

**HERBERT R. AXELROD**  
**The Baron von Munchhausen**  
**of the Aquarium Hobby**

**By Albert J. Klee, Ph.D.**

**Dedicated to the Aquarium Hobby Historical Society  
whose members understand that the history,  
innovations and ideas of aquarists throughout time  
is fundamental to our understanding of the life in  
the aquaria around us.**



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## EDITOR'S FOREWORD

After I had completed in 1954 my tour of duty in the Army during the Korean War, I enrolled in New York University and while there wrote an article, "Metals in the Aquarium," and submitted it to the *Tropical Fish Hobbyist* (TFH) magazine. After several months without receiving even a simple acknowledgement, I submitted it to the *Aquarium Journal* whose editor, James Crawford, immediately informed me that it would be published. The article appeared in the February 1955 issue of the *Journal* but unfortunately it – much to my astonishment – also appeared in the same month in TFH. After this experience I swore that I would never again submit any material to TFH while Herbert R. Axelrod was either its editor or publisher, and I never did.

The article later appeared in *El Acuario*, a Spanish aquarium published in Havana, Cuba under the editorship of James Churchill Hopgood (1914-1988). Jim and I corresponded regularly and soon became good pen pals. When he was a teenager, Jim became an active ham radio operator in Havana. He was one of several children of Canadian-born parents, his father being a banker in Havana. The family remained in Cuba until Castro came into power. Many, if not all of the Hopgoods left Cuba and settled in Florida, and this included Jim. As a result, we lost contact with each other. In 1971, after returning from Honduras where Ross Socolof, Harry Specht and I had been looking for new species of cichlids, I landed in Miami where I had to change planes. As I stepped up to the Delta ticket counter I noticed that the fellow behind the counter was wearing a name tag that said "Hopgood." I asked him, "by any chance are you James Churchill Hopgood who once edited *El Acuario*?" He was and our re-acquaintance was a happy one, all due to that metals article I wrote sixteen years before.

My involvement with Axelrod in the ensuing years mainly was in reviewing books he had authored or coauthored and my reviews did not endear me to him. Ironically, a year after Axelrod lawsuit sued me unsuccessfully in the case of Frank Dittrich and *All-Pets Magazine*, he asked me to review book submissions for him, but I declined the "honor."

I normally don't do biographies of people who were cohorts in my own hobby career since I do not believe I could be objective under such circumstances. This small book is an exception since Herbert R. Axelrod was probably the most fascinating man in all of aquarium hobby history. As a result, my research in its production has been particularly extensive and detailed.

*Albert J. Klee*  
March 31, 2020

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The Munchausen syndrome, a mental disorder, was named in 1951 by Richard Asher after Karl Friedrich Hieronymus, Baron Münchhausen (1720-1797), whose name had become proverbial as the narrator of false and ridiculously exaggerated exploits. The first edition of Münchhausen's tales appeared anonymously in 1785. This essay describes an aquarium hobby "hustler" who outdid the Baron by at least one order of magnitude.

A lie can be an intentionally false statement to a person or group made by someone who knows it is not the whole truth. Lies can be told for various reasons and with various amounts of success.

Confident liars believe in what they are saying, no matter how ridiculous it may sound. If you don't believe it to be true, why should anyone else? Portraying information with confidence won't give anybody a reason to doubt your actions. A confident person doesn't care what others think and doesn't make overt efforts to convince people in the truthfulness of their story.

The fastest way to be found out is by getting caught up in false logic. Good liars are aware of the general structure and logistics of their story, and make sure not to say something contradictory. This is where diverse knowledge and fast thinking come together. The rule of thumb is if your target doesn't know much about the subject at hand, they can be fooled very easily. As long as you pretend to know – not assume, *know* – things about it, you can easily supply them with false information.

When they lie they make their lie plausible. They make their lie as realistic as possible. For example, telling your wife that a bird flew in the house and broke her lamp is not a plausible lie. Telling her you stumbled over the dog and knocked the lamp over is more plausible. Completely false lies may be more easily detected, but if you sprinkle truth into the lie it is more believable. Liars find a way to show proof that part of the lie is true to strengthen the lie as a whole. It is easier to express real emotion when you tell the truth than it is when you

lie. If you emphasize the true part you can mask your emotions.

### DUPER'S DELIGHT

What motivated Herbert R. Axelrod, this smart, devious fellow, to be so foolish? Probably what Paul Ekman, a well-known psychologist named one of the 100 most influential people in the world by *Time* magazine in 2009 called "dupers delight," the near irresistible thrill some people feel in taking a risk and getting away with it.

There are 2 forms of Duper's Delight:

1. **Benign Duper's Delight** (non-harmful lies) – these are lies aimed to entertain or produce humor;
2. **True Duper's Delight** (harmful lies) – these are lies aimed to deceive and sometimes includes contempt for the target who is being so ruthlessly and successfully exploited. It is hard to contain duping delight; those who feel it want to share their accomplishments with others, seeking admiration for their exploits.

Ekman provided the following example. When Hitler so successfully lied to Chamberlain concealing that he had already mobilized the German army to attack Poland, he asked for a time-out from their meeting. With his generals who had been witnessing his most successful lies, Hitler went into an anteroom, where he reportedly jumped up and



"There goes my ex-husband and his Mid-Life Crisis!"

down with joy, and then having reduced his duping delight, he returned to the meeting.

### SOME BIOGRAPHICAL BACKGROUND

Herbert Richard Axelrod was born on June 7, 1927 in Bayonne, a city in Hudson Country, New Jersey. His father, Aaron Axelrod, according to his 1925 marriage information was born in Russia in 1901. However, in the 1930 U.S. Census he was listed as born in Poland and in the 1940 U.S. Census he was listed as born in Russia. Since his father and mother (Solomon Axelrod and Sophia Goldberg - Herbert's grandparents) were born in Poland, it is not improbable that they moved to Russia where Herbert was born. Herbert Axelrod's mother was Edith R. Gerwitz (her parents were born in Russia), born in 1904 in Jersey City. In the 1930 Census she is listed as a wife and in the 1940 Census she is listed as a secretary for a furniture manufacturer. Axelrod had one brother, Alan, born on September 1929.

His first marriage took place after World War II ended, and Ruth and Herbert Axelrod soon had a son, Todd Michael Axelrod, born on October 25, 1949. Five years later - and this included the time he spent in Korea - Ruth divorced Axelrod, the decree being awarded in Dade County, Florida in 1954. What caused the divorce was not hard to find out. In his *Maestro* article, John Ward (Ward, 2003) commented: "Okay, goodbye," he [Axelrod] wheezes after loading my arms with books, a draft of a paper he's writing for a Dutch publication about a Cuban coral reef, and a picture of Evelyn, circa 1954. "Here, put that in your article," he says. "Isn't she gorgeous?" Axelrod's satyric tendencies clearly started early in his career with adultery.

Axelrod' second wife, Evelyn Theresa Miller, was born in New Jersey on October 25, 1928. Her father was born in Germany and her mother in New Jersey. They were married in 1958, four years after his divorce and just before he received his doctorate from the School of Education at NYU.

Axelrod was shaped by what he called a "typical disciplined childhood" (Ward, 2003). His family

lived in a rental on 30th Street in Bayonne, between the Boulevard and Avenue C, where young Herbert's days were packed with responsibility: banking the stove and washing dishes; violin lessons and practice; homework and Hebrew school. According to Axelrod, his father was a published mathematics teacher and able violinist who "kept pushing me to be better than he was."

Axelrod once told a story about when he was in a German prison camp during World War II (Stratton, 2020). However, during the war Axelrod never left the States. Between 1943 and 1945, some Army enlisted men were assigned to the ASTP (Army Specialized Training Program) units at civilian schools to be trained as physicians, dentists and veterinarians, and some were assigned to ASTP units at colleges and universities for pre-professional training. High School graduates were also offered a chance to apply to the program and Axelrod, at the age of 17, enlisted in the Army as a private on June 30, 1945 and was enrolled in the ASTP to study a pre-medicine course taught at the City College of New York and the University of Delaware, thus avoiding the draft. Too young to be sent overseas for combat, he was sent to Fort Lewis, Washington and served out his term in the Army there as a private until the end of 1945 when he was discharged. After his discharge he completed



one year of college but enlisted in the Regular Army on January 26, 1946 for one year and spent his time in the Service at Camp Pickett in Blackstone, Virginia. It is not known why he left school. Perhaps it was because what he was studying was not to his liking or the material was too demanding. Since Axelrod did have some medic training while in the ASTP, this is most likely why he wound up in a MASH unit when he was drafted into the Army during the Korean War.

### DISPROVING A LIE

As odd as it sounds, in science, law and many other fields, there is no such thing as proof - there are only conclusions drawn from facts and observations. Scientists cannot prove a hypothesis, but they can collect evidence that points to its being true. Lawyers cannot prove that something happened (or didn't), but they can provide evidence that seems irrefutable. You can't prove truth, but using deductive, inductive and abductive reasoning, you can get close.

Deductive reasoning, or *deduction*, is making an inference based on widely accepted facts or premises. If a beverage is defined as "drinkable through a straw," one could use deduction to determine soup to be a beverage. Inductive reasoning, or *induction*, is making an inference based on an observation, often of a sample. You can induce that the soup is tasty if you observe all of your friends consuming it. Abductive reasoning, or *abduction*, is making a probable conclusion from what you know. If you see an abandoned bowl of hot soup on the table, you can use abduction to conclude the owner of the soup is likely returning soon.

Deduction is hard to use in everyday life because it requires a sequential set of facts that are known to be true. Induction and abduction are used all the time in everyday life because most of the world is based on partial knowledge, probabilities and the usefulness of a theory as opposed to its absolute validity. As Laplace put it in 1812 in his *Théorie analytique des probabilités*, "The weight of evi-

dence for an extraordinary claim must be proportioned to its strangeness."

In his article "The Maestro" in the *New Jersey Monthly* for August 2003, John T. Ward states that Axelrod told many tales of his adventures, but interviewers and biographers have had difficulty determining which are true. On leave in Japan during the Korean War, for example, he claimed to have met Emperor Hirohito and had a discussion of marine invertebrates with him. He also claimed to have swum 15 miles across Lake Ontario at the age of 10 and collected black panthers in the Amazon jungle for Walt Disney.

At various times, he has claimed to have studied mathematics under Einstein, discussed creatures of the sea with Emperor Hirohito, corresponded with Winston Churchill on the subject of goldfish, and hunted for jaguars in Brazil on behalf of the Walt Disney Co., according to an article published last year in the magazine *New Jersey Monthly*.



**"The good news is that you will have a healthy baby boy. The bad news is that he will be a congenital liar."**

The University of Guelph added to the legend by publishing a tribute noting that the young Herbert - son of an immigrant father - “spoke four languages before he learned English at school at the age of five.” When he came home from Korea where he had served in the Army, he settled in New York and enrolled at New York University on the GI Bill. Axelrod said he earned a bachelor’s degree in science, a master’s in math, and a doctorate in medicine.

