

THE TRUTH ABOUT THIS MAN, FRED J. HART

Despite what you may have read, or heard, to the contrary, these are the facts:

1. He has never been arrested.
2. He has never been found guilty of contempt of court or any other offense.
3. No court of law or scientific body has ever declared the instruments manufactured by the Electronic Medical Foundation to be of no value in treating living tissue.

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CONDENSED VERSION OF THE FACTS

Below is a condensed version of a biographical sketch of one of the nation's most controversial figures in the field of electronics in medicine - pioneered by the late Albert Abrams, M.D. The full story and complete biography follow the condensation. This material was prepared by the National Health Federation, 211 W. Colorado Blvd., Monrovia, Calif., to bring to the American public basic information bearing on the truth and falsity of accusations brought against Mr. Hart by those who, for reasons of economics and/or false pride have sought to destroy the organizations he has headed by discrediting their purposes, and besmirching his name.

Biography:

Born Aug. 20, 1888, Tacoma, Wash., one of 7 children. Moved to California 1912, entering successful career as:

Resume of Accomplishments:

Farmer: One of four original lettuce growers in Salinas (Calif.) Valley.

Businessman:

- 1) Owned and operated several radio stations – San Jose, Hawaii.
- 2) Founder-publisher of 42 California Farm Bureau newspapers.
- 3) Developed substantial real estate holdings.

Public Service:

- 1) During radio career, pioneered public-service programming.

- 2) One of a handful of farm-business leaders successful in eliminating:
 - a) Inequitable Commission House practices.
 - b) Unjust Savings & Loan practices.
 - c) City domination of state politics.
- 3) One of organizers of three Farm Bureau Federations: Monterey County (1920), California (1921), American Farm Bureau (1922).
- 4) One of organizers of Growers' Cooperatives.
- 5) Responsible for organization of string of Farm Bureau elevators, 1923.
- 6) Organizing Director, California Farm Bureau Exchange - for carload purchase/buying.
- 7) Organizing Director, California Tariff League which won tariff protection for California products.
- 8) Active in Taxpayers' Association.
- 9) Organized National Health Federation, 1956.

Churchman: Lifelong and still-active member/teacher, Baptist Church.

Evaluation, personal characteristics, (by former colleague and associate, Editor-Publisher D.C. Matchan, Los Altos , Calif.):

"A man of high integrity, with profound sense of conviction; possesses deep spiritual insight; dogged determination, unflinching moral courage; unyielding sense of humor."

Retired from business career at age 50 - in 1938 - and became dollar-a-year president and Board Chairman of the non-profit Electronic Medical Foundation, San Francisco. This organization, established in 1922 by Albert Abrams, M. D., brilliant one-time vice-president of the California Medical Association, scientist, writer, innovator, developed principle of electronics in diagnosing and treating disease. The theory and instruments were scorned by orthodox medical circles who contended only heat-producing energy had any effect on living tissue, and Dr. Abrams died in 1924, disillusioned, embittered over treatment accorded by officials of the

American Medical Association.

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THE FULL BACKGROUND

This is the story of the search for scientific truths relating to the use of electronics in diagnosing and treating disease: How the pioneers - Dr. Albert Abrams, Fred J. Hart, and others - were pilloried by organized medicine and Washington officialdom.

And finally - now - vindication.

Separating fact from fancy, it establishes once and for all, repeat:

- 1) Mr. Hart has never been arrested.
- 2) Mr. Hart has never been found guilty of a criminal offense.
- 3) Nor has the equipment developed by Electronic Medical Foundation ever been declared "worthless" by a court of law.

In Fact ...

The principles enunciated by Albert Abrams, M.D., at the start of this century are now being proved to be scientifically valid: One of the nation's largest producers of electronic equipment, Remington-Rand, is manufacturing an instrument for the Diapulse Corporation which utilizes the electronic theory advanced by Dr. Abrams, the Electronic Medical Foundation, and Mr. Hart as its President and Board Chairman for more than 25 years.

"...I find that the Court did not find you guilty when it accepted your plea of nolo contendere ..."

-- George P. Larrick, former Commissioner of Food & Drug Administration

"Someone must teach the new things, someone must take the abuse, someone must be ostracized, someone must be called a fraud and a quack, then out of it all comes the new truth to become a part of us ... Thus we receive new facts to make up our proud possession of knowledge ... "*"

Thus wrote Fred J. Hart in 1952, during the 30th anniversary of the Electronic Medical Foundation, San Francisco, the organization he headed at \$1 a year following his retirement from an action-packed career which included success as farmer, businessman, churchman, along with an impressive record of achievement in the field of public service (see above).

*And he wrote those words as one who had "qualified," in the sometimes-bitter school of experience. For this man has been called quack by highly-placed persons in and out of government perhaps more often than most others whose careers touched the field of medical research - the equipment his organization researched was branded in 1954 by the acting director of Food & Drug Administration as one "of the most widespread systems of quackery ever encountered."

But despite these charges , which have appeared in print and on the air at innumerable times and places , the fact remains: The system in which he placed so much faith (on the basis of long, expensive research), as an advancement in the diagnosis and treatment of disease, has never been found to be "worthless" in a court of law. Nor has Mr. Hart ever been found guilty of a crime.

A Look at the Man ...

The supporting evidence will come later in this presentation. Now, let's take a quick look at the man, his goals, his achievements in a life which started more than 78 years ago in Tacoma, Washington.

One of seven children, he was born Aug. 20, 1888. His formal education was completed at Linfield (then McMinnville) College, McMinnville, Ore. In 1912 he moved to California, operated a hotel three years in Tulare. He was married in 1915 to Eva Porter, beautiful daughter of a wealthy pioneer ranching family in Salinas, Calif., and the couple had one daughter, now Mrs. Gordon Packard, wife of a retired IBM executive, of Atherton, Calif.

A "born organizer," Mr. Hart was among the founders of the Monterey County Farm Bureau, the California Farm Bureau, and the American Farm Bureau Federation. During these years he operated ranches , and was one of the core group in the Salinas Valley to inaugurate the raising of lettuce, an industry which has

yielded hundreds of millions of dollars to that Valley in the nearly half-century since.

For 10 years he published a chain of papers for the Farm Bureau membership in 42 counties, turning the operation over to the organization in 1932.

In 1925 he became manager of KQW, San Jose, (now KCBS, San Francisco), and a few years later bought it from its Baptist Church owners. In the mid-twenties he and four other farm leaders including the late John E. Pickett, long-time editor-publisher of The California Farmer, laid the strategy for a knock-down drag-out political campaign which culminated nine months later in adoption of a constitutional amendment providing for one senator from each county, with assemblymen chosen on a population basis. (For other accomplishments, see above.)

