then being rather young--and I don't know how to describe it--suddenly I thought, Dr. S. was very disturbed, what if he would try to commit suicide? So we started to walk faster, and I said, "I'm going on ahead," well, I could run, but the doctor, he walked fast but his southern dignity wouldn't let him travel faster. So I bounded up the stairs and I said, "Doctor A. is coming." So we got inside and sat down again, and he said, "Alright, I haven't slept for six weeks. I want to take the full blame for this. The only one that knows about it is the druggist and his wife and...my wife. I told them the boy is dead and we can't bring him back to life and

I don't want any publicity, so I said, "Fill the bottle up with water, send it back, and remove the prescription from the file." He said, "Now I don't care what you do with me." I said, "Well, the prescription thing is up to Doctor A. here, because he's a County Health Officer. Food and Drug has no jurisdiction over that. We were just trying to find out the history of the victims, and how many, and everything about the use of this drug."

So, I then said, "Well, doctor, what was in that note?" "Oh, the note," he said, "That was from Mrs. Jones. I hadn't received it at the time you asked me, that's why I was so surprised." The note said, 'We can't stand the pressure. We're going to tell the inspector everything.'

P. - I'll be darned.

S. - So then, I told Doctor A, "I'm going to give that druggist a piece of my mind." So we went back to the drugstore, and I said, "You know, it is a very serious violation to give false information to a federal officer on a matter in his jurisdiction." And I said, "Well, the violation of state laws is up to Doctor A., as to what he'll do about this thing." That bottle arrived full and I think it was Inspector Billy Ford of Cincinnati was checking them in, but naturally, when the bottle is apparently full you don't check it. And Doctor A. said, "That druggist sometimes counter prescribes or changes my prescriptions--substitutes, so I'm going

to let him sweat three or four days, but I will not report his actions.

P. - The original bottle of the Elixir of Sulfanilamide-- they filled it back up so it looked like none had been used?

S. - Yes. You see, they used four ounces out of a pint, so he just put back four ounces more of water, and the red color would take care of that.

P. - I see.

S. - You know what I wrote in my report? "Dr. Smith admitted this patient received Elixir of Sulfanilamide." I have told this story to a number of Food and Druggers, but I could not write up the details of my investigation without hurting him at the time, because he's suffered enough in my estimation, and it did not entail violation of Food and Drug laws at that time on prescription drugs; so I, to keep him from having publicity, didn't write it out, although I considered it one of my best pieces of detective work. In fact, Doctor S. said, "What if I hadn't admitted it?" I said, "Well, I was considering going to the state's attorney, and ask him to exhume the body," which was real high-handed on my part because I didn't have the least authority to do that. However, the doctor said, "I don't think he'd found the drug." And I said, "I think we would have in the body." And actually, I'm quite certain that they could have demonstrated the blocked tubules, with sulfanilamide, probably;

that was done on autopsies. Then as I next recalled, I went to, maybe it was Albany, Mississippi, and there had been a record of one drugstore having some there and Hubble had been in that store and reported one prescription of elixir. And I went to the druggist, and he said, "Well, I tried to tell Hubble that there's a lot of elixirs on the market, and that prescription that he listed, was not Elixir of Sulfanilamide;" the handwriting was bad, and I agreed and told the druggist, "I think I know who got the elixir." I then went to see a doctor who had written a death certificate and told him I thought this man had died of the elixir. He told me, "Will you tell me some of the symptoms because I've been thinking the same thing, and I've asked the man for whom he worked at a saw mill, if he could find the medication, or anything, that this man was taking." (a black man of I think of around 40 according to my memory). I then went to the hotel to eat, and had just given my order when they began paging me. So I cancelled my dinner and rushed over to the doctor's office; he said, "The man from the saw mill just brought this bottle, it was from one of two or more drugstores, the only store that had any. The doctor and I went to the drugstore and there was no prescription for it, it had been counter prescribed; no one could remember filling it or dispensing it, but one clerk was quite embarrassed. The doctor was told by the druggist that they did not make a habit

of counter prescribing here because he didn't like to lose the favor of the doctor. Well I got a portion of that, sent it to New Orleans, and then they had to send it to the Chicago lab because they were the only ones who could do drug work, and they did identify it as Elixir of Sulfanilamide.

I went to one other doctor who had about ten patients, and pointed out that one of his patients had died of all the symptoms of Elixir of Sulfanilamide poisoning. He said, "Well, in my opinion, he had not died of that." And I said, "Well, we wanted to know the names of any of them who had died so we could make up our mind on that." And that was about the the fourth one that I had identified.

I also interviewed a doctor at Mt. Olive, who had had something like five or six deaths out of about ten patients, and told him I thought he had been the only one who had handled the thing properly, (he drove miles to get samples of urine from his patients) and he thanked me very much for that.

And I said, "Well now, one patient who had died had been to Jackson, and I followed him up, and they had done a prostate operation, and he died in the hospital, apparently of a heart attack. He never had any symptoms of uremia." The doctor said, "That's quite right, I would hate to convince the family that he died of other than Elixir of Sulfanilamide poisoning, but he didn't die of it," and I said, "No in my opinion, he didn't."

I had visited that family when they were having Sunday dinner, and they said, "It killed my Pappy," but no one at that time knew enough about the symptoms. They probably did collect, because Massengill settled all those cases, at about \$500 to \$2,000, from what I was told by a doctor who had some of the victims, but they had a hundred cases to settle and limited funds.