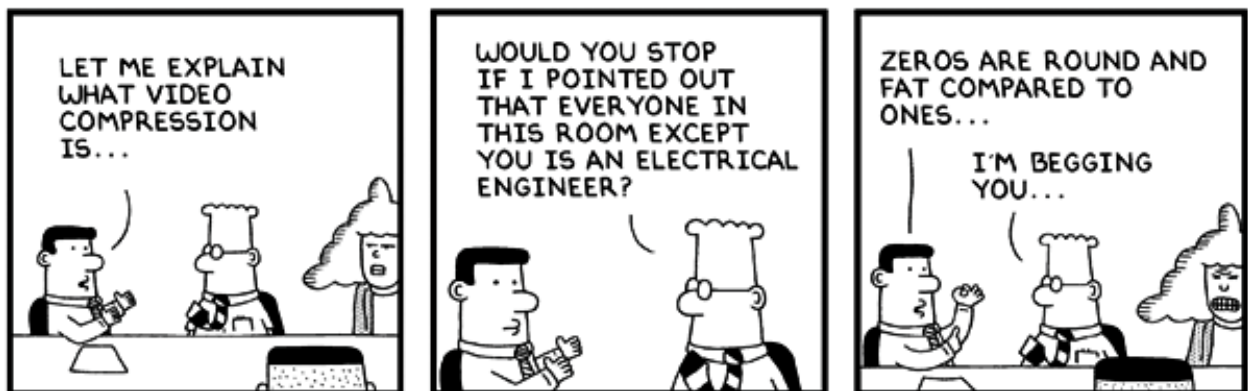
Among other things, Axelrod has claimed to be the world’s best and most prolific photographer of tropical fish species, the discoverer of the Cardinal Tetra (*Paracheirodon Axelrodi*), that he took the former King of Belgium, Leopold III on a spear-fishing expedition into the Amazon, the President of Brazil, Humberto Castelo Branco, asked him to draw up a conservation program for the Amazon, that he once landed at the Trinidad airport where approached a pool near the runway and as onlookers gasped netted a new species, that he was once censured by a professor for performing a Caesarean on a guppy, that he had Bachelor and Master of Science degrees from New York University and doctorate degrees in both education and philosophy, that he became pen pals with prisoners in Indiana who he claimed had for decades hidden pet fish in vials strapped to their bodies, that he studied mathematics under Albert Einstein, and that he could recognize more than 7,000 species of fish on sight and had discovered hundreds of species that

were lost to science for years or were never seen before by man.

The more fantastic assertions are dealt with easily by referring to the aphorism, “Extraordinary claims require extraordinary evidence,” a phrase made popular by Carl Sagan who reworded Laplace’s principle mentioned previously. Because of their number, I won’t tackle all of the remainder of these claims or misleading assertions but I will single out a number of the most interesting.

### AH SO, AXELROD AND HIROHITO

After graduating from High School in 1944 at age 17, Axelrod joined an Army Specialized Training Program to study a pre-medicine course. The Army Specialized Training Program (ASTP) was a military training program instituted by the United States Army during World War II to meet wartime demands both for junior officers and soldiers with technical skills. Conducted at 227 American universities, it offered training in such fields as engineering, foreign languages and medicine. But due to the impending invasion of Normandy and the need for additional manpower in its ground forces in Europe, the Army disbanded the program in early 1944, although there were ASTP units for medicine and engineering still existing in August 1945. Most of the ASTP soldiers were then assigned to the infantry, where they fought in the European and Pacific Theaters of Operation. Because of his age, Axelrod was not sent overseas.



SELF-APPOINTED EXPERTS AT WORK.

At the age of 23, in 1950 he was serving in Korea as a private, not as a lieutenant as he claimed in the 1965 Boyles interview. (In 1952 he had written to William T. Innes about the Paradise fish and his return address was "Private Herbert R. Axelrod - see *Aquarium Highlights*, 1952. He was, in effect, hoisted by his own petard.) He was assigned to an Army M\*A\*S\*H unit where he was in charge of its blood bank. His tour of duty lasted two years and he left the Army in 1952. During his Korea years Axelrod received an unspecified wound to his hands. According to Axelrod, in an attempt to restore his dexterity, he took to typing and what he typed became his first book on tropical fish, *Tropical Fish as a Hobby*, published in 1952. Years later, however, he told quite a different tale:

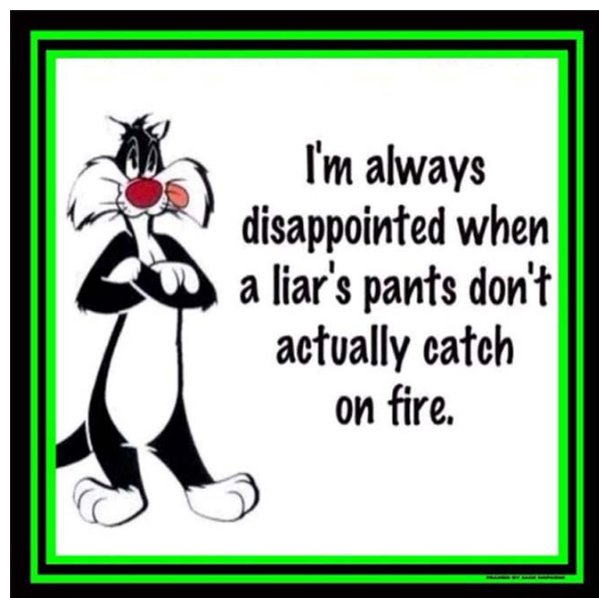
**Once on a Friday, Doubleday, the publishers, asked the doctor for a book on fish. On Saturday morning he sat down to write and, by the time he stood up on Sunday evening, the manuscript was completed. On Monday it was accepted and published as *Tropical Aquarium Fishes* [Boyle, 1965].**

Axelrod never divulged anything about the nature of the damage to his hands but in one of his interviews he stated that he had received a Purple Heart Medal. The Purple Heart Medal is awarded to any member of the Armed Forces of the United States or any civilian national of the United States who, while serving under competent authority in any capacity with one of the U.S. Armed Forces, after April 5, 1917, has been wounded, killed, or who has died or may hereafter die of wounds received. Since the United States Government does not maintain a list of all Purple Heart Medal recipients so the most reliable source for finding a list of Korean War Purple Heart recipients is the American War Library. Its lists include names of recipients from all wars conducted after April 5, 1917, including the Korean War. It also lists recipients of the Korean War Wound Medal. Axelrod's name is not among them. If Axelrod had really been awarded the Purple Heart Medal he certainly would have

touted it in his interviews, rather than maintaining a silence. Clearly, Axelrod had lied about the medal.

Axelrod's Army work called for him to take blood samples to Japan for detailed analysis and, inasmuch as the plane returned to Korea with a cargo of empty blood containers, he began filling them up with whiskey. He traded the whiskey for cigarettes, which he stuffed between the filled blood containers on his next flight to Japan. His import-export business boomed, making him one of the best-known war-time profiteers in Army history.

The following is Axelrod's story (Boyle, 1965). On one trip to Japan, he visited the Tokyo University library, where he pored over the books on fishes. While looking for a misplaced volume, he happened to meet an ichthyologist, Dr. Tokiharu Abe, who showed him a copy of a book, *The Opisthobranchia of Sagami Bay*, a book written about the Emperor's collection of nudibranchs (Baba, 1949). Axelrod riffled through the pages, and then stopped to point out an error in the scientific name of an opisthobranch. Dr. Abe was incredulous but according to Axelrod, cited the correct reference in an obscure scientific paper he had just finished reading. With that, he bade the doctor adieu put the incident out of mind and flew back to Korea with a load of choice six-month-old Scotch.



As Axelrod tells it, about a fortnight later he was ordered to appear before General Matthew Ridgway in full dress uniform. Recalling that a case of whiskey had recently disappeared, Axelrod suspected that military police had seized it as evidence for a court-martial, and by the time he entered General Ridgway's office he was hoping for 10 years instead of the death penalty. To his surprise, however, the general had summoned him because Hirohito wanted Axelrod as a house guest. Ridgway wanted to know why, since no American had been asked to see the Emperor since General MacArthur had been relieved of command. Axelrod, forgetting the incident in the library, said he had no idea why he had been invited. Ridgway told Axelrod to accept the invitation and to do his best to get one for the general himself.

Axelrod said he would see what he could do and went off to Japan, where he spent a week at the summer palace on Sagami Bay collecting marine invertebrates with the Emperor. According to Axelrod, Hirohito was most grateful for having had the error in his book pointed out to him. The Emperor also listened to Axelrod's plea on behalf of General Ridgway and rejected it, explaining that he and the general really had nothing in common. Axelrod said he had to agree. Hirohito then presented him with a jar of preserved eels as a gift for Dr. Leonard Schultz, curator of fishes at the Smithsonian.

That this is a pack of lies is easily refuted by the Newsweek article, "Ridgway and Hirohito (Newsweek, 1951) where it was reported that Ridgway took the unprecedented move of going to the Imperial Place to have lunch with Emperor Hirohito and Empress Nagako. The following is from George Mitchell's biography of Ridgway (Mitchell, 2002):

**When General Ridgway took over as supreme commander for the Allied Powers (SCAP), the time had come to treat the Japanese as equals and soon-to-be allies. 'Matt' Ridgway effected the transformation with conspicuous success.**

**He began entertaining Japanese leaders. He lunched with the Emperor in the Imperial Palace in September, 1951 - the first time that a SCAP had gone to Japan's ruler and not sent for him (previously Emperor Hirohito had paid seven visits to the Embassy - five to see General MacArthur and two to see General Ridgway).**

From all this, we can safely conclude that Axelrod's story of him and Hirohito is one falsehood after another.

### THE EDUCATION OF HERBERT R. AXELROD

Alan Fletcher once noted that he was not a qualified ichthyologist and had only written popular literature, never scientific papers. Scientists wouldn't criticize him because he offered them opportunities to publish new work. In return, he managed to get many fish named after him.

A SHORT QUIZ: Of the following claims by Axelrod, pick the one that is truthful:

1. **Returning from Korea, Axelrod eventually completed studies for his PhD in biostatistics, to join his Master's degree in Mathematics.**
2. **Returning from Korea in 1952, Axelrod taught at New York University and began to pursue a Ph.D. in medical statistics.**
3. **In 1952 Axelrod returned from Korea and began to teach at New York University. He eventually obtained a Master's degree in mathematics and then a Ph.D. in medical statistics (epidemiology).**



"I'm such a huge fan of your plagiarism."

4. Axelrod received a Bachelor and Master of Science degrees from New York University, and then went on to acquire doctorate degrees in both education and philosophy.

5. Axelrod earned a bachelor's degree in science, a master's in math, and a doctorate in medicine.

6. Axelrod holds degrees in mathematics, chemistry, physics and biology

7. Upon discharge from the Army, Axelrod resumed his studies at CCNY, and then transferred to New York University when offered a scholarship. His major field was mathematics and, at 19, he wrote his first published paper, "The Lattice Theory in Boolean Algebra."

8. He earned his doctorate in 1960; his thesis topic was statistical analysis, the chi square principle.

THE ANSWER: Except for his Bachelor's degree in Science and his Master's degree in mathematics, none of them. Axelrod's Bachelor of Science degree was awarded sometime in the late 1940s by the Department of Science Education in the School of Education at New York University (NYU) and his Master's degree in mathematics was awarded in 1951 from the same school (see the United States National Register of Scientific and Technical Personnel Files, 1954 to 1970) This degree was obtained shortly before he was drafted into the Army and sent to Korea.