Mr. Hart enjoys controversy, comes off with feathers unruffled, and can point to his share of wins. A few characteristics probably account for his ability to get things done: He is a man of high integrity, with a profound sense of conviction; a lifetime worker in the Baptist Church, he possesses deep spiritual insight, can deliver a sermon as fluently and effectively as any ordained minister; he has dogged determination, unflinching moral courage; an unflinching sense of humor. (This evaluation, as noted above, is from a former colleague and associate who has known him personally and professionally since 1958.)

His radio station was first to use the "electric pick-up" for music -antecedent of tape recording - and made the first transcriptions on equipment manufactured by the pioneers Louis and Max Graff and MacGregor, San Francisco.

He Meets Dr. Abrams ...

During this period the Harts were introduced to the theory of electronics in medicine when they contacted Dr. Albert Abrams, San Francisco, brilliant M.D. and researcher who started probing this system in 1910 and then established the non-profit Electronic Medical College in 1922 (name later changed to Electronic Medical Foundation.)

Mrs. Hart had submitted to breast surgery for a malignancy, and when her health

failed to improve and new symptoms appeared, they visited the Abrams clinic. A blood test with the instrument branded "worthless" by the Food & Drug Administration, revealed a lesion which had not been detected by the other doctors during earlier examinations. Treatments were started with the Oscilloclast - another instrument using short-wave pulsed energy - and this, together with spinal adjustments and diet were credited with her recovery.

Thus in 1938 when he retired after selling radio stations KGMB and KHBC in Hawaii, he offered, gratis, his time and not inconsiderable administrative talent to the pioneer group seeking to develop the application of electronics to the diagnosis and treatment of disease. As Chairman of the Board of Electronics Medical Foundation, he was in constant touch with developments in research, which over a period of three decades represented an investment of approximately \$1 1/2 million. He was in communication with doctors across the country who used the equipment, submitted reports as to results; with other users including schools and individuals (some high in government); he lectured extensively; and in the course of his duties learned to his chagrin that it was naive to believe that medical science is necessarily interested in developing electronic diagnostic techniques. To put it more accurately, he discovered that roadblocks were deliberately maneuvered to prevent qualified research within the academic community.

It is not the purpose of this extract to defend any theory or hypothesis. A brief description of the scientific laws on which Dr. Abrams predicated his conclusions is presented for those interested. Additional data is available on request.

Abrams' 'New Concepts' ...

Among the principles enunciated by Dr. Abrams following his research from 1910-13 are these, which he termed "New Concepts":

- 1) The laws of physical science are universal and apply equally to living organisms and to so-called inanimate objects.
- 2) Electrons and not cells are the units of the body. Electrons are charges of electricity, and the basis of the material universe, including man.

- 3) The energy emanating from the human body is electromagnetic.
- 4) The whole domain of physics is tending toward a unification of various forms of force under one great principle.
- 5) Here we are dealing with only a congregation of vibrations. Each disease has its own vibration. Disease energies are positive, negative, or neutral, and remedies will be beneficial only as they meet these conditions.
- 6) Just as the barometer portends a storm, so may these cellular alternations be anticipated and checked. (Electromagnetic and alternating magnetic energy of low-power density, properly tuned and/or applied, normalizes diseased tissue.)

A. M. A. Opposition ...

In this last postulation lies the reason for the bitter controversy which developed between the medical profession and Abrams. Orthodox medicine maintained that only heat-producing energy possessed healing power. Abrams contended that low-power pulsed energy as emitted by his instruments, was therapeutic.

The American Medical Association's viewpoint was shared by the Food & Drug Administration, which moved against the Abrams organization. From those encounters have come the allegations of quackery, fraud, charlatanism, etc., etc., which on occasion still are propagated by uninformed individuals.

The Electronic Medical Foundation built a substantial record of clinical experience proving the validity of its claims that low-power, pulsed shortwave energy can restore health to diseased or injured tissue.

That science in more recent years has recognized the validity of the claim is revealed by the fact Remington-Rand builds low-power pulsed shortwave equipment for the Diapulse Corporation, which markets it for therapeutic use.

Famous Users ...

The Electronic Medical Foundation's Depolaray was used by such public figures as Former Secretary of Agriculture Ezra Benson; Chief Justice Earl Warren; the late Senator Pat McCarran; Fulton Lewis, Jr.; Congressman John Phillips; Oscar

Ewing, former head of the Federal Security Administration and the Department of Health, Education and Welfare; Watson B. Miller, former F.S.A chief.

Among other users of the Depolaray were Henry Schmidt, trainer under Coach Buck Shaw, University of Santa Clara, Santa Clara, Calif., who used it on injured athletes to reduce swellings, inflammation resulting from bruises and fractures.

Supporting the electronics theory of medicine was research done in the physics departments at the Universities of Maryland and Utah where it was demonstrated that the application of energy does set up a flow of alternating electricity in tissue exposed to the current.

Pioneers in Field ...

Dr. Banchialet of France is believed to have been first (1917) to suggest the use of quickly-changing magnetic energy for treating cuts, bruises, infections, to reduce pain and swelling and alleviate infection.

Professor R. A. Muttkowski, University of Detroit, speaking to the American Association for the Advancement of Science, in the early 1920s, told how he used the magnetic energy from electromagnets to treat mutilated flat worms , and described how the lost body parts regrew more rapidly under the influence of the alternating magnetic field than those untreated.

Dr. Crile (A Bipolar Theory of Living Tissue, New York, 1926) revealed that "oxidation and the consequent acidity are primarily parts of the most fundamental processes of the cell..." and that "the primary function of the cell is to fabricate electrical energy by ionizing procedures much the same as is done with the acids and bases of manmade batteries..."

No Claims of Cure-all ...

Electronic Medical Foundation never has claimed its Depolaray (or any of its other instruments) is a cure-all.

"It is an aid in treatment of cellular inflammation - known in medical terminology as 'itis,'" said Mr. Hart during an interview with Herald of Health magazine (Apr. 1958).

So, also, was the Radioscope, designed by the Foundation, an instrument of promise in the field of diagnosis. (A target also of the F.D.A. ban.) Operated by a trained and sensitive human "reagent," this instrument was able to trace metal lodged in dairy cattle, and detect precise locations of lesions and inflammation within human organisms.

Spectacular Work With Cattle ...

The story of how Bang's Disease was eliminated following treatment of the herd's water, of the increase in butterfat content by 72.5 pounds per animal in two years, and of correct diagnosis of the disease chemistry within animals, corroborated after slaughter - was published in *Pageant Magazine*.

So consistent has been the slander, so repetitious the misstatements, so adamant the refusal of the bureaucrats (within federal government as won as American Medical Association), to permit free and full scientific examination and evaluation of the Foundation's work, that unless one learns the background, it is understandable that many people, opinion-molders and general public alike, are led to believe the charges of fraud, quackery.

Scientific Evaluation Sought ...

