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11 IN THE MUNICIPAL COURT OF THE STATE OF CALIFORNIA  
12 IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO  
13 BEFORE THE HONORABLE GERALD J. O'GARA, JUDGE

14 DEPARTMENT NO. 5

15 THE PEOPLE OF THE STATE OF CALIFORNIA, )

16 Plaintiff, )

17 ERNST KREBS, JR., and )  
18 MALVINA CASSESE, )

19 Defendants. )

No. G 14673  
G 14670

CLOSING BRIEF FOR THE PEOPLE

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21 The People hereby submit their Closing Brief for the hearing  
22 on the Motion to Revoke the Probation against Ernst Krebs, Jr. and  
23 Malvina Cassese, filed on April 1, 1976, with the last day of the hearing  
24 held on Tuesday, February 15, 1977.

25 Signed this 22nd day of February, 1977, at San Francisco,  
26 California.

CAROL M. HEHMEYER

CAROL M. HEHMEYER  
Assistant District Attorney

FILED  
DANIEL F. DONOHUE, Clerk

FEB 22 1977

Deputy AHAAJ

TESTIMONY REGARDING

ERNST KREBS, JR.

The testimony regarding Ernst Krebs, Jr. has already been subject of comment by the People in the Summary of Testimony, and will receive further comments in the Points and Authorities herein.

Essentially, Mr. Krebs promoted an illegal drug during the period of probation, -- B 15. He was shown to have helped transport the vials used to package it for sale, --surreptitiously, to his sister's house in Hillsborough (an address that he denied knowing on the witness stand). He also received shipments of calcium gluconate at 1348 South Van Ness, and had huge drums (empty) of calcium gluconate on the premises during each probationary search.

His automobile bore the license plate -- VIT B 15.

Speakers at lectures introduced him as the guiding genius behind B 15.

Literature acknowledges him as the "inventor" and "genius" behind B 15.

He himself admits that B 15 is his own invention.

B 15 is proclaimed as a cancer treatment, and as a treatment for many other diseases, in pamphlets given out at the Offices of the Laetrile Doctor, Doctor Richardson, in Albany. Books and other literature in evidence, including Defense 0 by Dr. Dean Burk, make these claims for B 15. Mr. Krebs himself made extravagant curative claims for B 15 from the witness stand.

B 15 is proposed as a dietary curative agent much as was Mucorhicin in NUTRITION SERVICE.

Mr. Krebs is familiar with the laws regulating drugs, he has twice been prosecuted for violating them. He knows that his promotion and sale of B 15 is

illegal, is "criminal activity" and constitutes a direct violation of the terms of his probation.

The evidence presented at this hearing shows that Mr. Krebs received money for B 15 from Dr. Parker and Mr. Bradford. Mrs. Zema testified that her husband received B 15, in Thronton Plastics vials (People's # 5 in evidence), as a treatment for his cancer of the lung, as an adjunct to the laetrile therapy that he received from Dr. Richardson.

Mr. Krebs is listed as a Doctor in the 1975 phone book (as well as in the current one). That phone book page is People's # 6 in evidence, and the 1976 page is People's # 7 in evidence. In World without Cancer, in lectures, and in magazines, he is referred to as a doctor, a sage, an acclaimed genius, the world's most brilliant authority on the "cancer problem." He has allowed and encouraged himself to be touted and proclaimed as a person of knowledge and wisdom, whose authority can be relied upon.

He is not that,--his educational history, the record of his criminal activities, his own testimony,--show him to be an irresponsible and greedy man,--motivated by a love of acclaim, as well as by a love of money.

The web of his associations during the period of his probation ties him inexorably into the pro-Laetrile movement. At meetings, lectures, in his house, -- in books and magazines, he is continually tied in with,--associated with -- the major leaders in the "Laetrile" movement. Dr. Parker, Dr. Richardson, Mr. Bradford, -- every leader in the movement was proven to have been at his house during the probation. He received checks from Bradford and Parker.