Axelrod had a Doctor of Philosophy degree awarded by the Department of Mathematics in 1960, again in the School of Education of New York University. Axelrod worked for a short time as a laboratory assistant to Professor Myron Gordon at the American Museum of Natural History and claimed that when Gordon went on a sabbatical he recommended that Axelrod teach his course on experimental laboratory animals, most of which were tropical fish. Thus we immediately come to another Axelrod lie since Gordon would never

have had Axelrod teach any of his courses since they were all in the Graduate School of Arts and Sciences, not the School of Education.

Axelrod's doctoral thesis is titled, "The Use of Statistical Techniques in Medical and Dental Papers: A Critique, by Herbert R. Axelrod, submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy in the School of Education of New York University, 1960." His doctorate, as was his other degrees, was in education therefore, not in any scientific or technical school of the university. The following is was the procedure used in the thesis:

All research papers which used statistical methods were noted for the years 1949-54 inclusive in the "Journal of the American Medical Association" or in the "Journal of Dental Research." Random samples of 20 papers were selected from each of these journals. These papers were then analysed (sic) in detail to discover how adequately the work was designed and analysed (sic) and what were the various techniques employed or what should have been employed.

I draw the reader's attention to the two sics in the description of the procedure since in an anonymous package I received in the 1960s, along with a copy of the thesis was a short note stating that the thesis was not written by Axelrod. The spelling of



**THE BARON VON MÜNCHHAUSEN: AXELROD**

analyzed as analysed is a British usage, not an American one. There are other examples throughout the thesis, such as recognised for recognized, "Spanish American indigent patients" rather than "Latino or Hispanic indigent patients," "analysis in variance" rather than "analysis of variance" and "t" tests rather than "t-tests." This explains why Axelrod never could remember the title of "his" theses in his many interviews. My anonymous sender was right; his dissertation was ghostwritten.

The following are the findings of the dissertation:

**Only thirty eight of the research papers could be statistically examined, and of these twenty showed evidence of adequate design. Analysis was adequate in only twelve of the studies, while both design and analysis were together adequate in eleven of these twelve.**

**The various statistical techniques of outstanding importance were tabulation (needed in all studies), the arithmetic mean (needed in nineteen studies), percentages (needed in seventeen studies), analysis of variance (needed in fourteen studies), graphing, chi-square tests and correlation in various forms (all needed in eleven studies).**

**A considerable increase is recommended in the use of advanced techniques such as the analysis of variance, compared with their actual usage. A suitable course for medical or dental students, beside covering the elements of statistics, must give emphasis to planning and must introduce the analysis of variance, chi-square tests and correlation, but need only outline briefly other advanced techniques so that the need for them may be recognised (sic) when it arises.**

It should be noted that the statistics noted as common in the papers studied in this review - tabulation, arithmetic mean, percentages, graphing etc. - are of a very basic nature. Even the recommended techniques - analysis of variance, chi-square tests

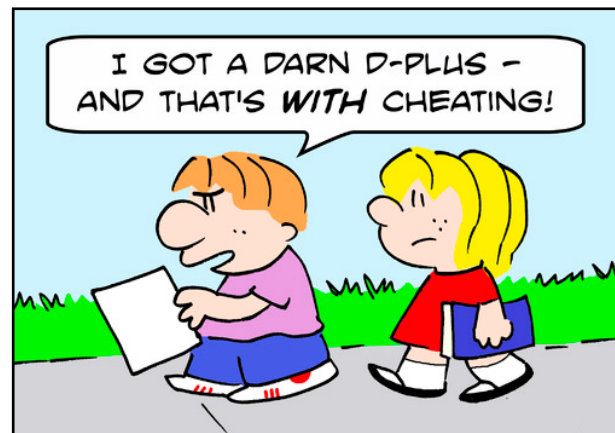
and correlation - are very simple statistical techniques requiring only an introduction to statistics book; *Statistics for Dummies* will do the job. Although generally schools of education have graduate programs related to teacher preparation, curriculum and instruction (or curriculum and teaching), public policy and education, and educational administration, as far as mathematical or scientific education is involved they are concerned primarily with elementary and secondary schools. Thus the content of Axelrod's dissertation at best, therefore, is at the High School level. As an example, the Appendix contains a verbatim statement, description, analysis and critique of Paper 31 in the thesis.

It was a clever move on Axelrod's part not to mention the school from which he received his doctorate, save only "New York University." It would not have increased his standing in the scientific community in which he aspired to be a member if it was known what his thesis was all about. Doctorates there are expected to contribute something new to scientific knowledge; a collection of paper critiques does not, as they say, "cut the mustard."

I should also note that since his Doctor's degree was from the Mathematics Department in the School of Education, his Master's degree most likely was also.

### THE AMERICAN MUSEUM OF NATURAL HISTORY (AMNH)

Myron Gordon (1899-1959) received his education at Cornell University, achieving first his Bachelor



of Science degree in 1925, going on to study for a Master of Science degree in Genetics and Agriculture, 1925-1926, and finally achieving a Ph.D. in Zoology, Limnology and Genetics in 1929. In summers during school Gordon worked at a variety of jobs. Most relevant here was that in 1925 he was an Instructor at the Long Island Biological Association, in 1927 he served as a Biologist with the State of NY Biological Survey (Fisheries) and during the last summers of his Ph.D. he was first an Investigator at the Carnegie Institute of Washington's Marine Biological Laboratory, Dry Tortugas, Florida in 1928 and then an Investigator at Marine Biological Laboratory at Woods Hole, Mass. in 1929.

In 1939 he established the Xiphophorus Genetic Stock Center to provide a reliable supply of genetically identical fish to be used in cancer research and the lines he established remain widely used today. The center was maintained by Gordon and his student Klaus Kallman throughout their tenure at the Aquarium. In 1944 Gordon was appointed Assistant Curator of Fishes at the New York Aquarium. He conducted research into the heritable qualities of melanotic tumors in fishes and in 1947 and he was given the title of "geneticist" at the Aquarium.

In 1941 he was placed in charge of the fish genetics laboratory in the Whitney Wing of the American Museum of Natural History (AMNH), and held continuous 3 year appointments as a Research Associate with the museum until his death. While at the AMNH he developed advanced systems to study genetic and molecular events in melanoma formation. He conclusively demonstrated the heritable nature of melanoma in Xiphophorus and the essential relationship of the macromelanophore to its development. During his collection trips, he discovered and named several new species, and in 1963 Robert Rush Miller and W. L. Minckley named Xiphophorus gordonii in his honor.

The following claim was made in Robert Boyle's 1965 interview:

For a time Axelrod worked as a laboratory assistant to Professor Myron Gordon [in the museum]. When Professor Gordon went on a sabbatical, he recommended that Axelrod teach his course on experimental laboratory animals, most of which were tropical fish. The head of the department, Professor Charles Pieper, asked Axelrod to write out his lecture notes in advance. Axelrod did, and he left them in a pile on Professor Pieper's desk. Professor Pieper happened to be delayed in returning, and in the interim a McGraw-Hill book salesman entered, read through the notes and was entranced. As a result, McGraw-Hill asked to publish them as a book. Axelrod consented, and the subsequent book, *Tropical Fish as a Hobby*, published in 1952, was to make him the leading authority on the subject at the tender age of 24.

Thus, Axelrod told Boyle that Gordon had recommended that Axelrod teach his course on experimental laboratory animals, most of which were tropical fish. Then in his next line he said that it was Charles Pieper, the head of the Department of Science Education in the School of Education at NYU who asked him to write out those lecture



"It's a magic box. It starts up when you insert twenty dollars."

notes in advance. This, of course, is a contradiction. Liars often have difficulty in keeping their stories straight and in this case Axelrod's lecture notes were for the course he was teaching in the Department of Science Education on tropical fish. We also come to another Axelrod lie since Gordon would never have recommended Axelrod to teach any of his courses.

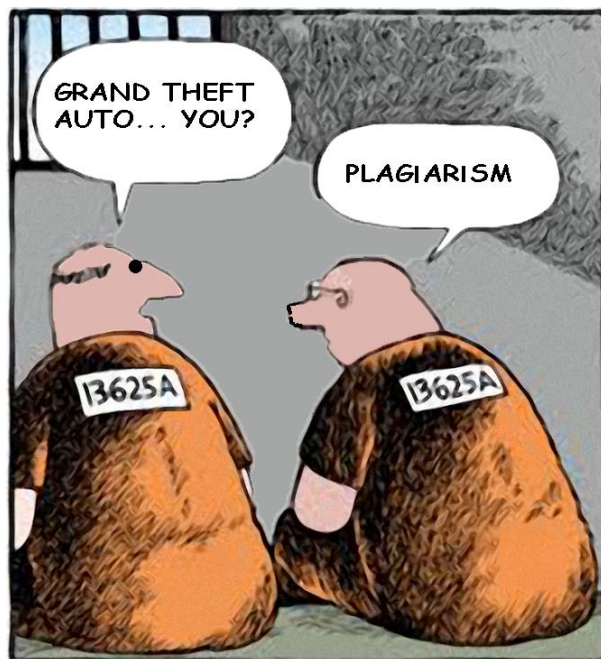
For one thing, they were all in the Graduate School of Arts and Sciences, not the School of Education. Gordon was an adjunct professor in the Department of Biology in the Graduate School of Arts and Sciences at NYU and it is possible that Gordon, seeking a laboratory assistant, may have asked Pieper for a recommendation. The question is, however, why? Gordon already had very competent students of his own who worked as his laboratory assistants, i.e., Donn Rosen, James Atz and Klaus Kallman. These three were also doctoral students of Myron Gordon so his students were, administratively, graduate students at NYU. (All three completed their doctoral degrees in the same year that Gordon passed away, i.e., 1959.)

Axelrod, who had shown up at the AMNH just after the Korean War had ended, was not part of this talented group but was more of a hanger-on or part-time student. However, knowing of Gordon's academic reputation and ability to write clearly on any level, recruited him to write a very popular series of booklets and magazine features aimed at tropical fish hobbyists for his newly-formed publishing company. These included *Platies as Pets*, *Swordtails* (with Axelrod), *Guppies* (with Wilfred L. Whithorn) and *Siamese Fighting Fish* (with Axelrod).

One time I took my wife and three children to visit Jimmy Atz at the AMNH to see the coelacanth he kept in formalin in a freezer chest and he told me that Axelrod couldn't hack doing the work that the other three were doing to earn a doctoral degree, i.e., finishing the required coursework, taking the comprehensive exam or working on a dissertation. After a short while, Axelrod stopped hanging

around the lab, left and no more was heard from him there. Later, Bruce Turner also worked at the AMNH and also spoke to Atz about Axelrod. Bruce told me that Jimmy thought that Gordon may have formally asked Axelrod to leave but wasn't quite sure. Just before his death Gordon learned that Axelrod had submitted a dissertation in the Mathematics Department of the School of Education at NYU and was offended and upset by the news, since Gordon had bent over backwards in allowing him access to the lab and he had kept this secret from him and everyone else in the lab. Ironically, in later life Axelrod became a benefactor of the museum and, among other things, funded research by John Maisey of the AMNH on fossil coelacanths in South America.