I then went up to Corinth, and there was a three doctor clinic, and I asked the doctor if he had any deaths. No, he couldn't recall any. Another doctor told me that he had one of sulfa powder, (and I ran that case down), but their records were open to me. I then asked about a two and a half year old boy who had died at Corinth--no at Shiloh Battle Field, just over the line in Tennessee. And he said, "I don't recall the patient or that he ever had Elixir of Sulfanilamide."

I then went up there and there was a country store and I interviewed the father of the boy. And he said, "The doctor told us if you had only brought him earlier, we might have taken care of the kidney problem that killed him." I said, "Do you have any of the medicine left?" He got in my car and we drove to his house, and he went in the house and pretty soon he come running across a vacant lot holding a bottle, which was dispensed by this three doctor clinic in Corinth. I took it to my hotel in Corinth, photographed the label, put half of it

in a bottle, and sent it parcel post to the New Orleans lab. I then confronted the doctor, and it was about evening, and another doctor, an older man, was with him, and I said, "What was in this bottle?", and held it up. The doctor reached out for it, and I didn't let go. The other doctor looked at me, and the first doctor looked at me and said, "I won't drop it." I said, "Alright, I've already sent a sample to New Orleans and photographed the label." The other doctor said, "Gee doc, that looks like the stuff." He couldn't remember for sure what it was. I said, "Now, did you give it to anyone else?" Suddenly he recovered his memory, and he got on the phone and had to crank it on the wall, and he called the person and asked about what they'd done with the bottle. I said, "I want to make sure that they didn't have any other bottle." He said, "Well, they just threw it out." Now, they do have torrential rains in Mississippi, so I'd considered it would have just washed away.

So, that added the name of another victim, it brought it up to five in Mississippi. I also noticed that in east Texas, our resident at Houston--I can't think of his name--he was a naval stores inspector--had interviewed a druggist in a real small town in east Texas. I can't think of the name of it. So I went there, and I--and that was about a week or so after this other investigation was concluded...and I gave my technique to Hubbell, and he went over in Mississippi and dug up two cases which

had been concealed. I had to stay and take over as acting Chief Inspector because Malcolm Stephens had gone and had planned Christmas vacation.

I then got up in east Texas and this time I went to the Court House for death certificates, but I couldn't pick up anything that looked interesting, so I then went to the drugstore, went through the prescriptions (and whenever you found that the name of a person had gotten elixir, and a few days later had gotten morphine, you knew they had reacted to it, because uremia is an extremely painful disease; and they tried to cure the pain with morphine); and I found five persons had received the elixir. So then I approached the doctor who had prescribed the elixir, a young man about in his thirties, and there were two older doctors who also had offices at the back of the drugstore, which was common down south. I had found morphine prescriptions for Johnny--I don't remember the last name. And I said, "Johnny died, didn't she?" And he said, "Yes she did." Down south, they sometimes named girls Johnny. The ten year old girl had died; and the death certificate there showed she died of pneumonia. Now that was a symptom that they also had during that death, but primarily, it was uremia that they died from. Then he said a woman died of purperal fever (childbirth fever), and surely that didn't do it. I said, "Did she go to a hospital?"

And he told me of a town nearby, and I went to that hospital and went through their records. However, before that, I said we've got to run down these other prescriptions. So the druggist had his clerk take me with him, and we went to one house and recovered a prescription--and the people had moved three times--and we checked out another place. But that afternoon, the doctor phoned a young woman to come into his office, and she had got the first symptoms and quit the drug, and never told the doctor about it. So he said, "Good God, it probably ruined her kidneys," and he had her give him a urine specimen right away. But later in the drugstore, the man of the house where we recovered a prescription came to the drugstore and asked the doctor who was in the front of the drugstore, what we had gotten the prescription for. The doctor had given him an evasive answer, and when he went away, the druggist turned to me and said, "That man didn't believe that." The man went out and stood in front of the store talking with loafers. The druggist said, "I'm going to have to tell him the truth." And I said, "Yes, I know he didn't believe what he was told, and I believe the best thing is to level with him now." But the family had moved three times, and taken it with them, and they would have used that drug next time the child had the same symptoms. Later...

P. - Is that the ten year old boy that did die?

S. - No, later I went to interview the mother of the girl

and I said, "Where did you put the bottle?" She said, "We dug a hole in the front yard." So I went out there and dug for the bottle, while the mother stood on the porch, tears streaming down her cheeks. I think I found the bottle and it was empty, but I wanted to make sure that no child dug it up and found several ounces left, because they might have drunk it and could have died.

I went to that hospital and came back, and I said-- it was late at night--and we went in the doctor's office and there was only one chair there. So I sat in the doctor's chair, and the druggist and the doctor sat on the floor. I said, "Here are some of the symptoms of people who had Elixir of Sulfanilamide." After awhile the doctor said, "That's enough of those, now I want you to read me Mrs. Hammock's." I said, "Doctor, the last one I read was Mrs. Hammock, except I left out the first part." He said, "Oh, good God, she did die of uremia." "Yes," I said. "When she got to the hospital, the infection went away within about one days' time--the drug was effective in killing that, but then it took over and blocked the kidneys and uremia set in." When I wrote that later in my report, Malcolm Stephens said, "Oh, you shouldn't make comments like that in the medical line, because you're not qualified as a doctor." I said, "Well, I was qualified enough to know symptoms, that when doctors told me they didn't die of elixir, I was

able to have faith and keep on investigating until I proved it," because a number of doctors denied it.