In 1939 Fred Hart initiated efforts to obtain scientific evaluation of theory and instruments. Two of the Foundation's attorneys, Edson Abel, California, and Raymond W. Miller, Washington, D.C., were told in Chicago by officials of the American Medical Association that the first requisite was clinical testing in universities and/or hospitals, and that then the A.M.A. would take a look.

Then followed an experience which ultimately led him to tell the California Senate Interim Committee on Public Health that the A.M.A. had erected a "Chinese Wall" which effectively blocked research in the field of electronics as applied to therapy.

But Doors Were Closed ...

In the following order, his organization's quest for qualified researchers on campuses and in government, met with negative response:

- 1) 1939: University of California: After an initially favorable response from President Robert Sproul, an eventual refusal, because of Dr. Sproul's failure to obtain consent of the Academic Council, a faculty group on which sat medical doctors as well as specialists in other areas.
- 2) 1942: Refusal at Cornell by the Academic Council (one member dissenting), to approve a grant from the Foundation for research at Cornell by Dr. Hans Barth, who had completed a year's research on small energies at Cornell and would have to return to Europe if additional funds were not provided.
- 3) 1944: Refusal at University of Maryland by the dean of the medical school to approve a starting \$10,000 grant from Electronic Medical Foundation for unrestricted research in the field of small energies as related to body tissue. President Curley Bird had endorsed the proposal, and negotiations continued over several months, but the head of the medical school refused to withdraw his objections, and the project never was undertaken.
- 4) 1944: Research to be financed by Electronic Medical Foundation, in which the administration of University of Washington, St. Louis, Mo., had expressed interest, stymied by refusal of biological department to participate.
- 5) 1945: The veterinary department at Cornell University after four months of negotiation had decided to undertake research - to be financed by Electronic Medical Foundation to the tune of \$50,000 - but backed down because of opposition expressed by Cornell's medical advisor.
- 6) 1945: Two University of California professors - Dr. Herron at Berkeley, and Dr. Hart, head of the Animal Husbandry department at Davis - refused to participate in a clinical evaluation of the work being done with the dairy herd even though Dr. Mohler, head of the Bureau of Animal Husbandry in Washington, had said he would be interested in results of the projected demonstration to detect diseased tissue by analysis of

blood from the animals , although he would not go so far as to order them to observe the procedure. Dr. Herron, when approached by Mr. Hart, commented, "I can just see Dr. Schultz' face (Stanford University) if he were to learn I had gone down to check on that."

During negotiations with the University of Maryland, the Foundation sent Attorneys Abel and Miller to Chicago to try to win A.M.A. acquiescence to the proposed research project. The A.M.A. committee indicated it would not object to it, but the letter to the university was so phrased that the dean dared not proceed, lest he encounter reprisals. Usually in the background, sometimes overtly, the American Medical Association exerted continuing pressure to prevent research of the electronic theory by recognized institutions.

It displayed unyielding hostility to Dr. Abrams after he evolved the theory and incorporated it into diagnostic and treatment procedures.

Abrams - Genius ...

Dr. Abrams, it must be recorded, was a genius, graduated from medical school in California two years before he was legally old enough to practice medicine. He finished at Heidelberg - still too young to practice - and then studied in Vienna. At one time he was professor of pathology at Cooper Medical Institute, San Francisco, which later became the medical department of Stanford University. Holder of several degrees, he authored a number of books, was a vice-president of the California Medical Association. (For a more detailed biographical sketch of the background and achievements of this man, see p. 59, Special Edition, *Electronic Medical Digest*, 1960.)

Other Researchers ...

Although a pioneer in the field of electronic medical research (he studied under Rudolf Virchow whose Cellular-Pathologie is the basic principle upon which the structure of the medical art of the present day is based), other names in science are associated also with the theory that cellular structure is affected by energy.*

As early as 1904, Dr. Blondlot of the University of Nancy, France, discovered that substances under molecular strains emanate energy... In the

Collecting Net (Vol. 6, No. 10, pp. 274-6, Aug. 1931) Dmitri Borodin, then working at the California Institute of Technology, reported actual measurements of the wavelengths of radiations from specimens of live tissues, including a different and specific wave-length of radiation for different types of cancerous tissues... Reiter and Gabor (Zellteilung and Strahlung, Verlag von Julius Springer, Berlin, 1928) demonstrated that these rays come from living tissues, and found that the emanations are evolved from chemical reactions as well...

Otto Rahn, who did research at Cornell, in his book Invisible Radiations of Organisms, announced in 1936 that the wave-lengths of radiations from living tissue fall in the band of 1800 to 2600 Angstrom units... Schick, Machet, Lubin, Brohmer and others (Berichte der Deutschen Botanischen Gessellschaft, Vol. XLVII, No. 6, pp. 349-430) have demonstrated that energy radiating from a menstruating woman is capable of wilting growing anemone plants... Dr. Robert Schwab and associates at Harvard Medical School found that no less than four kinds of electrical currents flow through the human body constantly... Prof. Hans Berger, University of Jenna, Germany, was one of the first scientists to use electronic tubes for investigating the brain in action... Prof. C. Judson Herrick, University of Chicago authority on the nervous system, announced that the electron tube "promises as great a revolution in the physiology of the nervous system as the invention of the microscope in the field of anatomy." (Waldemar Kaempfort, Science Editor, The New York Times)... In 1937, Prof. Arne Tiselius and Prof. Hugo Theorell of Sweden developed analyses of living proteins based on the fact that when an electric current was passed through a solution of large molecules they moved with the current in direct relation to their own electrical charges. Use of the equipment was discussed by Dr. Kurt G. Stern, biochemist at Polytechnic Institute of Brooklyn (Sept. 1948). And Dr. Dan H. Moore, director of the electrophoresis laboratory at Columbia University's College of Physicians and Surgeons, declared that after further preliminary work, conditions in the body might be determined accurately from the protein spectrum of a blood sample... Dr. Lewis G. Longworth, electrochemist of the Rockefeller Institute for Medical Research, said the technique was applicable to analysis of all complex colloid mixtures as well as blood protein content. (The New York Times 9/19/48.)

*Special Edition, E.M.D., 1960).

Dr. Gins burg's Work ...

In 1934, A. J. Ginsburg, M. D., New York, wrote in a paper published in the Dec. 19, 1934 Medical Record, in part: "... The application of ultra-short radio waves in the treatment of disease is a new addition to our therapeutic armamentarium... Ultrashort waves seem to possess the power to inhibit and even possibly destroy the activities of certain organisms and gives the body defense mechanism a better opportunity to cope with them. I believe the immediate future will bring forth certain wave-lengths which will inhibit the growth of, or even destroy organisms such as tubercle bacilli, pneumococci and streptococci, which are most resistant to the present forms of treatment... I believe every normal tissue cell has a radio frequency of its own and that when these cells become changed as a result of disease, their frequency is also changed, and then by the application of the ultrashort waves of the proper frequency, it will be possible to restore diseased tissue to normal function..."