By the way, although I have pointed out that all of Axelrod's three degrees were awarded by the School of Education at NYU, this is in no way a denigration of the school. The School of Education was doing what it was supposed to do, i.e., setting standards and teaching methods for elementary and high school teachers. A diploma from the School of Education, however, is not going to impress any scientific person and I bring this up again in the section towards the end of this book titled,



“Herbert Axelrod, The First Goal,” where he had hoped to impress the scientific community.

### BLACK JAGUARS

The following are three versions of a story Axelrod told to different interviewers about his procurement of black jaguars for Walt Disney:

There is a story that Dr. Axelrod and another man traveled to Brazil with the goal of capturing two rare black jaguars to be used in a film by Walt Disney. Given that the movie was likely Walt Disney’s “Jungle Cat” (released in 1959) this was likely around 1957 or 1958. They were reportedly able to capture one true black jaguar, but were unable to find a second. To fulfill the assignment, they apparently captured a regular jaguar, tranquilized it and had a hairdresser dye it black (Tustin, 2011).

Somewhere in the late 1950s he procured Jaguars for Walt Disney. The Jaguar brief was for two black cats — potentially those seen in Disney’s ‘Jungle Cat’ (1959) — but given that Axelrod couldn’t find any truly black jaguars, he trapped and sedated a normal one, before hurrying it to a Manaus hairdresser for an all-over dye (Hill, 2017).

In Brazil, Dr. Axelrod has also become very much involved with Willie Schwartz, an eccentric German Jewish refugee who fled the perils of Nazism for the relative safety of the Matto Grasso [sic]. Together they helped gather creatures for a couple of Walt Disney’s nature epics. One of Disney’s more difficult orders was for a pair of rare black jaguars. Schwartz and Dr. Axelrod managed to capture one, but they were unable to come up with another. Finally Axelrod says he suggested that they catch a run-of-the-mill jaguar and convert it. They did, Dr. Axelrod administered an anesthetic, and he and Schwartz trucked the beast to a hairdresser in Manaus, where it was bleached and dyed and shipped off to Hollywood [Boyle, 1965].

Arthur Allen Jones was a wild-animal enthusiast, filmmaker and inventor of the Nautilus fitness machines. The following extract from his book (Jones, 2004) is sufficient to refute all of the above Axelrod claims:

About 1960, Walt Disney released a film called *Jungle Cat*, a film which was, according to Disney’s claims, ‘filmed in the jungle, where it happened, as it happened.’ When he first went to work for me, Herbert Prechtel frequently said things like . . . “Well, that’s not the way Disney does it.” But, later, half-way through *Jungle Cat*, Herbert started crying and then got up and left the theatre, having realized that the whole damned thing had been staged. His God, Disney, had crashed in flames. Later, in Brazil, Herbert and I both learned that *Jungle Cat* was actually filmed inside a compound built within the city limits of Manaus, Brazil, using animals supplied by Willie Schwartz, the fish dealer mentioned earlier. During the filming of *Jungle Cat*, it was strictly forbidden to take any pictures of the compound, but Schwartz had in fact taken hundreds of such pictures and showed them to us.

Axelrod certainly knew Schwartz and may even have accompanied him on his quest to find the jaguars, but it was Schwartz, not Axelrod, who was contacted by Disney to supply the animals. Axelrod’s Duper’s Delight produced the subsequent versions of his stories where he claimed to



“Are you saying my kid’s a liar?”

have caught them himself, administered the anesthetic, had them dyed and shipped off to Hollywood.

### THE TAMING OF THE SCREW

The following is from Robert Boyle's article in *Sports Illustrated* (Boyle, 1965):

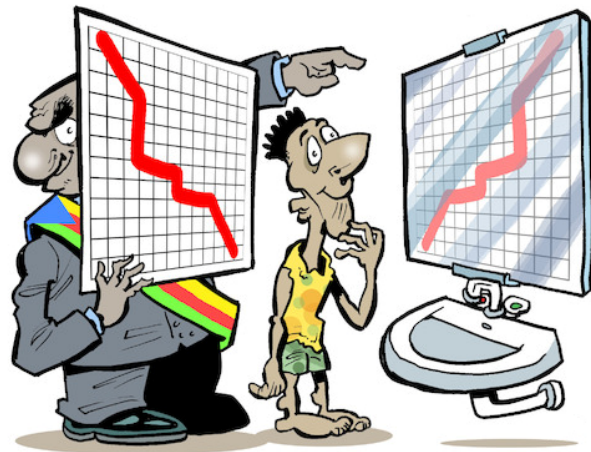
Convicts, incidentally, intrigue the doctor [i.e., Axelrod], who has been conducting a pen-palship with prisoners he met when lecturing on tropical fish at the Indiana State Prison. To his amazement, Axelrod found that some lifers had been keeping guppies for more than 30 years despite strict regulations against pets. They had hidden generation after generation of fish in vials strapped to their bodies, and the birth of a new batch was cause for a cell-block celebration. In the interest of science, Dr. Axelrod asked the captive guppy fanciers to keep constant watch on their pets for an intensive around-the-clock study of fish behavior. "After all," says the doctor, "these guys have nothing but time on their hands." To his dismay, however, the prisoners seemed to get sadistic pleasure in keeping prisoners of their own in prison, so to speak, and instead of chronicling fish behavior, they began putting guppies into smaller and smaller containers to see how much confinement they could take before they died. Still, this was not a total loss to Dr. Axelrod, who learned that a guppy can survive in a stoppered inch-long pencil-thin test tube laid on its side.

In a prison setting, the therapeutic calming effect fish give may provide inmates with an alternative type of stress relief and the opportunity to care for another creature. It has been mentioned in psychological journals that watching fish over periods of time can cause the blood pressure to drop, thereby lowering anxiety and frustration levels. When the anxiety has decreased and frustration has lowered, it is less likely for violent incidences to occur (Brown, 2015). The following is an excerpt from Edward Tromanhauser's article, "Fish Hobbyists Behind Walls" (Tromanhauser, 1997):

Michigan City, Indiana is a nice middle-sized town on the shores of Lake Michigan which has on its outskirts the Indiana State Prison. And within that institution are the 350 members of the Fin and Gill Club. They make up about 20 per cent of the entire population of this walled city.

The prison fish club was started in 1965 when local pet shop owners and fish hobbyists such as Wilbert Seifert, owner of the Michigan City Fish Bowl, and Mildred Williams, owner of the Monticello, Indiana Lakeside Aquarium, donated several tanks and the first fish ever to "do time" in the prison. Other businesses which supported the club were the Midwest Aquarium and the Pioneer Pet Supply Company of Chicago, Illinois.

Within a few short years, the fish club became the most popular activity group in the prison. As enthusiasm spread like a virus, the men began assembling home-made tanks out of scrap material. Professional tanks, pumps, filters and better breeding stock were acquired as the original stock of donated fish were bred and sold to local shops and stores. The original contributions from the community have been returned ten-fold as the Fin and Gill Club donated over a dozen large completely equipped tanks and hundreds of fish to hospitals, schools and children's homes in the Michigan City area.



The recreation field house of the prison is used by the inmates to hold fish shows and exhibitions about twice a year. At the last show, 1286 outside guests viewed the 220 tanks on display, ranging from quart fruit jars to 50 gallon tanks. The shows attract fish hobbyists representing aquarium clubs in Michigan, Illinois, Ohio and Indiana. These clubs are vigorous supporters of the prison Fin and Gill Club and the inmates would be the first to admit that without the enthusiastic support of such people in the community, the fish club would not be the success that it is.

In a *Time Magazine* article in 1933 and reprinted in 1971, the following appeared:

**Inmates [of the Indiana State Prison] also provided the prison's few amenities. Many cells are jammed with books, pictures, record players and tropical fish in elaborate tanks. There are two baseball diamonds, three miniature golf courses, tennis, basketball and handball courts -- all equipment paid for by the inmates' recreation fund.**

The following comment, "Do some inmates keep 'pets' as crickets or spiders in their cells?" was written by Robert Grooms, an inmate at the Indiana State Prison sentenced to life for murder in 1975 (Grooms, 2017). He became the first person to earn a bachelor's degree from Indiana University at South Bend (Bachelor of General Studies) while in prison, and only the second Indiana convict ever to obtain a four-year college degree while incarcerated. Grooms is the only one to do it "alone" through correspondence. He also earned a Certificate in Labor Union Studies from Indiana University-Purdue University at Indianapolis.

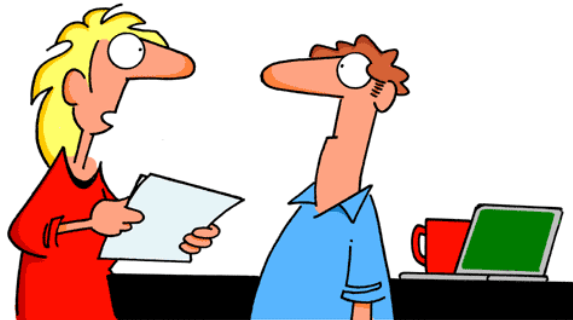
**The Indiana State Prison, at Michigan City, allows 50 cats as individual prisoner's pets. A prisoner's name is placed on a waiting list and he moves slowly to the top. (Average wait is five years.) Once at the top, to get a kitten from the local shelter he has to show he is financially able to support a pet with food litter**

**and veterinarian, and lives in a cell house, not a dorm. A prisoner whose cat dies is placed at the top of the list for another.**

**Cats are to be kept on an eight foot line when not in the owner's cell. A second ID card with a picture of the owner holding the cat is made and kept by the con to show ownership during shakedowns. Cats can be carried to the Yard (recreation) and allowed to run free.**

**The lease rule is seldom enforced by guards, especially the female cat lovers who seem to know the name of every cat in the cell house. This leads to cats roaming free, going into whatever cell they want and pissing on the floor under beds, pissing in water drains, rubbing up against prisoners, and laying in the center of the range almost daring someone to kick them in the head. Over a year period, one prisoner secretly killed three cats and put them in the ice machine.**

**At one time tropical fish were allowed at the prison, but this was cut out when drugs were found in incoming fish supplies. Nearly a third of the 2000 cons had 10 gallon tanks in their cells because it was relaxing to watch the fish. (This was before TVs were allowed.) The suspected real reason why the tanks and fish were no longer allowed was that cons would hide things under the gravel in the tanks and 'screws' did not like having to run their hands through the water and gravel during the shakedowns.**



**"Valedictorian of your mother's pre-natal class, Captain of the Preschool Napping team, Dodge Ball Medal of Courage recipient... you sure know how to pad a resume!"**

Although Tromanhauser's article indicated that the convicts began their fish club in 1965, these two sources show that fishkeeping started in the prison much earlier than that. Both the observations made in the 1933 *Time Magazine* article and Groom's observations dating from 1975 when he was first incarcerated took place during the time that Axelrod claimed he found that some lifers had been keeping guppies for more than 30 years, despite strict regulations against pets, hiding generation after generation of fish in vials strapped to their bodies. Yet, this fantastic assertion was never mentioned in these two sources. Once again, this lie is another example of his "duping delight."