Also I followed a man in a Model T, eighteen miles, and we had to walk four miles to a log cabin. And there was an empty six ounce bottle that his eighty year old mother had taken. It never affected her one bit.

P. - Is that right?

S. - And, aside from having--later, FDA wanted a fatal prescription, and New Orleans had destroyed all the samples sent there. And I had refused to take samples once; in fact, I met with two lawyers, a young lawyer, (I think they had the Mt. Olive cases), and he took me to the home of an older lawyer. And they said, "We ordered the arrest of your man, Strasburg (who was head of Sea Food Inspection) because he stood on the porch and threatened one of my clients that they'd better give it up, or he'd call the National Guard or something. And they refused and I said he was destroying evidence, and I had a warrant sworn out, but he left town." And I said, "Well, it probably wasn't his fault; I can hardly believe you, telling me this," and I told them, "Well, Stephens had told those men to go out and 'I don't care what you tell them, but get those prescriptions back'." And later, I talked to the husband of the woman who died, about 65 years old, and I apologized for him and said I could hardly believe it be he was given instructions to get it, no matter what they had to say. And I

felt it was very wrong of them, and all I could do was apologize. He said, "We had it hidden in the back house. He'd of never found it in the house." Later, FDA wanted a fatal prescription. I said I knew of only one in existence, because I had asked people, "Did anyone get sick?" When told, "No," a woman said, "Alright, I'm dumping it down the lavatory, and I don't care what my husband says about it." I had told her, "It's best to get rid of it, and then no one--or child--will accidentally take it."

So FDA wanted the fatal prescription, and I said, "The only one left is that family, where they hid it above." So I went there and got affidavits from them and I told the lawyer, "Now, I want you to know when you give me this sample, that doesn't mean we necessarily will give you the analysis of it," (because I would not take the sample under false colors). And he said, "Well then, I'm not sure I'll let you have the sample." And I said, "Ok, I'll wire J. O. Clark (head of Central District) and get a response." And he wired back, "Go ahead. They may have to have a subpoena, but they can get the results." I then got the sample and an affidavit, and I had to get an affidavit from their daughter, who taught school around Bruce, Mississippi, and later, I interviewed her; and when she came out on the porch, she said, "Which inspector were you--the first one, or the second?" I said, "I was the second one." She said,

"A good thing for you, because I was going to give you a real piece of my mind." But that was the most dramatic week, or two weeks in my whole career.

P. - That came early in your career, too, didn't it?

S. - Yes. I was only a neophyte inspector--about two years experience--when that all happened. And then, they were looking for an inspector with drug factory knowledge, and Bill Kupp selected me and told me...

P. - Now you're going to a different place and time. Tell us, is this in Chicago?

S. - This is in Chicago. We were getting ready to do the Krebiozen investigation, and Bob Palmer--I had read some work he'd done--a very excellent piece of inspection he'd done once.

P. - This would have been in what,--like 19...?

S. - This is 19...62, I think it was.

P. - Yes, okay.

S. - Anyway, he wanted a man who was good at drug inspection. And Bob Palmer, I'd known because of a piece of work I'd read, that was in the Food and Drug Review--a cracker jack inspector. I had always been the lead inspector, so it was hard for me to play second fiddle, and I was told to keep still. But at the end of the first days, I'd intervened several times. I could have bit my tongue off, and was afraid I would get fired. But I pointed out some very interesting things--that they'd once told us, his lawyer had said, "We welcome inspections."

So when Durovic began to balk, we said, "Well, here's your letter, here's a letter from your lawyer, inviting us here." But that inspection has been detailed and I think we had a confrontation there on a Saturday, but it has been all written up, because now my name is in the law books. We all signed affidavits describing that Saturday's occasion in which we got a sample of powder, which led to the identification of it as creatine. Now if they hadn't given us an empirical formula, I could have taken the percentages and worked out the formula, because McCrone Labs did it on the percentage basis, and found very readily, it was creatine. But since we were given the formula, I didn't try to go through it myself. And the man who did the combustion analysis, tried to make his formula down to such a small percentage, beyond the accuracy of the method. So he came up with a wierd formula, that the valences didn't balance. And so, finally, our chemists did an outstanding job of identifying the thing, chemically, after going through all those charts, a girl did pick out the fingerprint of Krebiozen; because McCrone Labs very quickly, mathematically, determined it was creatine, and the second sample was creatine monohydrate, but it had had time to pick up water of crystallization.

Could you stop it for a minute, please?

P. - Okay, it's on.

S. - I won't try to tell you the famous Saturday inspection, in which my name is in the law books, for posterity, of Durovic vs. Palmer, Sherman, Case...and John Guill. I later think that George Larrick was very much--I don't know how to say--disappointed that his name didn't appear in the official file, as a defendant. That suit was for only \$10,000, and that worried me, because I might have come up with \$10,000, but when I got sued with the AMA, and all the doctors whose names were mentioned in the trial--and we were down the line for a million dollars, I didn't worry quite so much. There was one assignment came out from Goldhammer, 'Find out fellow--not fellow, but employees of Durovic and the publisher.

I got on to a lead from the Union Local number that led to the publisher of the Drake Brochure, and even found about thirteen copies still in existence.

