

## By D. H. Arnott, M.D.

In May 1941, Dr. Koch sailed for Brazil, where he soon became engaged in demonstrating his therapy with such good effect that the federal authorities pressed him to remain and develop what he had initiated. He did stay until late in November, during which interval he had accomplished much in health matters and had pleased the high-ranking administrative officials.

**Soon after his return to the United States, he was visited by an agent of the Pure Food and Drug Administration who led him to infer that the Administration wished to change their hostile attitude towards his discoveries, and therefore would like to get a chance to base such change on some sound ground, and to this end desired Dr. Koch's cooperation.**

I with other Canadian doctors have freely employed the Treatment in the Province of Alberta, where the fine results generally obtained created such popular appreciation, that in the latter part of March 1942, Dr. Koch and I were invited to visit Alberta for the purpose of giving clinical demonstrations on the use of Glyoxylide, to promote which the government would place every facility requisite at our disposal.

Arrangements for this invitation were agreed upon at a regular caucus of the members of the Legislature of the political party in power held about the middle of March 1942, when three members were authorized to take appropriate action to obtain this demonstration, which would be carried out by Dr. Koch in person. That these members had been successful, that Dr. Koch and I were coming at an early date to put on the demonstration solicited and would pay our own expenses, became fairly well known to political circles in Edmonton. **A week later Dr. Koch was arrested and placed under heavy bond not to leave the United States.**

There was much, which was precipitate in the arrest of Dr. Koch, and his brother Louis, excused by Government explanation that they feared Dr. Koch would flee to Brazil. **There was no intention of his doing any such thing in face of the opportunity to carry out a strong demonstration of his Treatment for the Government of Alberta under the favorable conditions assured. If the Federal Authorities of the United States believed that Dr. Koch would prove, himself, to be a charlatan while he conducted the clinical work in Alberta, why did they interfere and prevent him doing so?**

The first court action against Dr. Koch did not commence until February of the next year. It lasted four months and ended with the **jury in disagreement.**

The second trial began just three years after the first trial had been commenced, during which period Dr. Koch was continued under heavy bond not to leave the United States, and was enjoined, by court order, to take no action which could be construed as advertising.

**The charges at the second trial were identical with those of the first trial, and since Glyoxylide is the particular molecular structure which we have been using in Canada, here from the Court Record are the charges, all of which the prosecution promised the jury they would prove.**

Page 67, going over to Page 68, Court Record:  
"MR. LOVERUD:

Now with respect to the third type of drug, (Glyoxylide) that also has the same statement in here 'synthetic antitoxins.' Down below it says 'For allergy, cancer, infection.'

And, the Government expects to prove that those representations are false and misleading, because that represents that the drug is effective in the cure, or treatment, or mitigation or prevention of three types of diseases mentioned, allergies, infections, and cancers, whereas it is wholly ineffective for these purposes." The prosecution made little effort to prove this.

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"The evidence will also show... there is always in your body an amount of glyoxylic acid, millions if not billions of times more THAN YOU OBTAIN FROM THE AMOUNT OF GLYOXYLIC ACID WHICH IS FOUND IN THE AMPULE." **The prosecution never found Glyoxylic acid in any of the Koch ampoules.**

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"MR. LOVERUD:

"The glyoxylic acid or Glyoxylide was likewise tested out on animals and human beings... It was tested out for allergies because it is also offered for allergies.

It was tested out for infection... on animals and on living human beings who were sick, and found to be ineffective."

**This shows the prosecution presented the Koch Glyoxylide as being identical 'with solutions of glyoxylic acid.'** The experts of the Dow Chemical Company proved this was not true, as the record has disclosed.

**The methods used for the pre-determined conviction of Dr. Koch were bold and unscrupulous.** Those concerned threw away all ordinary, reasonable, legal precautions, through the observance of which proof of the good faith of the prosecution should be established as prescribed. The prosecution was active throughout six and a half years on the assumption that provisions of the enactment absolved the prosecuting authorities entirely from being obliged to show there ever had been any intent on the part of Dr. Koch to deceive the profession and the Public. Therefore, should the jury be misled into believing Dr. Koch had been in error on any technical point, this would be sufficient to urge conviction.