Must See to Believe..

Writing in The New York Times (3/30/59) John Osmundsen said in part: "The discovery that radio waves can influence the behavior of cells has been reported by a team of scientists - Dr. John H. Heller, Dr. A. A. Teixeira-Pinto, and Dr. John L. Cutler of the New England Institute for Medical Research in Ridgefield, Conn. They have found that a variety of substances - including carbon, silver, starch, polystyrene particles, red blood cells and several types of living microscopic organisms - can be oriented by pulsed radio frequencies.

"Perhaps most significant from this work so far is the discovery that the new technique apparently permits the scientists to affect structures inside living cells. The use of the pulsed radio frequency of about 27 megacycles on cells in the growing root tip of a garlic plant... created some abnormal cells and killed others by interference with the heredity-carrying elements..."

"At present the scientists cannot explain the phenomenon. The possibility that particles under an impressed radio frequency tend to line up so there is minimal distortion of the field is as close as they can come to guessing how it works, but this leaves many questions unanswered. However, they are able to reproduce the effect predictably... Visiting physicists and biologists usually don't believe it until they see it work, then the first thing they say is, 'well I'll be damned! '"

The 'Battle Lines' Are Drawn ...

The earnest endeavor of Mr. Hart to obtain the cooperation of scientific agencies in universities and government in further researching the role of electronics in diagnosing and/or treating disease is well documented. So, too, is the role of an agency of the United States government - the Food & Drug Administration -in stifling that research through flagrant misuse of power.

Despite the allegations of officials in positions of public trust and great responsibility to the contrary, the record shows that Fred J. Hart:

- 1) Has never been arrested.
- 2) Has never been found guilty of a crime.

The record further shows that:

- 1) No court of law, and no scientific body has ever declared the instruments manufactured by the Electronic Medical Foundation to be without value in treating living tissue.

Here is a summary of facts:

Foundation Always Cooperated ...

For many years prior to November, 1953, the Electronic Medical Foundation had cooperated fully with the Food & Drug Administration requirements as to labeling its products , changing any language which might be construed as making unjustifiable claims as to efficacy, and conforming to the rules and

regulations governing advertising, publicity, etc. , of equipment which still was admittedly in the experimental stage.

"We were a non-profit organization," says Mr. Hart, "and we had no reason to make false, misleading claims about any of our equipment."

In mid-November, 1953, the San Francisco offices of the Electronic Medical Foundation were visited by three Food & Drug Administration officials. One, a physicist from Washington, stayed one day, the other two spent about 10 days with Mr. Hart, during which he supplied them with detailed information, orally and printed, about the Foundation's work, its structure, program, aims, history, "and its desire to serve humanity." Insofar as possible, five copies each of the published material of the Foundation since its inception in 1922 - and copies of publications for the period from 1916 to 1922 - were provided the two investigators.

"Most of the program of the organization was of no concern to the Food & Drug Administration," says Mr. Hart, "but because I was assured they were on a friendly visit, and that the Administration wanted a complete file and a proper understanding of the Foundation's program, intentions, etc., I was extra liberal with my time and the literature and files. I reiterated to them the statement I had made time and again to their office in San Francisco as well as Washington, that if at any time we published anything which they felt made too broad a claim, if they would advise us, we would make the necessary changes, provided the changes did not put us in the position of denying the basic principles of electronics in medicine, and the value of low-power energies when applied to living tissue.

"This had always been our position. In February, 1950, we sent out a letter to 1,600 doctors using our equipment, urging them to cooperate with F.D.A. inspectors by letting them see the equipment, telling them candidly their opinion of its usefulness if any. This letter, which first was cleared through the then Commissioner of Food & Drugs, C. W. Crawford, said in

part:

"The Food & Drug Division ... was created to protect you and the public against impure and worthless food, drugs... and devices... Their inspectors are human ... can be wrong ... but they are your friends ... It is their duty to make inspections , please look upon these inspections as in the interest of yourself and your patients ... All the literature of the Electronic Medical Foundation is and always will be, on file with the Food & Drug Administration in Washington. That office has access to all of our equipment. We endeavor to build equipment in keeping with sound engineering practices, so do not hesitate to allow inspectors, if and when they call on you, to see our equipment... tell them what you think of its worth, good or bad ... While our instruments are in a new field, not as yet universally accepted, we have no fear but what we can successfully defend their useful performance in any court ... Personally, I have great admiration for the work of the Food & Drug Division, and I look upon them as a protector of the welfare of the Electronic Medical Foundation and myself personally, just as I look upon them as a protector of your own and your patients' welfare."

Because he believed what he said in the above letter, and because he wanted to establish the validity of the principle of electronics in medicine, Mr. Hart proposed also to the Washington office of F.D.A. that one of their staff visit doctors using the Foundation's equipment, compile their replies as to its value, "and that our future activities would be guided by the weight of the testimony such an official gathered." The F.D.A. declined to implement the suggestion.

The Foundation also proposed to the Washington office that F.D.A. obtain a court order to seize the equipment, so it could be defended before a jury, with a view toward getting a court decision on the basis of bonafide evidence as to the value of low-power energies.

"We made this proposal because officials hesitated to take a position that

radiation of living tissue with energy too weak to produce heat was of any value (the A.M.A. contended that only heat-producing energy possessed therapeutic value, despite the fact the athletic departments in 42 universities found the Foundation's equipment beneficial in healing bruised muscles and fractures, and the clinics in the nation's leading chiropractic colleges used it to advantage.) We were advised that this procedure could not be followed ..."

Cooperation Not Reciprocated ...

Mr. Hart was learning, the hard way, that he might have erred in telling others that the Food & Drug Administration was a "protector" of the public welfare in all instances. For an entire year before the final crackdown, F.D.A. officials harassed doctors who used the Foundation's equipment, causing them to fear being called as a witness in event of a court test.

"If the House Judiciary Committee wants a case which will show the conspiracy of organized medicine with government agencies and others, not only to prevent research in new fields, but also to prevent results of research being used for the benefit of the ill, the case of the Electronic Medical Foundation is made to order," he later wrote.

And if he entertained any thoughts that urging professional cooperation with the Food & Drug Administration would encourage a reciprocally cooperative relationship, he was doomed to disillusionment.

Within a month after the visitation by the F.D.A. agents in San Francisco, the Foundation was faced with an official demand for an end to its activities. It was then that the Foundation proposed:

Postponement of a final court contest until April, 1955, to permit completion of research to decide the issue "in an honest, intelligent way in court"; or

A consent decree, under which the Foundation and F.D.A. would together consider evidence as might be assembled during an additional period (the Foundation had arranged for the Max Planck Institute in Germany to do research), and during which interstate shipment of equipment would be banned.