P. - Now what was the Drake Brochure?

S. - The Drake Brochure was the 20 or 30 page book with pictures given out at the Drake Hotel meeting, in which Ivy announced, very prematurely the benefits of Krebiozen.

P. - Oh, yes.

S. - I later ran down other printers and got considerable history that they had gotten forms for patient histories, that they hadn't sold just 7,000, but they could have had at least 15,000, because they didn't order those history forms unless they needed them, and first account of

use of the drug. But we were also asked to find former employees. Now, I can't recall how we got onto a man's name, La Jeunesse and I interviewed the man. And he said, "Oh boy, did I hate that Durovic." "I had to stay there about one month, because the employment fee was contingent on my working a month or two." And he recalled some names and, fortunately, they were Lithuanian names, or some odd name; and later, by checking the marriage certificates, we found one girl had married, because she had an odd name, and we interviewed her; and she was quite hostile to Food and Drug. But he said there was one girl called Sandy, and she was kind of a kook. She went to some kind of a College Park or something--, I said, "North Park College." "Yes." La Jeunesse said, "What courses was she taking?" "Well, she was kind of a kook. She took Experimental Psychology. Well, we went to North Park College, and we started looking for Sandy. We found at least eight Sandys, but none of them were taking Experimental Psychology. I told La Jeunesse, "There's something missing." Finally, it dawned on me, we didn't have the record for one of the semesters. We then found another Sandy, and we went to see her mother, because we had her home address. Her mother said, "Oh, Sandy never worked for Krebiozen, she worked for Promak Laboratories." I said, "Promak Laboratories--that was it, and that was Doctor Durovic; where does your daughter live now?"

"Well, she teaches school at Kalamazoo." So we notified Detroit District, and they ran her down. And she did remember having gotten into Durovic's lab. And she never smelled some of the organic solvents he was alleged to have used. We used her as a witness in the trial. But that was one of my better pieces of ingenuity in ferreting out names.

Later, there was a doctor who was wanted for a trial, I think, it involved weight reduction. And this doctor was apparently dodging the Marshall's subpoena. So Owen Lamb called me in with McDonald, and said, "You're authorized to spend \$10,000 and follow this guy." "If he left Bloomington by plane, you climb on the plane for where the ticket is and follow him." And my wife was not then bedridden, to the degree that I could leave her. But I said, "Maybe they have found him by now." This was before I was to take off and get my traveling bag, and start driving to Bloomington, and we called the Marshall's office. We called the Marshall, and he said, "Yes, he was dodging us, but I got a hold of him on the phone, and I said, "Look, if you're dodging us, I'm going to put you on the 10 Most Wanted list of the FBI." So he said, "Come on over and serve me." So that blew up in a hurry, but because I found those employees in the Krebiozen investigation, they remembered that and chose me to go spend as much as \$10,000 to find this witness. And that was the outcome of this

other incident. (I think, let's stop it for a minute).

P. - Okay.

S. - We, Scheno, Palmer, and myself, went out to the Quaker Oats plant, which kills horses for dog food, and did take pictures, and look up the record. And we discovered that Durovic had never used his bovis antigen, (I can't think of the correct name). (It causes lumpy jaws in cattle). Because Durovic paid for the blood of the horses, a set fee.

P. - This is where Durovic got the blood he used in his manufacturing?

S. - Yes. Durovic used those 200,000 ampules he was supposed to have had for so long, he realized, people are going to think, doesn't he ever run out? So he had to do an experiment in this country to prove he made Krebiozen. Now his brother got cold feet. That was Marko, the lawyer. He thought, if we do that, we'll get caught-- someone will get on to us. So he chickened out, and he had his two or three million dollars already, and thought, let's let well enough alone. But Stephen Durovic, the doctor, was brazen, and he went ahead with it. Well, if a horse died, he had to pay for the carcass of the horse, because they couldn't use it for dog food, because the client is under federal meat inspection. So, the horses began to get sick, and the veterinarian thought it was shipping fever or something,

and they began to give antibiotics. Now this should be listed in a scientific experiment, but it never was. But the chemist at that plant kept very good scientific records--the weight of each horse, and the amount of antigen administered, and then, the antibiotics which could have entered in blood stream in theory, (and I'm no expert on immunology) and if there had been a response, it could have been due to antibiotics. Anyway, we got pictures, and we told them, "Do you have any of the centrifuged liquid left, that was kept in the freezer?" And they said, "Our records show all that was shipped."

Later, we got a phone call from the plant, that they'd found some left. So we immediately jumped in our car and headed out to Rockford, and when we got there and asked for a sample of this two or three pints, they said, "Well, how come? Doctor Durovic had just phoned and had a truck pick it up."

I told Palmer, "We can run that truck down on the highway, on the expressway, and catch them." And Bob said, "Well now, what would we do if we got the thing?" I said, "Well, in theory, we could perform the experiment, but when you use a whole horse, you only get about, I think it is 13 milligrams, and if you have that on a 12 inch evaporating dish, you'd hardly be able to... it wouldn't be very much. And I had once asked Durovic,

"Does it get kind of crystalline?" "No, it's a powder." Now did you ever evaporate anything that didn't form in a hard crystal? It never forms as a soft powder, which made me think, the thing sounds phony. But I said, "For this amount of plasma, we wouldn't be able to see it on the dish." So Palmer said, "Alright, we won't get it, we'll just wait and see if Durovic tells us about this."