**The most obvious source of such evidence lay in the obscurities of the chemistry, which Dr. Koch had originated.** What the Government expert chemists lacked to promote the conviction of Dr. Koch, they did not hesitate to invent. For Dr. Koch's Glyoxylide, they

substituted solutions of glyoxylic acid, which they presented as identical to that produced and distributed by him, and which the prosecution maintained was found in the ampoules containing genuine Koch Glyoxylide. In the next breath they asserted they had been unable to determine that the Koch solutions contained anything but distilled water, and therefore had assumed nothing of any therapeutic importance could be in the genuine Koch solutions.

Glyoxylic acid in water produces a clear colorless solution. The Government expert chemists never diluted and used the dark liquid with which Dr. Koch, in good faith, had provided them in the Fall of 1941, or they would have obtained the same good clinical results which medical men and veterinarians associated with me had observed. In order to convict him, they substituted glyoxylic acid for the material they had received from Dr. Koch and these solutions of glyoxylic acid; their experimental and clinical experts gave evidence had been found useless for therapeutic purposes. Under cross-examination by defense counsel the government top chemists were obliged to admit that they had known the chemical reactions used by Dr. Koch might yield a solution very much different from that which the prosecution had substituted for the purpose of having him convicted. Members of the staff of the Dow Chemical Company gave evidence that Dr. Koch had correctly described the chemical structures, which he had discovered and had employed in the treatment of the sick, and that his solutions contained no trace of glyoxylic acid. So punishing was the defense cross examination of these Government expert witnesses, followed by the unshaken evidence of experts from the staff of the Dow Chemical Company, that the Government offered no evidence in rebuttal.

At the first trial I had been four days on the witness stand during which I had given evidence in defense of Dr. Koch. I had promised to appear again in his defense at the second trial. I was prevented from so doing by united action, which is without precedent I believe, taken by the Department of Justice, the Department of State, and the trial Judge. Instead of being allowed to give evidence again in defense of Dr. Koch, after the second trial had been proceeding for a month, these two departments united in notifying me that the prosecution expected me to appear as a witness against Dr. Koch. This request I refused in the following reply:

" Mr. Charles E. B. Payne

" March 8th, 1946

American. Consulate

Sarnia ,Ontario

My Dear Mr. Payne:

Canadian vital statistics reveal that coronary thrombosis with the much less common but closely related condition, angina pectoris, produced 455 out of every 1000-recorded deaths; while cancer is responsible for only 118.5 fatalities.

In 1935, I found that the Koch Treatment controlled the progress of coronary thrombosis and angina pectoris, and reversed the pathological trend, with the result that in 90% of these conditions a measure of dependable good health was restored.

In 1936, my brother, Dr. H. G. Arnott was stricken with a very commanding attack of coronary thrombosis. I gave him the Koch Treatment and he is alive today.

In 1940, I myself suffered from a very prostrating attack of coronary thrombosis and injected the Koch Treatment with the result that I am comfortable and active today.

For these and other reasons I refuse to appear " as a government witness at Detroit."

Yours sincerely,  
D. H. ARNOTT"

Were I to have acted as a government witness, no matter how few, trivial, or irrelevant might be the questions, which the prosecution asked me to answer, the rules of Michigan Court procedure would have precluded my presentation of the evidence, which Dr. Koch's lawyers had obtained from me for his defense. (**Being called as a witness for the prosecution made it impossible for Dr. Arnott to be a witness for the defense. The Government knew that Dr. Arnott would never be called by the Government but their goal was achieved for they also precluded him from testifying on Dr. Koch's behalf.**)

Upon my refusal to become a Government witness, a suggestion was made to the Judge by prosecution attorneys, that I might be extradited like a criminal and thus brought into court against my will. When this proved to be impossible, the Judge declared he would consider holding me as a material witness if I ventured within his jurisdiction during the trial.