Terms of the Agreement ...

To gain time for additional research, necessary if the "consensus of medical opinion" principle were to be effectively met in a court test, the Foundation, through its attorney, A. J. Zirpoli, now a federal judge in San Francisco, entered into an agreement with the government under the terms of which:

- 1) The Foundation would ask the court for a consent decree enjoining it "during the pendency of this action and until the final determination thereof," from selling equipment to anyone outside California, and from doing blood analyses with the Radioscope.

The decree was ordered in February, 1954. And while there is no public record other than a letter dated March 23, 1954, from Attorney Zirpoli to Mr. Crawford in Washington, another significant but little-known component in this case was the gentlemen's agreement, "sealed with a handshake," between Mr. Zirpoli and the United States Attorney who represented the Food & Drug Administration (Lloyd N. Burke, also now a federal judge), providing that any press release to be issued following announcement of the court order, would be a joint release issued by him and the office of the United States Attorney in San Francisco.

Mr. Zirpoli had been an attorney in the Department of Justice for 11 years, assigned to the Food & Drug Administration a portion of that time, and had every reason to believe the agreement would be honored. He made no reference to it during presentation to the court of the text of the temporary injunction which had been agreed to by his client, Electronic Medical Foundation, and its officers.

Its Violation by F.D.A.

Ignoring the agreement, the Food & Drug Administration promptly issued a four-page news release about the decree, unbeknown to Attorney Zirpoli or the Foundation, repeating the allegations that: " ... the devices are misbranded, are not capable of diagnosing or curing any disease ... that the Radioscope was a device in a box containing dials , lights , and wires ... that diagnostic

reports in general consisted of a potpourri of medical jargon ... that tests by F.D.A. scientists showed the machines are of types ... producing a magnetic field similar to that created by home electric appliances such as a vacuum cleaner or electric doorbell ... worthless for any therapeutic purpose ... "

Newspapers around the country published the release, with pictures, and such damaging headlines as "Quacks Are Still Fooling You"; "Government Bans Medical Fakery"; "'Phony' Medical Devices Banned"; "Judge Classified Health Machine as Hoax"; etc., etc.

The consent decree, of course, said nothing of the kind. No judge or jury ever has described the equipment produced by the Electronic Medical Foundation as being "fakery" or "hoax."

It was to prevent such publicity, pending final determination in court, of the validity of the equipment, that the Foundation agreed to the consent decree which limited sale of the equipment to California.

Attorney Protests ...

Upon discovering that the Washington office of the Food & Drug Administration (whose staff disclaimed any obligation to be bound by the gentlemen's agreement), had issued the lengthy and distorted news release in violation of the understanding reached between Attorneys Burke and Zirpoli, the latter wrote Commissioner Crawford, protesting the F.D.A. conduct, and stating, among other things, quote:

- * ... Had we known your office would issue a press release of the nature indicated by the enclosed clipping, we would not have entered into the consent decree.
- * ... It was agreed that any press release issued would be a joint release by me and the Office of the United States Attorney at San Francisco.
- * ... The decree of the Court ... was merely a preliminary decree, and the case has not yet been decided on the merits. The Court did not find and did not conclude that the devices ... were either

misbranded or adulterated ... It merely restrained future interstate shipments ... and retained jurisdiction for a final determination on the merits at any time the case might be restored to the calendar by either the plaintiff or the Electronic Medical Foundation, upon 90 days' notice ...

- * ... The Court order further stipulated that "at any such trial on the merits, defendants' consent to this Decree shall not be deemed an admission against them ... "
- * ... The only statement made to the Court (and the only one which should have been issued to the press) was that contained in the motion to approve the consent decree of injunction which provided as follows:

"The purpose of said consent decree being:

- 1) To provide the defendants with additional time to conduct an investigation regarding their devices before a trial on the merits, and
- 2) To protect the plaintiff's interest until final disposition by the Court on the merits ..."

"The above-stated purpose," Attorney Zirpoli pointed out, " ... should have been the only statement issued to the press. Your statement carried with it an implication that the decree was final, that the Foundation accepted the finality of the decree, and that the Court found the devices to be misbranded and adulterated...

The effect of the publicity was to destroy the reputations of Electronic Medical Foundation, its officers and its instrumentalities, even though no court or scientific body had ever declared (and has not to this date) the instruments and methods advocated as having no therapeutic value. The F.D.A. release had the further effect of drying up the Foundation's sources of income, including contributions from individuals and organizations interested in its research.

But No Retraction ...

Attorney Zirpoli's letter drew no retraction from the Food & Drug Administration. In fact, the day after it was written another release came out of Washington from the Bureau's acting medical director, Irvin Kerlan, M.D., calling attention again

to the earlier release, and stating the department wanted "to secure the widest possible dissemination of the information that these machines are a dangerous fraud ..."

* * *

The Electronic Medical Foundation had many friends, among them wealthy Businessman W. M. Liddon, then of Nashville, Tenn. A close friend of Former Postmaster General Arthur Summerfield, through whom he gained the ear of then Federal Security Administrator of Welfare, Education and Health Oveta Culp Hobby, Mr. Liddon wrote a letter of protest to Mrs. Hobby about the actions of the Food & Drug Administration, enclosing a brief on the Foundation's experiences, as well as supporting evidence of a link between the American Medical Association, hostile to non-medical approaches to health, and the Food & Drug Administration.

Mr. Liddon quoted from the FitzGerald Report (a government-sponsored investigation of A.M.A. suppression of certain unorthodox treatments for cancer including the Lincoln treatment (developed by an M.D.), and to which Senator Tobey attributed the recovery from lung cancer of his son. This incident triggered the so-called Tobey investigation.) Mr. Liddon also commented to Mrs. Hobby that, " ... because something is unknown, does not condemn it as quackery. Joshua Coppersmith in 1865 was arrested as a quack for trying to sell stock to promote the telephone. William Roentgen, German scientist, was criticized as a quack because he discovered X-ray ..."

* * *

Foundation Fights Back ...

Work of the Foundation was drastically curtailed, due in large part to shrinkage in revenue resulting from the defamatory news releases following issuance of the consent decree in February, 1954.

Mr. Hart did not take this lying down. On the contrary, he marshaled facts and figures, and brought a claim for damages against the government. H.R. 9117, a Bill "for the Relief of the Electronic Medical Foundation," dated May 11, 1956, sought congressional approval authorizing a hearing to "determine and adjudicate Electronic Medical Foundation claims for damages sustained as a

result of publicity adverse to the Foundation released by the Food & Drug Administration ... between October, 1953, and March, 1954 ... in violation of an agreement entered into between the Foundation and the F. D.A. through legally authorized counsel ..."

The Food & Drug Administration opposed the bill, and in a "Reply to the Report of the Food & Drug Administration on H.B. 9117," the Foundation commented on "the nature of the 'extensive study' and conclusions reached"(by Dr. Robert B. Heller, F.D.A. physicist.)