Then in our confrontation on this memorable Saturday, Palmer asked him, "What became of that liquid you had picked up and brought here--the frozen plasma?" And Durovic said, "Oh, that had spoiled, so I just threw it away, and I forgot to tell you gentlemen about it." He was always glib with an answer. And we said, "Well now, you told us that you got this amount from a horse, now you say you got three times that much." And he said, "Oh, that was a mistake--we really get eight times that much." Then Durovic, when we'd find evidence that he got so many more ampules, he'd always come up with more.

When we first went to Kimball Glass, I came back, and I said, "They should have gotten, I think, about 50,000 vials, to take the amount from the 400 horses. Actually, he didn't bleed 400 horses, cause they lost 10% of them from dying. So they should have had a lesser amount. And Durovic always upped the figure. Ivy gave out the first amount, and Durovic, the second number of horses that bled. I said, "Guess how many ampules they bought?" They wouldn't. And I said, "250,000, and I don't know what they bought for the other years'

records at Toledo." I said, "I wouldn't do it without permission, but I'd like to put a bug in the ear of IRS--are they paying income tax on this?"

The next day, Palmer, as we walked to lunch, said, "I called Goldhammer--and he's already been to the IRS." However, IRS did nothing about it until they began to picket the White House--the Krebiozen supporters--and then someone in the White House said, "What are they doing about it?" Actually they did nothing about it until months later, at the time of the grand jury investigation. They they tied up Marko Durovic's assets.

We found from bank records that Stevan Durovic went up to Toronto on Canadian Airlines, back the same day. Later, we found he'd invested \$50,000 in gold bullion, and I call that a solid investment. We also found from bank records, that beginning, I think in February, when we commenced this investigation, I believe it was 1962. That was when he first started sending money to Swiss banks. And he sent about three to five million dollars over there. IRS did nothing until it was too late, because he'd sent all that money abroad.

Later, I was to serve at the counsel table in the civil trial of Marko Durovic on income tax violation for civil charges. It was too late to do anything on criminal charges, although we had a criminal indictment against Stevan Durovic, who had fled the country. IRS, when the acquittal was announced, sat around about three weeks and called me--where might we find him and actually

he had gotten his passport two days after the trial ended. They never notified the U.S. Attorney's they were asking for his passport back from the judge who had tied it up, and then they got ready with an indictment, but if they had acted promptly, they could have glommed onto the guy before he left the country.

Later, the IRS had a civil tax case against Marko Durovic and I was asked to serve at counsel's table, because of my vast knowledge of the financial ramifications. However, Owen Lamb got cute, and told me to keep track of my time. FDA was going to charge IRS for my time. When I told that to the head of the investigation, he said it would take me two months to get permission to use you, and they would argue, "Why can't our own men know this?, and so you leave here right away, because I won't pay for it. I can't because of the red tape."

Later, Sam Hart and his assistant said it was okay, they wouldn't try to charge, but the damage was done. When they got ready to try it, they didn't ask about me to sit at counsel table, and I was unwilling to use my annual leave to sit there free. If I had've, I could have brought up one thing. Durovic made an accounting of the 200,000 ampules. So many were supposed to have been given away, and then he forgot; I think it was 1959, he said they were out of them.

Now that was the year that Al Snow, in import

duty, discovered they had returned 10,000 ampules.

And those were kept in hock in Customs for several years. Eventually, they were entered in this country, and he neglected, in his accounting to account for those 10,000 ampules. Now I would have asked him, when Marko Durovic took the stand, "Now you say this is an accurate accounting of these ampules?" "Where are the 10,000 ampules that you brought back from Toronto, Canada, with the Canadian label?" (And there was some question whether they were American manufactured or Canadian. They were held up for custom duty).

"So your account is not correct, is it?"

P. - Did we detain those?

S. - Yes. We detained them and they were...I was going to have Iman Schurman be a witness to introduce those figures.

P. - I wonder if I wasn't Food and Drug...I think I signed the detention on those. I think I was acting Food and Drug Officer.

S. - You probably did.

Well, then I was going to say, "You now say that it cost \$9.50, not including your investigation expense in South America, as a cost of these ampules."

"So now you say, then you did have selling expense, which is added on. Since you sold the ampules for \$9.50, you say you made no profit on the thing. Did you ever suggest that these ampules had a lower value?"...

I am quite sure Marko Durovic would have denied it. Then I would have said, "When your agent entered these in Canada, he declared the value of them was \$2.50, because you have to pay a duty of about 25% ad valorem, and when they were brought back in this country, I think that was the 25% duty that you would have had to pay until you demonstrated they would remain in this country. Now, since these really were worth \$2.50, then you owed that difference between that and \$9.50, to pay income tax on, and your petition is false." Then we could have nailed him for perjury. I gave those facts to the IRS attorney, but without me being there to prompt him, it was never brought out, and we could have nailed him for perjury. I could have sent him to the penitentiary if Lamb hadn't got cute and wanted money. IRS told me, "We knew you worked at U.S. Attorney's office, so we thought, why not help us."--we could have nailed him for at least a quarter of a million dollars in duties, interest penalty of over twenty years at 6%, and 50% penalty. And I am convinced--if I'd been there. Now, customs bungled it at the very beginning, because at the Illinois legislative hearings, the lawyers for Doctor Stoddard, who lost his job as president of the University of Illinois, Medical Branch, in his conflict with Ivy, his attorneys pointed out and asked Durovic, did they ever pay income tax--not income tax--but customs duty on that?