### THE BIRDMAN OF ALCATRAZ

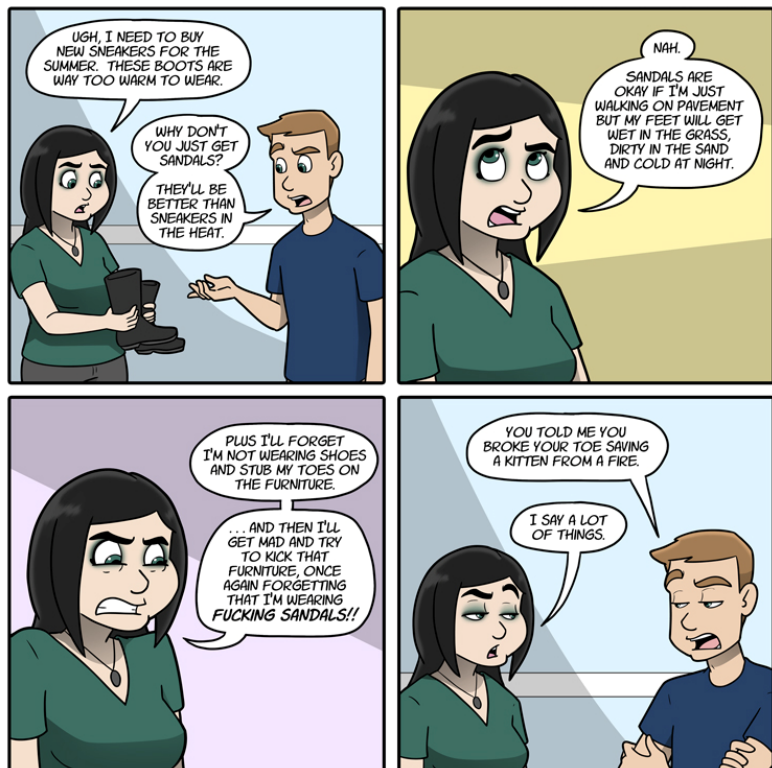
Speaking of prisoners, the following appeared in Boyles interview with Axelrod (Boyle, 1964):

**Dr. Axelrod's main strength in business is his ruthlessness. A couple of years ago he decided to reprint Stroud's Digest of the Diseases of Birds, a solid research work by Robert Stroud, the so-called Birdman of Alcatraz, who spent more than 40 years in solitary confinement for murder. Stroud's agent had published the book in 1943, but it had been done poorly. Stroud was eager to see a decent edition on the market but, before giving Dr. Axelrod publication rights, he asked the doctor to endorse his appeal for freedom. "You're a murderer!" Dr. Axelrod exclaimed. "If it were up to me, you'd cook!" Stroud angrily gave the rights to another publisher, but the doctor secured the book for TFH by buying him out (Boyle, 1964).**

Actually, Robert F. Stroud served time in federal prison for fifty-four years, very possibly a record in the United States. During those years, he acquired the appellation of "Birdman" and national fame. Thomas E. Gaddis present-

ed Stroud in a favorable light in a popular 1955 book, *Birdman of Alcatraz: The Story of Robert Stroud*, which ultimately went through many editions and was published in fifteen languages." A major Hollywood production, *The Birdman of Alcatraz*, released by United Artists in 1962, depicted Stroud as a heroic figure. In this highly successful motion picture, Burt Lancaster, at the height of his fame as an international movie star, received an Academy Award nomination for his masterful and arrestingly powerful portrayal of Stroud. The difficult role required him to age from twenty-two to sixty-nine. Indeed, Lancaster played the part so well that many moviegoers all around the world associated him with the Birdman.

An obituary writer for the *New York Times* called Stroud, with considerable accuracy, "...probably America's most famous convict." In breathless prose, the journalist explained the beginning of the rise of Robert Stroud: "A summer storm tore the branch from a tree and catapulted it into the prison yard at Leavenworth, Kan., 43 years ago. Under the branch a prisoner found a crushed nest



and four baby sparrows, one with a broken leg. The prisoner took the bird to his cell, made a splint from his matchstick and nursed the fledgling back to health. Thus began the transformation of Robert Stroud from an ordinary prisoner into an authority on birds and their diseases.”

The product of a middle-class, broken marriage, he ran away from home at age thirteen and became a hobo. By the time he reached eighteen, he was in Juneau, Alaska Territory, living with a dance hall girl twice his age. After a bartender allegedly beat the woman, Stroud went to his empty shack, waited for him, and when he entered shot him dead in the heart with a slug from a .38-caliber pistol. Stroud voluntarily surrendered at the Juneau City Marshal’s office. Under a plea-bargaining agreement, Stroud avoided a first-degree murder charge and a possible death penalty by pleading guilty to manslaughter.

He expected a relatively light three-year sentence. Instead, on August 23, 1909, a new “law and order” federal judge, E. E. Cushman, sentenced Stroud to twelve years in jail. Authorities imprisoned him in the federal penal institution on McNeil Island in Puget Sound. There he quickly gained a reputation as an embittered prisoner who broke rules and annoyed correction officers. In 1911, further showing his toughness, he lost all his accumulated good-conduct time when he assaulted and knifed a fellow convict.

In 1913, after Stroud stabbed and wounded another inmate with a butcher knife, he received a six-month sentence extension and a transfer to the maximum-security federal penitentiary in Leavenworth. Demonstrating an intense interest in learning, he earned continuing education certificates from Kansas State Agricultural College (now Kansas State University) in a variety of subjects: mechanical drawing, engineering, music, theology and mathematics. At the same time, continuing troubles with prison guards gained him a well-founded reputation as a “hard case.”

On March 26, 1916, at high noon in the Leavenworth prison mess hall, before eleven hundred of his fellow convicts, Stroud killed again. He murdered a guard, Andrew F. Turner, by plunging a butcher knife five inches into his chest. Supposedly, Turner had enraged Stroud the previous day by ordering him to observe rules against talking in the mess hall. Stroud may also have been upset because, on a technicality, his brother had not been allowed to visit him. In May of 1916 a federal jury in Topeka, Kansas, found Stroud guilty of first-degree murder, and a federal judge sentenced him to hang. An appeals court overturned the verdict, but a jury in a new trial found him guilty as charged “without capital punishment.” On May 22, 1917, Stroud received a life sentence. He appealed and won a reversal. In a third murder trial, the jury found him guilty without any recommendation, and he received the death penalty, affirmed by the Supreme Court on November 24, 1919.

Stroud became the subject of an anti-capital punishment campaign. No person had been executed for a crime, either federal or state, for many years in the Sunflower State. Even as carpenters built a gallows in the prison yard at Leavenworth, Stroud’s mother appealed in person to President Wilson’s wife, Edith Bolling Wilson, for Executive Clemency. Wilson was ill following a stroke, and during the last months of his administration



his first lady had great influence over his decisions and was even called "Madam President."

On April 15, 1920 - only eight days before Stroud's scheduled hanging - Wilson commuted his sentence to life imprisonment. The assistant attorney general asked that Stroud, because of "his viciousness," remain in solitary confinement in Leavenworth for the rest of his life. Stroud, placed in Leavenworth's "Isolation Building," had more restricted contact with other people than most prisoners, and he could not freely move around the prison grounds. Even so, he received permission from the warden to develop scientific and other interests.

Since the middle of the 1950s, a "Committee to Release Robert F. Stroud" had worked hard to obtain his release. The campaign intensified following the making of The Birdman of Alcatraz film and Burt Lancaster became active on Stroud's behalf. Stroud's lead lawyers obtained and distributed a thousand copies of a paperback edition of the Birdman book to members of Congress and various other Washington officials. In 1959, with his health failing, Stroud was transferred to the Medical Center for Federal Prisoners in Springfield, Missouri. Lancaster got to see him on February 1963, the first of two visits. The office of Senator Long arranged the visits, overruling objections of the Bureau of Prisons. At that time, Senator Long was chairman of a Judiciary subcommittee. Lancaster recalled that Stroud, when he first saw him, cautioned that the meeting room was probably bugged. Both meetings were pleasant, and afterwards Lancaster continued to exert efforts toward getting Stroud out of prison.

After Robert F. Kennedy became attorney general of the United States, he asked for a full report on the Stroud case. On April 26, 1962, Kennedy, in a long distance call from Washington to the United States Attorney in Kansas City, stressed that the matter of a parole was entirely up to the parole board. He then went on to state his official policy. "I have made an independent study," he explained,

"and I cannot in good conscience recommend to the President that it would be in the public interest, or to Mr. Stroud's benefit, that his sentence be commuted at this time."

Meanwhile, Stroud tried to make plans to publish a new edition of his Digest of Diseases of Birds, linking his efforts with attempts to get out of jail. He wanted to play off who he considered two possible publishers, Frank Dittrich of All Pets Magazine and Herbert R. Axelrod of T.F.H. Publications, Inc. Of the two, Stroud leaned toward Axelrod. Stroud wrote one of his attorneys, "I have always liked Axelrod's drive, and I am sure that he is our best bet, and I feel that he will jump on the proposition with both feet." More important, Stroud thought he might be able to reach President John F. Kennedy through Axelrod. There was also a piece in one of the papers that came in here which mentioned Axelrod as being one of Kennedy's weekend guests along with Frank Sinatra and Peter Lawford. Another reason why I prefer to do business with him." Stroud, increasingly out of touch with reality, expected a bidding war that never occurred.

Negotiations bogged down because of conditions that Stroud imposed and because he had nothing to sell. He had not attempted any revisions of his book in over two decades. When asked for specifics on how he intended to proceed, he offered a variety of excuses designed to explain why he had not put anything new down on paper. "I find that



due to 17 years during which I was not able to get my hands on a typewriter, and also arthritis which has developed in my right wrist, I am no longer able to type. It is my plan to work as follows: to take each page from the current edition of the book and glue it to a piece of letter- size tablet paper, to blot out all lines or words to be changed and to write on the right-hand side and foot of the tablet sheet in black the matter to be inserted.”

This may have made perfect sense to Stroud, but it failed to impress publishers who wanted hard copy. Nor did Stroud help matters when he rejected a routine request from Dittrich to bring certain technical scientific information up-to-date. Stroud told Dittrich, “I am somewhat disappointed by your evident lack of enthusiasm for bringing out a new edition at this time. And I also believe that you have missed one point concerning the purpose of the work in the first place. It is not written as a text book for veterinarians, but as an aid and guide for practical breeders of pet birds.” The following is Axelrod’s letter to Stroud

October 18, 1961  
Mr. Robert Stroud#12495-H  
Box U09C  
Springfield, Mo.