It was the steadfast contention of the Foundation that the electronic theory of medicine had never been seriously researched by recognized scientific private or governmental agencies, and it contended that Dr. Heller's contribution had done nothing to alter the disinterest in genuine exploration of the field. For instance: Dr. Heller testified that "the actual testing of the Foundation devices was done over a period of one and three-quarters years, starting in February, 1952," that during this period he was also working on other problems for the Food & Drug Administration. In other words, Foundation devices were not his major concern. Dr. Heller testified that he had discussed the matter with a number of physicists, in and out of the Food & Drug Administration, but that he was primarily responsible for the research. He stated that "as a physicist I am not qualified, naturally, to discuss disease."

No Experiments on Humans ...

He testified that he had performed no experiments on human beings, and summed up his conclusions on the medical phase of his testing as follows:

"A. The scientist is capable of measuring certain electrical phenomena that exists in or on the human body.

Q. Is he able to account for it, its causes?

A. I would say possibly certain segments of the medical scientists can account for them. I wouldn't expect the physicist to be capable of accounting for electrical phenomena inside the human body.

Q. But you would anticipate that there may be a medical explanation for electrical phenomena in the body, is that right?

A. I think that as far as my reading goes, there is a certain amount of medical explanation of electric phenomena."

Commented the Foundation: "Dr. Heller conceded that he had the ability to make tests on the effects of the devices in question on the human body and draw conclusions, but had not done so because of lack of funds. On the basis of that sketchy 'study,' the Department was not only willing but anxious to crucify a research program of over 30 years' standing by broadcasting as widely as they knew how that the devices had been exhaustively researched from a therapeutic standpoint and found worthless. Obviously, the research had neither been exhaustive or therapeutic ..."

Foundation Research Projects, Services ...

The Foundation then enumerated research projects in which it had engaged over the years , at an approximate cost of \$1 1/2 million, including approximately \$250,000 during a three-year period when it financed the American Institute of Radiation, closing it, reluctantly, upon learning the American Medical Association possessed sufficient influence to suppress publication of the Institute's scientific findings. Publication is an essential step in the sequence from discovery to recognition, acceptance.

Following is a summary of the research conducted by the Foundation, as detailed in its report to the House Judiciary Committee:

1922-1932: Research, including projects in the fields of physics and biophysics, in its San Francisco facilities, under the direction and with the participation of qualified medical and osteopathic doctors.

From 1932: Several major projects involving treatment of water, food, and animal tissue by different low-magnitude wavelengths:

- 1) Five years' treating drinking water consumed by a large dairy herd.

Two years' treating the cattle themselves.

Six years' examining diseased tissue of cattle and endeavoring to discover and identify types and qualities of radiations emitted by said tissue. (Unsuccessful attempt made to induce Bureau of Animal Husbandry to take over the experiments.)

- 2) Two years' treating wet mash to be consumed by laying hens. Results termed "very favorable."

One year, treatment of eggs and chickens from egg to and through first laying season. Results: "Promising."

- 3) Two years in Foundation's laboratories, treating guinea pigs inoculated with bacteria to cause boils, tuberculosis. Results: Positive response in 38% of treated animals. The direct treating of germs also was undertaken, with results "inconclusive, although valuable information was gained as to application of energies."

1948-1951: Research in physics, biophysics and biochemistry at American Institute of Radiation (see above.)

- a) 18 months' experiment on amoeba injected with lethal doses of dye to discover effects, if any, of such low-magnitude energies as are emitted by an electro-magnet such as the Depolaray. Results: "75% survival among treated amoeba, 35% among untreated."
- b) Three-year project to discover effects, if any, of Arginase, a liver secretion, on breast cancer in mice; also a project, under Dr. Clark Griffen, then head of cancer research at Stanford University, involving a study of leukemia-inoculated mice. Results: "100% control." (Data never published due to suppression by persons in charge of cancer research in northern California who believed publication would "upset entire cancer research program ... ")
- c) Project to learn what effects, if any, continuous exposure of low-magnitude energy from Depolaray would have on three generations of mice. Results: No ill effects -mice remained healthy, frisky, with full litters being born to each mother.

1940-1962: Numerous projects , including:

- 1) Financing research at University of Maryland to determine physical characteristics of Depolaray, suggestions for improvements, and to learn

effects on living tissue when exposed to alternating field emitted by the instrument. Dr. Corcoran, in charge, compiled comprehensive report... showing that "such exposure sets up eddy electrical currents in tissue." He measured it in different individuals.

- 2) Financed similar study at University of Utah, involving same model, smaller one, and mechanism enabling operator to produce pulsed energy at will. Result: "Complete confirmation of University of Maryland findings."
- 3) Financed clinic at Kaiser Permanente Hospital, Oakland, Calif., using Foundation's low-magnitude pulsed shortwave equipment experimentally on patients. Results: "Excellent. It is interesting to note, however, that after the Food & Drug Administration learned about the project at Kaiser, its San Francisco office first tried to frighten the doctor in an effort to halt his work. Failing in this, the hospital administration was advised by F. D.A. that if the clinic was not abandoned, the hospital would be 'in trouble' with the federal government. The doctor in charge died, and the following week the Foundation was requested to remove the equipment."
- 4) Financed five-year study of effect of low-polysine (many-wave) energy on neoplasms. Results: "Favorable - and much valuable information."
- 5) Upon recommendation of Col. White, head of General Electric Company's tube department, Schenectady, N.Y., financed project under direction of a Mr. Hogan of New York, radiation engineer, to ascertain "if Foundation's circuits were what we thought they were, how they functioned, and how they might be improved." (The Foundation negotiated with several large universities to do projects in this field, but efforts proved fruitless due to influence of American Medical Association.)
- 6) Financed project in New York with research doctor of repute to ascertain if treatments with low-power Depolaray energy produced harmful effects on live tissue. Results: No harmful effects.
- 7) Financed expert in low-magnitude radiation on research trip to Europe. (Costs of \$3,000 were paid to Department of Commerce, and information obtained, equipment, and claim on scientist became property of federal government.)
- 8) Expended \$20,000 to bring Dr. Hans Barth, world's foremost scientist and specialist on mitogenic radiations, to the United States, maintaining his research here three years. Foundation also financed his equipment and

assistant's salary. Results: "Favorable, but work discontinued because of inability to get data published, and insufficient funds."