Mr. Krebs was Science Director of the Choice (see # 10 and # 18 in evidence), and he was Advisor of the Cancer Control Journal, according to Mr. Cooper, during this time.

Mr. Cooper testified that during the various meetings over Mr. Krebs' dinner table, at the 1348 South Van Ness Mansion owned by him, there was always a hush of respect at the table when Mr. Krebs arrived. The discussion was always of Laetrile, the "battle for Laetrile," and how Laetrile is an effective cancer treatment. Different people in the Laetrile movement were present at different meals. All of this occurred during the probationary period.

During the January 21, 1975 meeting at his house, B 15 was discussed too.

However, perhaps the most dramatic violations of his probation involved Mr. Krebs' constant speeches advocating Laetrile as the "answer to the cancer problem," -- as the most effective known agent for the prevention, alleviation, palliation, treatment and cure of cancer, in humans.

The lectures and speeches which were subject of testimony in this case are, briefly, as follows:

- 1) The Laetrile '74 symposium in S. Petersburg, Florida. People's #27, Testimony of Mr. Cooper.
- 2) Laetrile '75 in Anchorage, Alaska. People's #28 in evidence and the testimony of Mr. Cooper. A Cancer Control Society at which Mr. Krebs spoke.
- 3) The NHF and IACVF symposium in San Jose California in February 1975. Subject of testimony by Cooper and Krebs, and transcribed on tapes, -- People's #29 in evidence (two tapes).

4) The NHF speech entitled the "Nature of Cancer" on June 7-8, 1975, at the Jack Tar Hotel in San Francisco.

5) The Third annual Cancer Control Convention in Los Angeles held on September 26-28, 1975, at which Mr. Krebs was a speaker.

6) The July 16, 1973 speech to the Cancer Control Society which was heard by agent Lucas. At this speech Mr. Krebs made his usual representations concerning the efficacy of Laetrile in cancer treatment.

7) The September 1, 1973 speech to the IACVF by Mr. Krebs. Mr. Lucas testified about this speech and about Mr. Krebs' display of BEE SEVENTEEN (People's #42 in evidence) to the audience, and his advice to them to buy it. Mr. Stout later admitted that BEE SEVENTEEN or Aprikern was later subject of litigation, and was banned. Mr. Lucas' notes concerning this speech are People's # 41 in evidence.

8) The November 19, 1973 speech heard by agent Lucas at the Sheraton West Hotel, to the Cancer Control Society. Mr. Lucas' notes are People's # 43 in evidence.

9) The July 7, 1974 IACVF Convention. People's # 47 in evidence, -- a tape.

10) A Tape -- People's # 48 a in evidence.

11) A Tape -- People's # 48 b in evidence.

12) A Tape -- People's # 49 a in evidence.

13) A Tape -- People's # 49 b in evidence.

14) A Tape -- People's # 49 c in evidence.

15) A Tape -- People's # 49 c in evidence, -- side two.

16) A Tape -- People's # 55 in evidence. (Purchased by Jim Eddington, while

the others were purchased or recorded by Jim Lucas. All of the above are separate speeches.)

17) EIGHT lectures which Mr. Krebs stated he had made at colleges in the past year alone. He implied that all of those speeches were on B 17.

18) On January 27, 1977, on the witness stand, Mr. Krebs admitted speaking to over 12 meetings of the Committee for Freedom of Choice, on Laetrile, while he was on probation. He extravagantly listed the lectures, including one at the Fairmont Hotel which he told us had at least 1,200 attendees!

19) Dr. Dean Burk testified that he was on the platform with Mr. Krebs with him at least 1 to 2 times during the past 3 years. He recalled 5 - 6 times in the past 6 years. Specifically, Dr. Burk recalled IACVF speeches in Minnesota (Rochester), and in Baltimore.

Then there was the testimony concerning Mr. Krebs and money. Interestingly enough, during his approximate 12 days on the witness stand, Mr. Krebs denied that every reasonably inferrable source of income to him, netted him any money. Yet, he lives in a mansion, travels all over the country speaking, holds immense feasts at his home, supports a secretary, and drives a car registered to himself with the license plate: B 15.