Later, I talked to an agent of customs, and we lost our file on the case, but they never paid duty on that. And they were going to reopen the case, and I talked with the general counsel of the Customs Office, and he said, "Well, they asked had you paid it?", and Customs didn't go forward with the investigation, because they weren't charging for it at that time. So no one knew the value of it." But he said, "Since we weren't diligent and didn't dig into the thing, they could say now you can't bring the case and charge that back charge, so we'll have to let it go, and we don't dare proceed."

I was told that the duty would have been, I think 16 or 18%, because when you bring in a powder, a crude drug, it has a lower duty. And they owed that duty, on, I think it was (oh, my memory fails me; I used to know it almost to the dollar), on something like one and a half million dollars, or two and a half million dollars, with interest. And it's incumbent on you to declare it. You must declare it. They don't have to ask you about it. But as soon as the Illinois legislative hearings ended, for the first time, Durovics began to charge. They had been taking some under the table donations, but they began to send invoices for the amount. And then, it was known. Now, there was another meeting right after the Drake Hotel meeting, the Durovics and Ivy went to the IRS at Washington, with an attorney,

and they said this cost, I think it was about two million dollars. And IRS said prove it. They said, "When we sell this, we have to recover our money, and then only would we owe income tax." But IRS didn't have brains enough to call up Customs and say, "Did they ever pay duty on this?" All they asked was, "Prove it. Let's see your records." Durovics never came back and proved it. Now if IRS had been on the ball, and had any liaison, like I did, when we saw that they'd bought all these empty vials, we knew they'd taken in money on them, and therefore, they might owe IRS an income tax--which they did--a whopping bit, a bill that was never collected, except the money tied up with Marko Durovic.

If they'd had liaison, they could have found out later, that they had to recoup this duty an approximately two million dollars. (Maybe my memory will come back, and I can tell you the exact amount of what those figures were). That would have been, even at that time, a staggering--oh, about \$200,000 that the government could have collected. But I can't blame the Customs people too much. There was no evidence they were selling it, so they didn't know how to put a value on it.

P. - Now, once they were acquitted, did they all leave the country?

S. - No. Stevan Durovic had all his investments abroad, starting with the beginning of our investigation. He shoved everything over to Europe, or out of the country. But

Marko Durovic had stocks and bonds. We tied up about \$600,000--because I interviewed the stock broker that his lawyer had mentioned and we tied up that amount. Later he was getting most of that back because the higher court hadn't reversed the tax court and said, "You've gotta show what the Argentine peso was worth, against the dollar, for his Argentine expenses. But I think it was originally, we'll say worth nine to a dollar, and it turns out that it was five to the dollar, or vice versa. In other words, the only thing he was going to have to pay tax on was that difference in the pesos--about a third of the tax that he'd had if the whole thing had been taxable, because the court found his claim was based on a false assumption of value of the peso--that it wasn't worth as much. And they were going to litigate that further, but Durovic, in the meantime, died.

When the trial ended, we were stunned by the verdict. It was held up--the jury deliberations were held up by the illness of one juror, and then they resumed deliberating, and the jurors very shortly acquitted three of the defendants; Ivy, Doctor Phillips, and Marko Durovic, but were hung on the Doctor, Stevan Durovic.

One of the jurors said, "I would have held out for a month." But when they couldn't agree, the woman faked illness, and an older woman who was against our side stood there, just trembling watching her, and he said,

"I can't subject that woman to any more punishment, so I threw in the sponge and acquitted him." See, if there'd been a hung jury, we could have retried Durovic and we would have shortened the case, in fact, Goldhammer wanted to shorten it, and leave out the efficacy, which we'd been urged to do, because of the confusion on some of those cases.

P. - You're talking about the jury...

S. - Let's see, Goldhammer wanted to leave out the efficacy, but our attorney said we can't, it's in the indictment. And so we had to proceed with it, and in our mind there was no question, but what we'd proven that it was faked cases, and never any valid product from the very beginning. One of the newspaper reports^{c'}, Robert Collins, of the St. Louis Post Dispatch, was very interested in the government's case, and felt there had been miscarriage of justice. I believe it was he that I took with me to the publisher and got a copy of the Drake Brochure. He apparently said, "I wonder if there's a house organ for some of these unions?" This one man said, "I belong to the Butcher's Union, and I'm also an official in it. Would that make any difference?"

P. - When you say this one man--you mean one of the jurors?

S. - Yes. One of the jurors, Bukowski, I think his name was. Anyway, I got an assignment--go find copies of the Butcher Workmen. I went to the Crerar Scientific Library, and to other libraries, and finally I found a branch at the

University of Chicago on labor relations. They had a library. And the first thing I found was a July copy of the Butcher Workmen with the American flag on it, and an article on Krebiozen. The next one had the story about a boy in New York whose mother was a staunch supporter of it, and thought it was helping him. I think he was Craig...I can't recall the last name. Anyway, every article through the trial carried a story on Krebiozen. This newspaper man interviewed the jurors, and Bukowski told him, at one time I was at a meeting and I told the editor, "Why are you putting this stuff in the union magazine--this could get me in trouble." And the very next issue had another article on Krebiozen. This juror was told, with all the other jurors, that if anything, inadvertently, they were exposed to Krebiozen, or read it over the shoulder of someone on a bus, they were to report it to the court. He never did. And he admitted he had read those articles. One of the jurors remembered, and this was rather ironic, the woman juror who had pretended to get sick--she was quite chummy with Bukowski--and yet she was the one who remembered the article about that boy. And the other juror who said he would have held out until thirty days, remembered they had a magazine with a picture of the American flag, the July-August issue. Those two things were instrumental in convicting Bukowski of obstruction of justice, because he brought those to the jury and let the jurors read it, and nobody