- 9) Sponsored research in field of small energies, at Max Planck Institute of Biophysical Research, Frankfurt, Germany. Dr. Boris Rajewsky, internationally-known radiations specialist, in charge. (A formal report never was made, since the work was not brought to a conclusion because of lack of funds, and the Foundation was dissolved under pressure from the Food & Drug Administration. Dr. Rajewsky advised the Foundation, however, that the projects had reached the stage he could submit conclusive evidence to the F.D.A. that small energies possess therapeutic value.)
- 10) The Foundation published a monthly periodical, known initially as Physio Clinical Medicine, later as Journal of Electronic Medicine, and finally as Electronic Medical Digest. At one time the publication possessed a circulation of 22,000, distributed as follows: 11,000 medical, 2,000 osteopathic, and 6,000 chiropractic doctors, the remainder going to laymen, libraries, and naturopathic doctors. (It was suspended because of the drop in subscriptions resulting from the attack on the Foundation by the F.D.A.)
- 11) The Foundation published six Extension Bulletins, distributed in the United States and abroad.
- 12) Retained a science progress researcher to assemble information from worldwide sources, act as a clearing-house for such information.
- 13) Conducted many short-courses in electronics and physical therapy in the San Francisco headquarters and in major cities of the U.S., without charge to attenders, for the purpose of keeping doctors abreast of developments in these fields.
- 14) Endeavored to interest influential citizens in public and private life, United States and Canada, in this field of research to overcome opposition from entrenched interests (such as the drug industry.) The Foundation stressed that the electronics theory of medical treatment did not eliminate or supersede established, proven procedures, but should become an important adjunct in assisting the healing profession in performing early and correct diagnosis. It did not distribute the instrument to perform electronic analysis of blood, but restricted use of this method to its own laboratory in San Francisco.

Basis of Grievance ...

In its presentation to Congress in support of H.R. 9117, the Foundation concluded with this summary:

"We are not arguing the merits of our theories or activities here ... we believe the primary injustice done the Foundation springs from administrative malpractice which has ignored the merits of the issue. The bases of our grievance include:

- 1) Certain officials within the Food & Drug Administration have unfairly, deliberately, maliciously and capriciously set out to destroy the reputation and good will of the Electronic Medical Foundation and its instrumentalities before judicial determination can be had of the merits of the issues.
- 2) These officials ... have ... gone far beyond the intent of Congress when it passed the Federal Administrative Procedures Act in 1946.
- 3) These officials took it upon themselves to violate the government's valid agreement with the Electronic Medical Foundation entered into by and between counsel for the government and counsel for the Electronic Medical Foundation, an agreement in the making of which representatives of the Food & Drug Administration participated. (The memorandum to the Judiciary Committee cited cases establishing the principle that the government is "bound by stipulation entered into by the Assistant U.S. Attorney as its attorney ... " and concluded: " ... it is clear that in the present instance the U.S. Attorney was in complete and exclusive control of the litigation, and in charge of the interests of the United States. He was therefore authorized to enter into binding agreements with respect to the conduct of the case. The fact of the agreement (that if a news release were issued, it be a joint one), is conceded on all sides. That it was oral would make it no less binding on the parties.")

"The effect of the actions of the Food & Drug Administration in

- a) violating the agreement to issue a joint news release at the time the consent decree was formalized in 1954, and
- b) issuing false and damaging statements about the devices made and sold by the Foundation (from Oct. 1953 through Mar. 1954), has been ... to

destroy the reputation of the Foundation, its officers, and its instrumentalities ... even though no court or scientific body ever has declared the instruments or methods advocated by the Foundation as having no therapeutic value ... "

* * *

But the Foundation was unsuccessful in getting H.R. 9117 to the floor of Congress. In a bill of this sort - when the government in effect is to be sued – a single negative vote can keep the bill bottled in Committee indefinitely. Congressman Pell (R. Vermont), cast that "no" vote.

* * *

He Fought for Justice ...

And the story doesn't end yet: Being a tenacious spirit, Mr. Hart (himself a Republican who once was a candidate for Congress during the Roosevelt era), organized the National Health Federation (1956), and continued to press for enactment of the recommendation in the Hoover Commission Report on Government Organization proposing that government agencies may be held accountable in court if, through derogatory statements to the press, the reputations of individuals, organizations or businesses are damaged.

(At the time Congress was debating passage of the Federal Administrative Procedures Act (1946), Section 9, Chap. 7, p. 74, #126, provided: " ... this Section ... first ... contained a sub-paragraph in which there was a specific prohibition against 'Agency publicity reflecting adversely upon any person or enterprise' ... That rather drastic criticism of Agency practices was deleted from the Section during its passage through the legislative hopper. However, it is apparent that Congress intended the general language remaining in the Section to prohibit the use of that type of 'Adverse Publicity' by the agencies. This is clear from the vigorous statement found in the report of the House judiciary Committee, on this Section, which said:

("One troublesome subject ... is that of publicity, which may in no case be utilized directly or indirectly as a penalty or punishment save as so authorized ... apart from actual and final adjudication, after all proceedings have been had, no publicity should reflect adversely upon any person, organization,

product, or commodity of any kind... It will be the duty of agencies not to permit informational releases to be utilized as penalties or to the injury of parties.' --House Report No. 1980, 79th Cong., 2nd Sess.; reprinted in Leg. Hist. Vol. P. 274.)

The National Health Federation has consistently called for legislation giving individuals or institutions so damaged the right to bring the agency responsible for such conduct into a court of law.

The National Health Federation has not hesitated in its decade of existence, to criticize, or praise, actions of the Food & Drug Administration when it has believed such comment is justified.

A Case of Persecution?

This may have some bearing on the fact the Food & Drug Administration, nearly eight years after the consent decree was signed in San Francisco, hired an undercover agent from Reno to persuade Mr. Hart to sell him an oscilloclast, an instrument he had in his home in Salinas, Calif. At first he refused to sell it, but when the man, a chiropractor, pleaded he wanted to use it for research, he finally yielded.

This becomes the final chapter in the long struggle of the Electronic Medical Foundation to win professional recognition of the electronic principle - and of the Food & Drug Administration to "shut that quack outfit down."

Story Behind the Story ...

The background story (N.H.F. Bulletin Jan. 1963) of his entrapment by the Food & Drug Administration (although the judge refused to view it as such), was written by Don C. Matchan, who commented:

"In April, 1958, it was my pleasure - and privilege - to do a biographical sketch of my friend and associate, Mr. Fred J. Hart, president and founder of the National Health Federation. In the nearly five years which have followed, I have come to know Mr. Hart more intimately. My early impressions of this man, concerning his depth of character, his wisdom, his

integrity to himself, his ideals and his God, have, in fact, been strengthened and cemented. And - though the subject-matter is somewhat painful to report - it is my pleasure again to bring up to date - in proper perspective, I hope - the story of this good and great man.

"Since 1954 the Electronic Medical Foundation, of which he was the dollar-a-year president for more than 20 years, had been under court order not to place its instruments in interstate commerce. The justice of that particular judgment we are not here to discuss. Suffice it to say that since the injunction of that time, the Electronic Medical Foundation had not manufactured new instruments.