Dear Mr. Stroud:

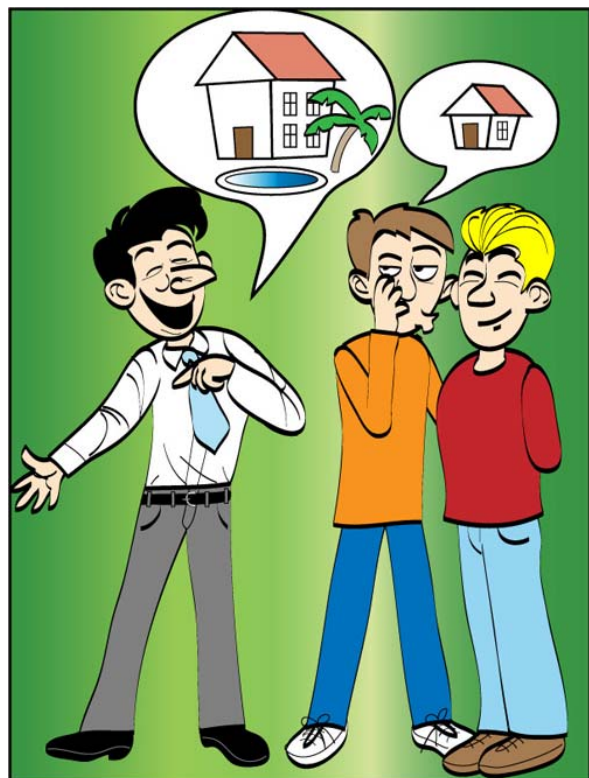
Thank you for your letter of October 7th. We are still willing to go ahead and publish your book in the editions that they appeared in previously providing we can get this off the ground and do it immediately. It might interest you to know that we have started to publish a book of our own, and have several distinguished authors writing the book for us in England. We did this after we had the rejection from you in our earlier correspondence. However, we would still be interested in publishing your book.

The first basis upon which we will publish the book will be essentially that which we wrote earlier. We will publish the book as it now exists in an offset form. I do not feel that I

would like to negotiate with Mr. Frank Dittrich as we are direct competitors and we have not been able to negotiate successfully in the past. I therefore suggest that your attorney in California negotiates back the rights to these books and that you transfer these rights to us. I might add that it would be much easier for your negotiator to forget about having another publisher until such time as you have the rights to the books to transfer.

As far as publishing the new edition is concerned, we would certainly be interested in publishing the new edition, but definitely not under a 25% royalty agreement as this would push the price of the book much higher than the market could absorb. We would, However, be interested in a 10% on the first 10,000 books, a 15% percent royalty on the next 10,000 books and a 20% royalty on all sold over 20,000 copies.

If this is a basis for agreement, we can proceed with the formalities.



Sincerely,  
**T.F.H. PUBLICATIONS, INC.**  
**Herbert R. Axelrod**  
**Publisher**

However, because of Stroud's financial demands and also making the sale contingent on Axelrod contacting Robert F. Kennedy on the matter of a pardon, Stroud found another publisher for the book, i.e., *Random House*. However, the Director of the Federal Bureau of Prisons, James V. Bennett, did everything in his power to dissuade *Random House* from publishing the book and so were happy to sell the publishing rights to Axelrod, thus enabling TFH Publications, Inc. to print the book three years later (Stroud, 1964).

In November of 1962, Stroud filed a habeas corpus action in federal court, complaining that the warden at Springfield had tampered with his mail, preventing him from earning at least \$50,000 in royalties from a new edition of the *Digest*. He informed his lawyers that he intended to link the suit with the confiscation at Alcatraz of his manuscript about the prison system. Stroud planned to depict himself as the victim of ruthless prison authorities. "Once we get before the court, my motion is so drawn that we can easily broaden the issue," Stroud wrote to his counsel. "It may look crude to you, but I am not exactly stupid." Contending that the warden at Springfield had held up one of his letters for ten days before mailing it, Stroud charged, "This is a typical example of the type of procrastinating to which the movent has been continually subjected since entering this institution. Petty harassments, each one in itself too insignificant to be made an issue, but the sum total wholly destructive of any accomplishment." Much of this was legal rhetoric. Stroud, a seasoned "jail house" lawyer, remained on friendly terms with at least one of his jailers, who called him "Bob."

Robert Stroud had his last day in court at 10:00 A.M. on November 7, 1963, before United States District Judge William H. Becker of the Western District of Missouri. The main result of the proceeding was that Judge Becker allowed Stroud to recover certain intercepted communications and Becker ordered that the government turn over the correspondence. Before another court appearance, however, Stroud died in his sleep on November 21, 1963 and the case became moot.

With regard to Axelrod's statement in the Boyle interview, "Stroud was eager to see a decent edition on the market but, before giving Dr. Axelrod publication rights, he asked the doctor to endorse his appeal for freedom. 'You're a murderer!' Dr. Axelrod exclaimed. 'If it were up to me, you'd cook!'" This is just another example of Axelrod's tall tales. Now either Axelrod said this to Stroud's face or else he said it in a letter. It couldn't have been in a letter since there is no prison record that such a letter exists; also, one doesn't "exclaim" in a letter. It could not have happened face to face since at the time Axelrod was corresponding with Stroud, Bennett refused to allow any outside contact with Stroud and did his level best to prevent publication of anything concerning him. In justification, Bennett maintained that he was duty bound to take this attitude toward a troublemaker like Stroud out of simple justice to the majority of 22,000 federal prisoners who have vanished behind walls "without a trace."

#### THE DISCOVERY OF THE CARDINAL TETRA

In his article "Herbert R. Axelrod, a hustler who built a fortune on a fish tale" in the *New York*



*"What lies ahead? Oh, I don't know,  
 but I daresay there'll be a few."*

*Times Magazine* for December 28, 2017, Daniel Fromson writes:

The most profound change in my life," Herbert R. Axelrod once recalled, began in 1955, when Axelrod, a New Jersey-based aquarium-fish dealer and the publisher of *Tropical Fish Hobbyist* magazine, took a steamboat up the Rio Negro, deep in the Brazilian Amazon. He was searching for a supply of wild discus fishes that would allow him to break a rival dealer's monopoly. Fishless and out of food, he got off at a small town, where he met a German priest, who happened to be a fish hobbyist.

"Yes, there are discus fishes near here," the priest said. "But we also have neon tetras!" The priest guided Axelrod to a nearby creek and, lifting his cassock, led him into the water, where red-and-blue tetras schooled around their legs. Axelrod returned to New Jersey with "the largest neons I had ever seen" and sent some to the curator of fishes at the Smithsonian. The curator, the story goes, excitedly called him a few days later: The neons weren't neons at all. They were an exotic and beautiful new species.

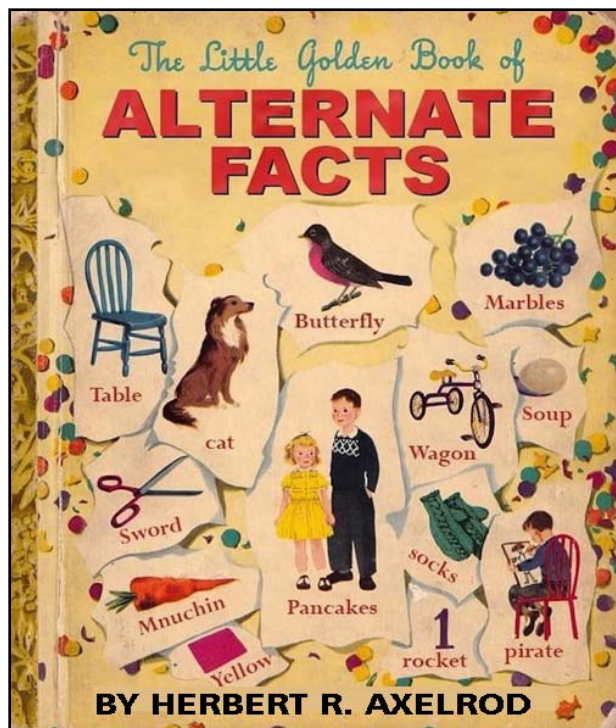
The rise of the cardinal tetra - *Paracheirodon axelrodi*, now one of the world's most popular aquarium fish - helped make Axelrod, in the words of the trade publication *Practical Fishkeeping*, perhaps "the single most influential fish keeper the hobby and industry has seen." But Axelrod's tale of discovery is a myth. As he himself admitted early on, he had actually acquired the tetras not in the Amazon but from The Fish Bowl, a tropical-fish store in Irvington, near Axelrod's home in New Jersey. Inventing a new origin story, Axelrod didn't just change the facts; he spun a personal legend to which he clung to as he self-promoted his way to pet-industry fortune. It not only legitimized his "discovery" but also, accompanied by digressions about befriending Indians and swimming with piranhas, presented him as "the Indiana Jones of ichthyology," as one hobbyist put it, which he must

have preferred to as being the P.T. Barnum of pet fish.

### WHAT'S IN A NAME?

In 1956, Leonard Schultz named the Cardinal tetra "Cheirodon axelrodi," and George Myers and Stanley Weitzman named it "Hyphessobrycon cardinalis," causing a bitter dispute among the principals involved. In the period March-April 1956 enquiries were received by the Office of the Commission on Zoological Nomenclature from various sources on the question of the relative priority to be assigned to these names. In May 1956, Leslie W. Ashdown, editor of the British magazine *Water Life*, petitioned the International Commission of Zoological Nomenclature (ICZN) to investigate the publications and rule which name had priority:

I shall be grateful if the International Commission will give a ruling on the question of which of two recently published names should be applied to a newly described Characin. I should explain that what is apparently the same species has been described by Dr. L. P. Schultz as *Cheirodon axelrodi* in the April 1956



number of the *Tropical Fish Hobbyist* (pages 41/43) and, we understand, by George S. Myers and S. H. Weitzman as *Hyphessobrycon cardinalis* in No. 1 of Vol. 7 of the *Stanford Ichthyological Bulletin*. The same fish had been described in the February 1956 issue of *The Aquarium* by W. T. Innes, where it was stated that the fish had still to be classified, and it was given the popular name of "Cardinal Tetra" pending the publication of a scientific name for it.

The issue of the *Tropical Fish Hobbyist* for April 1956 is dated on the first page (page 3) "February 20, 1956", while the issue of the *Stanford Ichthyological Bulletin* referred to above is, we believe, dated "February 21, 1956". It is impossible without a ruling from the Commission to determine which of the two names previously mentioned should take priority over the other since the Commission alone is in a position to obtain the relevant information.

This fish is likely to become widely used by aquarists, and it is important therefore that the scientific name to be used for it should be determined without delay. I accordingly ask the International Commission to look into this matter, and to give a ruling on it as soon as possible.

Ashdown's petition to the International Commission carefully avoided mentioning what many have suspected, i.e., that Axelrod had backdated his publication. However, I will address this issue later.

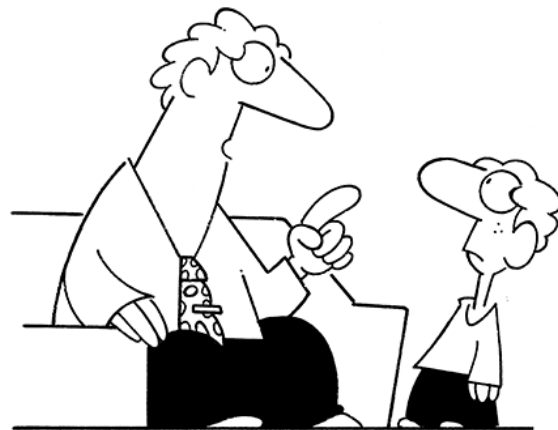
Under the leadership of Francis Hemming, Secretary to the International Commission of Zoological Nomenclature, it was stated that "It will be apparent to any reader of the papers relating to the present case that the circumstances surrounding it have excited strong feelings. It is particularly necessary therefore that in considering this matter the Commission should address itself solely to the issue before it, namely the question as to which of

the two names concerned was first to be published." The Commission, therefore, was only to determine who published first. Letters to the Commission from Leonard P. Schultz, Smithsonian Institution, Herbert R. Axelrod, Editor of the *Tropical Fish Magazine*, and Margaret H. Storey, Associate Editor, *Stanford Ichthyological Bulletin* were received and used to ultimately decide in favor of the name, "*Cheirodon axelrodi*." The vote was 19 in favor and 5 against. Members of the voting panel reportedly later told Myers that the commission suspected that something shady had gone on, but that they couldn't prove it. Therefore, based on the evidence at hand, *Cheirodon axelrodi* beat out *Hyphessobrycon cardinalis* by one day.