reported it to us until this newspaper reporter dug it out. I wrote to his editor that he certainly qualified for a Pulitzer Prize, and he wrote that I was probably exorbitant in--extravagant in my praise, but I know he was pleased; because he was the one that broke it up. However, the U.S. Attorney's office did nothing. We did interview some of those jurors, and some of them would see us, and others wouldn't. And some of them said, "You never had a chance from the word go, because some began making fun of Palmer's looks or his discussion right from the beginning of the trial;" but no one would report it. The only things the jurors reported is, they got a letter from a woman who espoused every cancer fake treatment on the market. And we tried her for sending letters to the jury, but she got acquitted because she brought out that she had only an 8th grade education, and I was quite amazed that didn't knock off from the jury (so many jurors can be stricken without cause, and they usually knock out the college educated) but this time they left them on. And her lawyer addressed the jury and said, "All you jurors have high school or college education. Did you know it was against the law to send letters to a juror during the trial? If you didn't, find her not guilty." So they did, because the judge had made a very weak charge in the case.

About two years after this incident, I was at Washington, and I got a call that I had to hurry back to

Chicago, because I was the only one that had the knowledge--the Grand Jury was going to look into these obstruction of justice charges. So they gave me a guy to go along as a witness, cause we were going to the union office and go through their records. Now when I did the perjury thing that took about a year and two months, we were quite convinced right after the trial ended, that we could prove perjury on a number of witnesses. So I was assigned at Art Connally's request, and went through each witness that we thought had perjured himself. But all I did was record the contradictions. I didn't try to set them up in a legal charge. So, they were too busy to investigate all but one witness, and that was Dr. Pick, but because the hospital had destroyed the nurse's notes, and if they'd been available when we first copied them, some at our office, why we couldn't find the one on the case of that nurse who as a 17 year old novice who had died of Krebiozen, and was written up in Herb Bailey's books. We could have nailed Pick for perjury if we'd had the nurse's note, but when they needed space, they'd go down to the basement and tear up the nurse's notes and throw them away. Now, whether available or not, I used to have nightmares because I told Neil Flynn, if the nurse's notes didn't have anything exciting, don't bother to copy them. Because I once didn't copy 80 pages of microfilm at a dollar a page, and my Scotch soul rebelled just copying them if they were just routine hospital

things; but these probably wouldn't have been over five or ten pages, and if I'd had any brains, I would have just said on our machine--it's ten cents a page--and copy all of it. Because twenty pages is \$2.00. And I have nightmares--were those destroyed before or after, because later, I found the nurse's notes on Gary Cathcart and interviewed one of the doctors (I guess I do ramble on this thing), but one thing leads to another; because I confronted one of the doctors at Illinois Medical School, who had seen Gary Cathcart. I said, "Here's the nurse's notes. That kid wasn't sick of radiation when he come in the hospital, he was going to the solarium and listen to the radio to the Cub's ball-games, and here's his gain of weight all through that time. Then, about three weeks later, they gave him Krebiozen, and he got so sick, they had to feed him intravenously. He didn't suffer from radiation sickness." The doctor said, "Now, yes, I agree. We just looked at the boy, looked at the doctor's notes that he was getting worse, and then he got better." Eventually, this tumor subsided. FDA thinks it was a type that juveniles have and outgrow it. A little radiation treatment reduces it spectacularly. This was a case of witness for the defense. They had this little 2 1/2 year old girl running around the courtroom, and she was treated, I think, at Barnes Hospital. And they measured the reduction day by day by treating her abdominal tumor with

radiation. Her mother said it was as big as a basketball. It was about half that, but it would look big to a mother.

In our Grand Jury investigation of the union records, we found that Ivy and one of the Durovics had met in June at the union offices, and wanted publicity. And then the other Durovic and Ivy had met the next month. We also found that there had been a union convention in Springfield, and a union official at another office had told how women presented a movie film of Krebiozen at that convention, and made a talk. I then went to the Holiday Inn...

P. - Excuse me, who had made this talk?

S. - It was the mother of that Craig Malmquist, that's the name. We also learned that a talk had been given by several women, and I think that included the mother of Craig Malmquist, which was the boy's case described in one of the Butcher Workmen issues. Anyway, I went to Springfield to the Holiday East Hotel, and went through the registry--about two inches of registration cards--and was getting to the last quarter inch, when I finally found that Bukowski had registered, and within one minute's time, three or four other local officials had registered. Later, we called them before the Grand Jury, and they denied that Bukowski had been there, or that they had known he was there, and Connally was going to

bring perjury charges against the one union official for denying that, but the man died of a heart attack within two or three days after his testimony. I then decided to set forth everything in indictment form, and Art Connally used that. All you had to do was change the heading to show cause motion why the juror should not be in contempt of court.