**Upon advice of my own Canadian attorney, I refused to enter the jurisdiction of the Court unless a stipulation as to my personal freedom was given.** As this was not forthcoming, counsel for both sides was informed that if my testimony were required it would have to be taken by a commission in London, Ontario.

**These three Federal powers united in preventing the defense from offering important direct evidence, which Dr. Koch's attorneys had received from me, and this advantage, seized early in the trial by the prosecution, never was modified during the remaining four months of court action.**

**During the first trial I had struck a powerful and surprising blow against the prosecution when I produced strong evidence that under my direction Koch's Glyoxylide had been used freely and successfully to cure, to mitigate, to treat, and to prevent recurrence of mastitis, the number one destructive disease affecting fine dairy cattle.** This work had continued to make notable progress in Canada under my direction, with results so favorable, that **in spite of the united action to prevent me from appearing a gain for the defense of Dr. Koch, a thousand pages of evidence highly favorable to the use of Glyoxylide in Veterinary medicine was presented so effectively that the Government offered no evidence in rebuttal.** It was based upon actual fieldwork in the use of Glyoxylide which had been carried out by the Department of Agriculture of the Province of British Columbia through a Committee appointed by the Minister on October 4th, 1944. **Seven men on this Committee volunteered to appear in Detroit, and to help in the defense of Dr. Koch. Each had played**

**an important part with me in the work done by the Government in British Columbia, and  
felt it to be his duty to do so.**

They were as follows, seven stout men and true:

S. N. Wood, D.V.M., Professor Animal Husbandry, Faculty of Agriculture, University of British Columbia.

Jos. E. Bennett, D.V.M., Secretary of the British Columbia Veterinary Association, and Veterinary Inspector, Department of Agriculture.

G.F.R. Barton, D. V. M., Chilliwack, who had used the treatment freely in his practice since March 1944.

R. H. Irwin, President Canadian Guernsey Breeders' Association.

W. T. Richardson, President-elect, British Columbia Guernsey Breeders' Association.

Mr. P. Hammond, Laboratory technician for the Fraser Valley Milk 'Producers' Association, Vancouver, B. C.

Mr. W. A. Gooder, Distributing Agent for the British Columbia of the Wm. F. Koch Laboratories of Canada, Ltd., London, Ontario.

From the Glyoxylide Therapy as we know it today, properly fostered, and generally employed, the potential value of the losses to the industry of purebred cattle in the United States which could thereby be prevented, would total nearly one thousand millions annually.

**The Government had undertaken to prove the Koch Therapeutic Materials were wholly ineffective "in the cure, or treatment, or mitigation, or prevention of the three types of disease mentioned" which were allergy, cancer, and infection. They made no consistent attempt to do so; instead, they proved something different, which Dr. Koch never had used, as wholly, ineffective. They had no case. But they had a Judge, and he directed the jury to find Dr. Koch guilty as charged even if from the evidence adduced they decided that the Koch Materials had been successful in treating all known forms of cancer, all known infections and all allergies except one.**

Nevertheless, the jury again disagreed and to that extent the prosecution again had failed. However, it was not until over two years later that officials responsible for the charges against Dr. Koch and for Court Actions appeared before Federal Judge Frank A. Picard, and asked to be allowed to drop further prosecution of the charges made more than six years and four months previously. **To this petition, Federal Judge Frank A. Picard gave his consent, August 17th, 1948.**

There was to be no respite for Dr. Koch, however, technicians of the Pure Food and Drug Administration immediately invaded his laboratory and obliged him to repeat every step which he employed in producing his Therapeutic Reagents, and to describe each step as he did so, while they took extensive notes, and as many photographs as they desired.

Then they demanded access to all his private, confidential records of the sick who had consulted him, and whom he had treated or with whom he had corresponded.

Dr. Koch chose not to spend the rest of his life and the remains of his fortune in contending with ruthless, all powerful Government authorities, and therefore he turned over the manufacture, the distribution and, the future fate of his discoveries in the United States to a strong group of Lutheran clergymen and their associates, and returned to Brazil where he pursues his research and develops his discoveries in comparative security.

March 4th, 1950

D. H. Arnott  
London, Ontario  
Canada.