"While the E.M.F. had little business activity, the same cannot be said for the National Health Federation. That organization, under Mr. Hart's patient -yes, one can say loving attention - steadily grew in size and in national influence. And at no time did Mr. Hart refrain from speaking his mind when he believed public attention should be drawn to a specific event or chain of events.

"He has been outspoken on behalf of people who want freedom in health affairs. And it is the considered opinion of this writer that it was this candor, this refusal to knuckle down to official bureaucracy regardless of where the chips might fall, that finally resulted in the government citation late in 1962 charging contempt of court for alleged violation of the earlier injunction.

"It may have been coincidence - or it may not have been - that in the space of two or three weeks after the National Health Federation had successfully sponsored introduction of legislation in Congress which would prevent government agencies from releasing prejudicial information to the press in advance of public hearing - legislation which was recommended several years ago by the Hoover Commission - Mr. Hart was visited by an undercover man for the Food & Drug Administration at his home in Salinas, Calif., and was persuaded to sell for research purposes an instrument he kept as a reserve for personal use.

"It's quite a story - almost like a cloak-and-dagger episode at times - and we shall not go into minute detail. We do believe it is right and proper that the public know the inside story, however, and this we shall tell - now.

"Mr. Hart first received a request by mail for an instrument - an oscilloclast - from Robert E. Jenkins, D. C., of Reno, Nev. Mr. Hart wrote the man that he had no machines for sale, and that they had not been manufactured for more than eight years. But the Reno chiropractor persisted. By letter and telephone he importuned Mr. Hart for a machine. And finally, one weekend in July he presented himself at Mr. Hart's home.

"Mr. Hart believed the man when he said he wanted it for research purposes. For years Mr. Hart has been trying to get professional research on the instruments. This is all documented in the biography of April, 1958 (Herald of Health). And the injunction of 1954 did not restrain him from having research done. It's important to keep this in mind.

"At any rate, convinced that he was talking to a man sincerely interested in pursuing research in the electronic approach to medicine, Mr. Hart let Dr. Jenkins take a machine. Mr. Hart did not know that Dr. Jenkins carried a concealed radio transmitter and that the conversation was being recorded. He learned this only after the government had brought the case into court. Mr. Hart did not know, either, that Dr. Jenkins had worked off and on as an agent for the Food & Drug Administration for 16 years. This his attorneys learned from government attorneys after the case was in court.

"Whether Dr. Jenkins actually transported the oscilloclast across the state line to Nevada only the government knows. No evidence was presented in court that it was taken into Nevada. And Dr. Jenkins told not one, but three different persons that he was not the Robert Jenkins who had made the purchase, as claimed in the government complaint. Weeks later he finally admitted to a long-time friend - who also happens to be a relative of Mr. Hart and a member of the Reno police department - that it was in fact he who had made the purchase.

"When the case went before the federal judge in San Francisco, Mr. Hart's attorney sought dismissal on grounds of entrapment. The court ruled in favor of the government on this issue, so the next step was to decide what type of plea to enter.

"To avoid a costly legal battle, Mr. Hart decided the best and cheapest way was to enter a plea of nolo contendere. When he entered that plea, the government lawyer objected, telling the court the government wanted a plea of guilty. The judge told counsel he had studied the case thoroughly and was convinced that nolo contendere was a proper plea and that he would accept it.

"To the layman who doesn't understand legal terminology, it might be explained that nolo contendere is defined as follows: Latin - 'I do not wish to contend. Law: 'A plea by the defendant in a criminal prosecution, which, without admitting guilt, subjects him to conviction, but does not preclude him from denying the truth of the charges in a collateral proceeding.'

"Thus the judge, in view of the extenuating circumstances, accepted the plea of nolo contendere, but did not find Mr. Hart guilty. A fine of \$500 was levied - about as low a penalty as is ever exacted in a federal court - and the case was ended.

"Mr. Hart also showed evidence - in fact the government was aware at the time the charges were lodged - that dissolution of Electronic Medical Foundation was under way.

"Believing that E.M.F. had served its purpose, knowing that the work we had been doing with low-power, pulsed, short-wave energy was also being developed by one of the nation's largest manufacturers, and wanting to disengage from any affiliation which might enable officials of F.D.A. to get at me, I decided to dissolve the Electronic Medical Foundation,' Mr. Hart relates. 'I do not want to be in a position to be attacked, because the work of the National Health Federation is too important.'

"That Mr. Hart's role with National Health Federation (he has been Chairman of the Board of Governors since 1963), that his refusal to be muzzled when he thought something should be said, had a part in the motives of the Food & Drug Administration is fairly evident.

"At the time F.D.A. issued the press release that Mr. Hart was being cited for contempt of court, his identification with N.H.F. was contained in the final paragraph. At a conference between his attorneys and the government staff, one government lawyer blurted, 'This man has been writing and saying things against us.' And in a statement to the judge, the government repeated the connection Mr. Hart has with the National Health Federation.

"So that the future position of N.H.F. would not be jeopardized by retaliatory tactics of this nature, and because he believed E.M.F. had served its purpose, Mr. Hart thus concluded dissolution of the Electronic Medical Foundation. And all his energies now can be devoted to the thing closest to his heart - the growth of the National Health Federation ..."

* * *

Sequel - and Finale ...

A sequel to the conclusion of the case arose when then Commissioner George P. Larrick issued a statement to the effect Mr. Hart and Electronic Medical Foundation had been found "guilty" of contempt. Upon being reminded by Mr. Hart that he had neither pleaded guilty nor been found guilty, but that the court had accepted a plea of nolo contendere, Mr. Larrick apologized (in a personal letter, but not publicly), said he had "assumed" the court had found him guilty.

Thus has ended one of the longest, most frustrating cases of its kind in American history. Whether justice has been done - we leave to the reader's judgment. It does not appear that either Mr. Hart or the Electronic Medical Foundation ever will be granted the right to public hearing in open court.

A fitting conclusion to this extract might be a quotation from the letter written by Mr. Hart to Commissioner Larrick (Mar. 19, 1964), acknowledging Mr. Larrick's apology for having stated that Mr. Hart had been found "guilty."

Said Mr. Hart: "The whole issue, as you well know, between the Electronic Medical Foundation and the Food & Drug Administration was that 'in the opinion of the Food & Drug Administration advisors, no radiation except radiation strong enough to produce heat, as in diathermy, has any value in the treatment of living

tissue.'

"This position, of course, now has proved to be untrue, and magnetic and low-power, pulsed, short-wave energy of the nature the Electronic Medical Foundation's instruments produced, is now being accepted on an ever-increasing scale as having a beneficial effect on living tissue.

"It is unfortunate that a department of the government, because of ignorance or false pride in a position previously taken, will seek to prevent honest attempts to solve the health problems of the people, and in doing so will seek to besmirch the character of the people who are crying for a solution to their health problems ...