P. - Art who?

S. - Art Connally, the head of the criminal investigation of the U.S. Attorney's office. Anyway, we were--after losing the obstruction of justice charge by this woman from Pennsylvania, and the Krebiozen case, we were very discouraged, but we went forward and prosecuted, and justice used one of the assistants, who had never been present in the trial. He told me, "I don't want you to sit at counsel table, because I want to look like I'm just alone against the lady who was defending Bukowski, and had successfully defended the woman in that obstruction trial. Anyway, we were about to show that the union had published the magazine, and we ran into legal difficulties. That wasn't the best witness, and we were stymied, so we had a brief recess, and I said, "Well Collins, who is sitting here, can testify that Bukowski admitted he received the magazine." Now we had planned to put him on as our last witness, so we had to put him on right away. And they had read over all the material that he had furnished the government, and they didn't cross examine him hardly a bit, because they knew they'd be in real deep trouble.

The foreman of the jury was called as a defense witness, and we had known from other jurors, that he went across the street during the trial and bought one of Herb Bailey's books and showed it to the other jurors. He, of course, denied that when he was before the Grand Jury himself. And other jurors knew of it, but we had to have two witnesses because to prove obstruction of justice is almost as bad as proving perjury, which requires two witnesses, or one witness and a written document. There's only one case in which perjury was proven on a document alone, because the man filed it with customs, and that was his own doing and they could use it and nailed him for perjury. But otherwise, it's very hard to prove obstruction of justice. So we didn't go against him. On cross examination, he was asked had he not done something about certain things, of not following Hoffman's instructions, and he said, "We cheated a little." "No more questions." That nailed Bukowski to the cross, as well as the woman who he was quite fond of during the trial who testified that she had seen the magazine having the Craig Malmquist case. Originally, Judge Hoffman, since a jury had tried the case, and he could have--and at first was going to try it--as was his prerogative; but then he thought, well I'm going to let a jury try it and then they can't accuse me of bias. And when they found him guilty, he said, "This man is a menace to society; take him into custody immediately." Now, one of the

juror's sons was a policeman; he had a couple of brothers-in-law who were in there, and I thought if we win this case, they might make a rush at the assistant U.S. Attorney who used to play football with Notre Dame, and I'll be over there and do what I can to help him. Well when the guilty verdict was read to the judge, all of a sudden, it wasn't the man, but Mrs. Bukowski, who suddenly got to her feet, "You little Caesar, you can't send my husband to jail," and she started forward. Her son and son-in-law grabbed her, and they were 250 pounders if they weighed an ounce, and she dragged both of them through the open gate before Bukowski got up and they got her turned around with them leading and him pushing, and the three of them dragged her out of the courtroom. Hoffman never batted an eyelash, he kept reading the verdict, and he said, "This man is a menace, take him in custody--by the way, where is he?" and Bukowski came rushing back in there. There was one funny thing I left out of context or chronology. During the trial, they tried to show Bukowski didn't see the film. We knew he wouldn't, because they were having a cocktail hour, and only about six people stayed to see the film, but they did get up in the meeting and Bukowski couldn't help himself. These women gave this lecture for 20 or 30 minutes on the merits of Krebiozen. Now it didn't have any part in a Butcher Workmen convention.

P. - Did this happen in the course of the Krebiozen trial?

S. - Yes. I think that was during the trial. (Wait a minute. How in the hell could that have happened? No, wait a minute--because they didn't have...before the trial). It must have been before the trial. When was that? A... there's something--I don't know when they had time off to go to that, because the jury--there was only one day or two when the jurors were sick, so I can't think of the chronology. Yes this...then the legal charges--this had to happen during--because it had to be part of the obstruction case, and I don't know where the time element was for him to get out of jury duty.

P. - Well, it might have been on the weekend.

S. - That's probably it, it was a weekend. Because those butchersmen would have to work in the stores. I think you've put your finger on the reason for it.

But anyway, as an alibi--this Bukowski had a woman testify that she met Bukowski as soon as the meeting was over, and they went to some restaurant where they had country music. (They were great music lovers), and that they came back to the hotel about 8:00, and that he immediately, alone, went to his room. And the daughters of Bukowski looked at mama to see how she was taking this. We thought that they were very foolish to bring up this alibi, but anything to save a guy from a conviction. But we never intended to allege he saw the movie, because they had a cocktail hour that was conflicting with the

movie, and almost never anyone...so his attorney thought we'll prove he didn't see the movie. We didn't charge him with seeing the movie. We charged him with being present when they made the talk. So it wasn't a very well planned out defense, and it did expose him to mama's ire; but maybe she forgave him after they were going to send him to jail for three years.

On appeal, the Circuit Court of Appeals reduced the sentence to the maximum that you can give in a trial for contempt when a judge tried you, which is six months. But there were three counts, so they told him to serve 18 months and he'd get off parole at a third of that.

P. - Now, I presume he did serve...

S. - But the trouble is, you ask people who have read about the Krebiozen trial, yes, did you know we convicted a juror of obstructing justice? There isn't but one person in three who know about that, including, I think, Janssen and I will urge him to put that in his account.

P. - No, Janssen knows about.

S. - I told him about it. But he didn't put that in his last account, and the public don't know--many of them--doctors and professional men, that a juror went to jail for obstructing that trial--that the verdict of acquittal was tainted. And that's the one thing I'd like to see really brought out. Now the newspapers brought it out when Marko died, but they didn't mention it when Ivy died a short time later.

Close that interview.

P. - Well thank you R.D. I know that there are many things in your career that you could have talked about, but these two investigations--the Elixer of Sulfanilamide, which occurred early in your career, and the Krebiozen, one which occurred later, are certainly very interesting, and I know that what you said has added to the knowledge that exists on these cases, and thanks again.