Mrs. Zema testified that the B 15 which she purchased for her husband from Dr. Richardson cost \$ 15 a bottle. The B 17 which Cooper bought from Dr. Parker cost \$ 1.50 per tablet. Jim Eddington estimated that the vials of B 15 transported by Mr. Krebs and Malvina Cassesse represented over \$300,000 worth of B 15, during the probationary period. Mr. Eddington also testified to the money which Mr. Krebs received from Mr. Bradford for B 15. He testified to

the \$ 10,301 from Mr. Bradford from 2-5-75 through 12-1-75, evidenced in the records of Mr. Bradford upon his arrest.

J. R. Jackson testified that the records seized during the original arrest, whoed an income of about \$250,000 to E.T. Krebs and his brother, Byron, from the 642 Capp Street Labs. This was in 1971, and for the year and a half preceding that time.

During probationary searches at 1348 South Van Ness, huge amounts of cash were located, secreted, upon the premises. On September 5, 1975, the investigators found \$ 12,705 hidden in a cache in the ceiling. Before that a huge pile of money was found on a search, but was not actually counted.

Yet, Mr. Krebs persisted in his claim that he had no financial recompense for his speeches, lectures, or tapes. He was reluctant to accept money for tours unless they were out of state, -- at which time he would accept plane fare, meals, and lodging, -- only.

Where does the money which supports this unemployed man come from? B 15 !!!!  
Laetrile!!!!

The most devastating testimony in support of Mr. Krebs' probation revocation came not in the People's case in chief, however, but from the mouth of Mr, Krebs himself.

In his exhaustive testimony, Mr. Krebs proved himself to be a person who is intimately knowledgeable concerning even the most minute shred of an article that is published on cancer therapy. He testified to familiarity with every single article that was subject of discussion in this case. Mr. Krebs,

unlike Dr. Apple, knew of every single reputable test that has been run in this country, that has proven Laetrile to be ineffective as an anti-cancer treatment.

He "pooh poohed" each such study -- but in the course of doing so, on the witness stand, evinced enough knowledge of the area to belie his declamations as to their invalidity.

As we have said elsewhere in this brief, -- Mr. Krebs has, himself, proven himself to be knowledgeable in the area of cancer research. He has shown himself to be knowledgeable enough to know that what he says to audiences of innocent victims is misleading, at best.

The speeches given by Mr. Krebs in violation of his probation were not given in the dispassionate, objective belief that the information contained in them was true. The information was false. Mr. Krebs himself qualified most of those statements into oblivion in his own testimony on the witness stand, -- particularly -- as the Court noted on the record -- when Dr. Jukes was in the courtroom, watching him.

Mr. Krebs made those speeches.

He made them with the knowledge that what he said was false, -- and with the knowledge that he was making those "dogmatic" claims to groups of vulnerable, desperate people.

Mr. Krebs did not hit those people over the head and steal their money. He did not solicit them for "lewd acts." He did none of the typical things for which we see people in the Municipal Court regularly on misdemeanor charges.

He did things incalculably worse.

It is by no accident that Jim Eddington photographed the telephone numbers of Navarro and Contreras by Krebs' telephone at 1348 South Van Ness during the probationary searches. (People's # 15 in evidence) Mr. Krebs had been, throughout the period of his probation, actively and intimately involved in the pro-Laetrile movement.

He has advocated Laetrile as a prevention, treatment, palliation, and cure for cancer in every way possible. He has sent patients to Dr. Richardson, and, probably, to Dr. Navarro and Contreras. He has spoken at every speech available to him, -- every podium, every lecturn, every speaker's stand open to his maundering discourses. He has been an officer in pro-Laetrile organizations.

But, above all, he has known that his "dogmatic adherence" to the theory that B 17 is to cancer, as C is to scurvy, is "messianic" and "just for effect," -- to please the audiences.

He has known that what he has been saying is "controversial" at best, and is false in the light of accepted, and exhaustive, scientific research.

There is no rational alternative.

Mr. Krebs must be held accountable for his acts..