The first Cardinal Tetras to enter America came through Paramount Aquarium in Miami, Florida, co-owned by Ferdinand (Fred) Cochu. He sent specimens of this more brightly colored "Neon Tetra" to Alan Fletcher, editor of *The Aquarium* magazine who preserved a few specimens and sent them to ichthyologist George S. Myers at Stanford University.

#### THE INTERNATIONAL COMMISSION OF ZOOLOGICAL NOMENCLATURE

The Cardinal Tetra is the first of 18 or so fish species named after Axelrod. In most of these cases,



"Remember, two wrongs don't make a right.  
On average, it takes 3 wrongs, 5 denials,  
6 accusations, 9 excuses, 8 half-truths  
and 10 bold-faced lies."

he was given the honor because he funded the expeditions that collected the types or otherwise donated money that made field work and/or publication possible. An example of the latter is early in his career when Axelrod sent specimens of unknown aquarium fishes to Leonard P. Schultz at the Smithsonian Institution where they described and their description published in his *Tropical Fish Hobbyist*. Schultz served as assistant curator of fishes from 1936 to 1938 when he was named curator-in-charge of the Division of Fishes, a position he held until 1965, and he held the title of senior zoologist from 1965 to 1968.

The following are excerpts taken from the Fish Name Etymology Database (Scharpf and Lazara, 2017).

**“Schultz offered to name a fish [after me] earlier,” Axelrod told Rosario LaCorte, “but I will select the fish that I want when I see it.” After obtaining his specimens from The Fish Bowl, Axelrod jumped on a plane to Washington, D.C. and hand-delivered the specimens to Schultz. “This is the fish I want named after me,” he reportedly said.**

Word got back to Cochu and Fletcher that Axelrod and Schultz were planning their own description. Fletcher called Myers and asked how the description was coming along. Myers apparently had forgotten about it, but agreed to work on it immediately. He passed the assignment to his graduate student, Stanley Weitzman. Myers and Weitzman named the fish *Hyphessobrycon cardinalis* and published their description in the *Stanford Ichthyological Bulletin* v. 7 (no. 1): 1-4. The official publication date was Feb. 21, 1956.

At the same time Myers and Weitzman completed their description, Schultz completed his, or at least a preliminary version of it. Schultz sent his description in the form of a personal letter to Axelrod, dated Feb. 15, 1956, which Axelrod reprinted in the March-April 1956 issue of his magazine the *Tropical Fish Hobbyist*.

Schultz called it *Cheirodon axelrodi*, the “Scarlet Characin,” naming it after Axelrod for sending specimens to him for study and to the Smithsonian for their permanent collection. The issue was dated Feb. 20, 1956, one day before the Myers & Weitzman description had appeared.

In Ashdown’s petition to the International Commission of Zoological Nomenclature (ICZN) to investigate which name had priority, he carefully avoided mentioning what many have suspected, i.e., that Axelrod had backdated his publication.

Axelrod provided more details in the next issue of his magazine. In fact, he more or less admitted that he had rushed Schultz’ description into print. He first received the manuscript via special delivery on Feb. 16, had it typeset within three hours, and rushed it back to Schultz for proofreading and received his comments the next day. Since the issue was already on the press, corrections were made directly on the plate. In her written testimony, Margaret H. Storey, Associate Editor of the *Stanford Ichthyological Bulletin*, confirmed that the description of *Hyphessobrycon cardinalis* was printed and first distributed on Feb. 21, 1956.

The following material is taken directly from Opinion 485 of the Opinions and Declarations Rendered by the International Commission on Zoological Nomenclature (Hemming, 1957). Dr. Den-



ys W. Tucker of the British Museum Natural History who disagreed with the Commission's verdict commented,

The ordinary question of date priority for one or other of these names will be decided by the International Commission ... I can add nothing further to this aspect of the problem, except the expression of a certain curiosity as to why Vol. 4, No. 4 of the *Tropical Fish Hobbyist* should carry the precise date February 20, 1956, whereas the preceding issue is merely dated January-February 1956, and the succeeding one reverts to the similar form May-June 1956. I feel that the Commission should carefully weigh all the possible implications of this phenomenon.

Note: This was the detail that led to the suspicion that Axelrod had personally rushed to the Post Office with a hand-folded copy of the issue to validate the date. However, Schultz wrote to the Commission that Axelrod had sent to him on March 6, 1956 the photographic receipt for the mailing of the March-April issue of the *Tropical Fish Hobbyist* that shows the first mailing date of February 20, 1956. I read: "Jersey City, N.J., *Tropical Fish Hobbyist*, 2/20-24/56 and 3/2-3-5/56, Mar.-April-1956, Total pounds mailed 1514, Computed by T. Falconer." Schultz also reported that the postmark on the folder in which he received his copy of the March-April issue was dated as "Jersey City, N.J., February 20, 1956, P.B. Meter 333294, U.S. Postage 05." Continuing with Dr. Tucker's dissension,

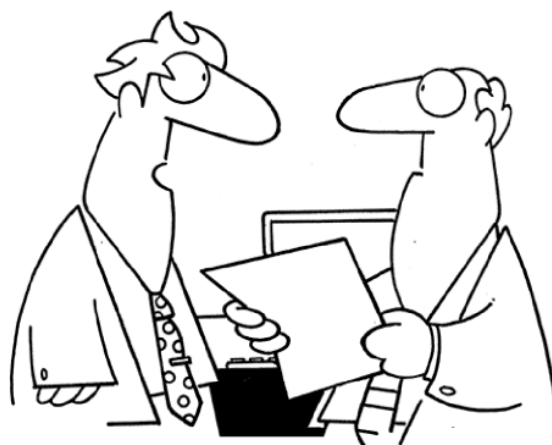
A factor that I would emphasize in favour of *Hyphessobrycon cardinalis* Myers & Weitzman is that this name was clearly published as a voluntary act of publication by these authors and in a journal normally serving as a vehicle of taxonomic publication. *Cheirodon axelrodi* Schultz, on the other hand, does not appear to have been deliberately published by its author. Dr. Schultz sent a personal letter to Mr. H. R. Axelrod which the latter apparently published on his own responsibility in the *Tropical Fish Hobbyist* 4(4): 41—43) a lay journal. The letter

contains no indication that Dr. Schultz was anticipating immediate publication in that form and, in fact, his concluding paragraph may be construed as a statement that he intended further study before undertaking definitive publication. This interpretation of his intentions is further supported by Mr. Axelrod's statement in *Tropical Fish Hobbyist* 4(5) : 16) that the magazine was already printing before Dr. Schultz's corrected galley proofs were returned.

Note: Tucker is emphasizing here that the "Hyphessobrycon cardinalis" name was published in a scientific publication, whereas the "Cheirodon axelrod" name was published in a hobby publication. He is also suggesting that Schultz sent his description to Axelrod only as a tentative one to be completed after a review. However, it makes no difference when deciding a priority date under the rules of the ICZN whether the publication of a paper was deliberate, accidental or unauthorized.

As an addendum, Axelrod added some extracts from pp. 6 and 17 of the issue of *Tropical Fish Hobbyist* for May-June, 1956:

In the last issue of T.F.H., Dr. Schultz kindly named this beautiful fish *Cheirodon axelrodi* in my honor. I am, naturally, quite proud of this fact, especially since it is one of the most beautiful fishes I've ever seen. The story be-



"You call it 'lying'. I call it 'perfecting the truth!'"

hind the scenes is a very interesting one and as a matter of record I'll tell you about it. On February 10th or 11th the beautiful Scarlet Characins were brought to my attention by several of my friends. Sol Kessler, a fish dealer in near-by New Jersey town, was kind enough to give Bill Vorderwinkler a few specimens. I had Timmerman take a few color pictures of them, then sent them down to Dr. Schultz for identification... the fish I sent to Schultz were all females. The balance I sent to Tutwiler in Florida and to Bill Vordewinkler to see if they could spawn them. I am trying to spawn them myself... nothing yet.

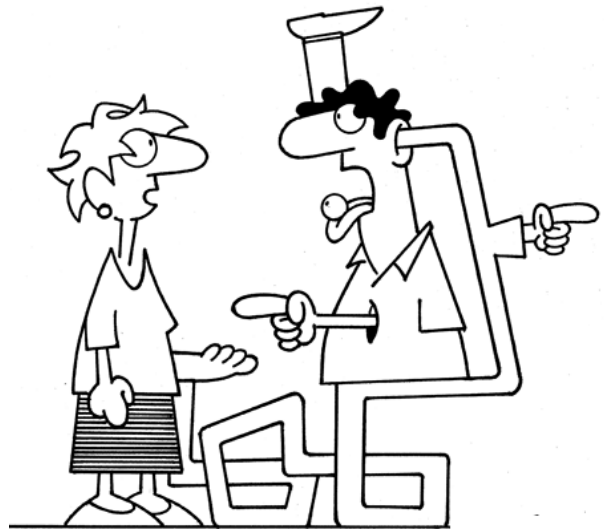
The fish are very hardy and healthy. They are not easily killed by diseases, nor do they succumb to the ich very readily (other fishes in the same aquarium got the ich, but not these beauties!) Schultz, who hasn't seen a male yet, suggests that males might have the characin hook on their anal fins. I looked and couldn't find any on the specimens I have . . . maybe they are all females? In the interests of ichthyology and tropical fishkeeping, I am offering, through T.F.H., a reward of \$50.00 for the exclusive rights to the publication of the first detailed spawning report of *Cheirodon axelrodi*. The report must be verified by three people or a month old baby fish must be sent along as proof. If photographs of the spawning sequence can be taken, we'll pay an additional \$10 for each reproducible photograph.

I note three things in this addendum. As previously mentioned, Axelrod first told his interviewer that he himself had acquired his specimens from the Fish Bowl but he now admitted that it was Vorderwinkler who did so. Second, Axelrod was sure that he sent only females to Schultz but when Schultz suggested that males might have the characin hook on their anal fins, Axelrod couldn't find any on the remainder of his specimens, a fairly large quantity. Although the males generally have slightly more vibrant colors, female Cardinal tetras are much plumper than the males and, if Axelrod really was a touted "international expert," he should have ob-

served the difference. Thirdly, the irrelevant offer of a reward in the Opinions and Declarations Rendered by the International Commission on Zoological Nomenclature of \$50.00 for the exclusive rights to the publication of the first detailed spawning report of *Cheirodon axelrodi* makes one wonder if he hadn't lost all his marbles, as Mary Jo Patterson noted in her article, "Has he lost his marbles?, Altered Portrait of Patron of the Arts Jolts Longtime Acquaintances" (Patterson, 2004).

Whenever I asked Stanley Weitzman about the case, he refused to say anything, indicating that he harbored some very negative feelings about the matter. At first I thought he blamed Myers for not getting around to editing Weitzman's draft and forwarding the finished description to the publisher in a timely fashion. However, I really think it was because Weitzman was placed in a very delicate and uncomfortable position. He was caught between his boss at the Smithsonian, Leonard Schultz whom he liked and admired, and Myers under whose tutelage he received his doctorate and who was a long-time friend. No one likes to be placed in the middle of a controversy between two good friends.

According to Alan Fletcher, Fred Cochu "had



**"I'm not an expert on body language but I get the feeling you're not being totally honest with me."**

gone to his grave resenting that ‘his’ fish was named for someone who had nothing to do with its discovery or introduction.” Furthermore, many aquarists and ichthyologists to this day believe that Axelrod got away with fudging the dates, a suspicion buttressed by Scharpf and Lazara “because of his penchant for lies, tall tales, womanizing and future legal troubles (including 18 months in federal prison for tax fraud).” Although things are all true, in this instance it was a matter of egregious unethical behavior in a scientific context. No one else in the history of ichthyology has tried so hard to get a fish named after them self. In this case it was a case of a self-serving, gigantic ego unwilling to adhere to any morally acceptable rules of conduct.

### THE ORIGIN OF AXELROD’S PUBLISHING EMPIRE

Miracle Pet Products, Inc. was organized in 1952 as T.F.H. Publications, Inc., by Axelrod and others. Two years later, Axelrod became the sole shareholder. In 1968, the name of the corporation was changed to Miracle to reflect the expanded nature of the corporation.

In 1960, Miracle Pet Products, Inc. became publicly held and Axelrod became the controlling shareholder. As of March 16, 1971, Axelrod owned directly 230,967 shares of Miracle’s 676,877 total outstanding shares. Evelyn Axelrod owned the beneficial interest (a beneficial interest is the right to receive benefits on assets held by another party) in 12,835 shares as of April 20, 1970. From its inception until August 1964, the corporation’s only business activity was the publishing, printing, binding and distribution of books, pamphlets and magazines concerning pets, plants, flowers and hobbies. In 1964 and 1965, the corporation expanded through acquisitions into the businesses of breeding and selling tropical fish, the manufacture and production of aquariums and aquarium-related products, and the manufacture, sale, and distribution of a complete range of pet products. In 1968, the name of the corporation was changed to Mira-

cle to reflect the expanded nature of the corporation. One of Miracle’s wholly owned subsidiaries was Communications Processing, Inc. (CPI).

From 1964 to 1969, the proportion of Miracle’s total sales derived from its publishing and printing business decreased from 100 percent to 20 percent. The principal reason for this decline was the entry into the pet publication field by Miracle’s major customer, Hartz Mountain Corp. Their Pet Library series was conceived with the intention of breaking the hold TFH Publications had at the time on the low-priced end of the pet book market. To this end it was highly successful, and after the Pet Library series was introduced, TFH left this area of the pet publishing market.

I was asked by Earl Schneider, who was the editor of the series, to do three things: (1) to participate in writing some of the titles, (2) to assist in finding and recommending authors, and (3) to lend my name and assistance in helping to promote the series. This I did, suggesting prospective authors, writing four of the booklets myself, and participating in two trade kickoff meetings, the first one being held in Chicago and the second shortly afterwards in New York City. Because of my name recognition, for PR purposes in both events I represented the fish booklet authors.

In 1970, Miracle was indebted in substantial amounts to the First Jersey Bank and Talcott, a factor (a factor is a person who sells goods for a commission).



Miracle's inability to satisfy these obligations led to a deteriorating relationship. Discussions commenced between the bank, Talcott and Axelrod concerning the outstanding debt and the future business operations of Miracle. As a result of these discussions, Miracle's board of directors and the executive committee decided to sell the printing business. However, Miracle was unable to locate a purchaser whose terms were acceptable to it. At this juncture, Axelrod proposed to Miracle and its financiers that he make the acquisition. The bank offered to finance the acquisition for \$500,000 on condition that \$300,000 of the purchase price be paid by Miracle to the bank in reduction of its debt. This proposal was acceptable to Miracle.

Pursuant to an agreement signed February 9, 1971, and dated as of January 1, 1971, Miracle and CPI agreed to sell, and Axelrod agreed to purchase substantially all of the assets utilized in Miracle's, and a corporation named Tropical Fish Hobbyist, Inc. (formed by Axelrod to become the ultimate purchaser and operator of the business; it was actually incorporated in New Jersey on January 14, 1971 as T.F.H Publications, Inc.), publishing, binding, and printing operations, consisting of CPI's machinery, equipment, inventory, security deposits and advances, certain real property and Miracle's entire finished goods inventory of books, photo library, copyrights, plates and specified equipment.

As part of the sale agreement, Axelrod had to accept advertising submitted by Miracle and to publish, print and bind its annual catalogue at no cost to Miracle for the years 1971, 1972 and 1973. With regard to the advertising, Axelrod had to accept, print and be obligated to publish an average of ten pages per month of advertising by Miracle in color in Tropical Fish Hobbyist at a discount to Miracle of 90% of the lowest rate charged by Axelrod to any other advertiser until \$400,000 of such billings had been reached.

On December 10, 1971, Miracle instituted proceedings for an arrangement under chapter XI of the Bankruptcy Act, and a receiver was appointed.

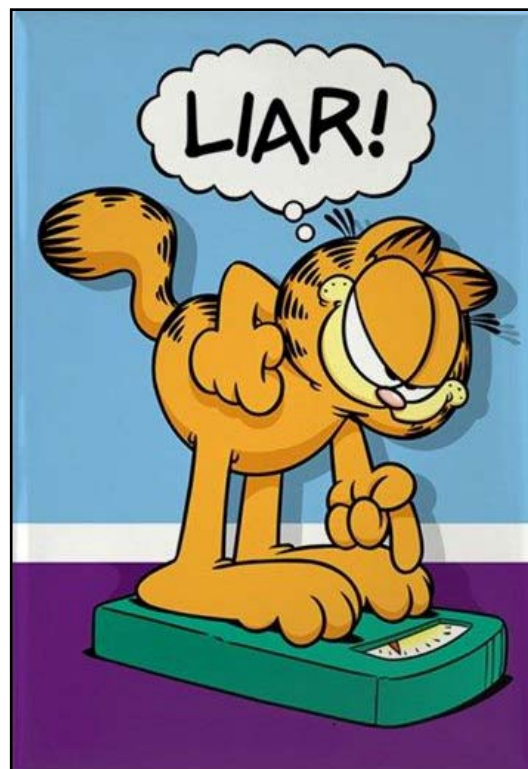
On January 12, 1973, the arrangement proceedings were superseded by an adjudication of bankruptcy and a trustee was appointed. On November 23, 1973, the trustee commenced an action against Axelrod. On April 10, 1975, an order was filed by the bankruptcy court approving settlement of this litigation. The order stated that that as of March 16, 1971, Miracle was indebted to the Axelrods in the amount of \$412,788.69 of which amount only \$70,000 was allowed as a credit at closing.

The bankruptcy wiped out all those who held Miracle stock and allowed Axelrod to acquire Miracle assets.

### THE LICENTIOUS LITIGATOR

The following is an excerpt from Boyle's article, "The Strange Fish and Stranger Times of Dr. Herbert R. Axelrod" (Boyle 1965).

**Axelrod was tremendously fond of quarrels and litigation. In recent years he has been sued 14 times, and the filing of each suit gave him as much joy as the discovery of a new species of fish. Several cases arose out of denunci-**



ations Dr. Axelrod made of certain fish dealers in *Tropical Fish Hobbyist*, but inasmuch as he considers himself the world's ranking expert on tropical fish, he has no doubt that he will win them all. As a matter of fact, he has so far won 13 of the lawsuits, with the other one pending. "I like to match wits," says the doctor. "A lawsuit is a chess game. When there's no challenge, I'm not interested."

Well, Axelrod didn't win them all. In 1979 Axelrod filed an appeal in the United States Tax Court against a claim from the IRS that he owed \$165,304 in back taxes (Pitman, 1970)

The Court summarized the situation as follows. In 1971 Axelrod acquired the printing and publishing assets of Miracle Pet Products, Inc., under a written agreement. The purchase price was to be paid by cash, assumption of certain liabilities, cancellation of certain liabilities from Miracle to Axelrod, who owned about 36 percent of the stock of Miracle and all the stock of his (Axelrod's), and by a credit to Miracle for future advertising in petitioner's publications. The agreement permitted adjustment of certain items as they were subsequently agreed upon. However, no specific mention was made of any unascertained obligations from Miracle to Axelrod. The Tax Court could not accept the order of the bankruptcy court entered in 1975 approving a settlement of the trustee's suit against Axelrod as proof of the amounts because it had no idea whether the court was simply approving a settlement or, if it was making independent findings, on what it based such findings.

Axelrod made the following claims:

1. The parties intended that unascertained obligations from Miracle to Axelrod were to be offset against the credit for future advertising given to Miracle by Axelrod as part of the purchase price or to permit varying the terms of the written agreement.
2. Axelrod received no tangible assets in exchange for its granting Miracle a credit for future advertis-

ing; the amount of the credit was not taxable income to him.

3. The entire amount of the advertising credit - \$165,303 - was not income to petitioner in 1971. The Tax Court found in favor of the Internal Revenue Service and Axelrod had to pay them \$165,304.

Axelrod decided to compete with Innes' book, *Exotic Aquarium Fishes*, by publishing his own. He eventually co-authored "The Handbook of Tropical Aquarium Fishes" in 1955 with a well-known scientist from the Smithsonian Institution. But he illustrated it with plates stolen from the Innes book, for which he was promptly sued, according to Alan Fletcher, who attended the trial.

"Innes' book was full of gorgeous color plates" of fish, Fletcher said. "He took black-and-white photos and had an artist paint the colors over them. They were works of art. (Axelrod) stole Innes' color plates and blacked over the backgrounds, leaving the individual fish."

A "very responsible" editor at Axelrod's publishing house studied the page proofs of the book before publication and figured out what he had done. Innes successfully sued in federal court. Because he could not establish that Axelrod's actions had cost him any money, Innes was not awarded any damages. The court ordered Axelrod to pay Innes



\$1 and give Innes credits for the photographs in the upcoming book.

Axelrod brought a libel suit against George S. Myers and William T. Innes over the priority of the Cardinal Tetra but he lost that one also. Axelrod also brought a lawsuit involving *All-Pets Magazine* in the '60s with the aim of putting the magazine out of business, the ploy being to cite an article I authored involving the practice of selling annual killifish eggs (notably *Nothobranchius*) in small packages of peat. I was against the practice for two reasons: (1) Raising annual fishes is a task for killifish experts, not the children who would be the main buyers of the product; and (2) The practice would place a heavy demand for these eggs, inducing inbreeding and placing the species involved in danger of disappearing from the hobby and perhaps even from their natural habitat. Selling brine shrimp as "Sea Monkeys to children is one thing; selling endangered species en masse is quite another.

Although one of the major players in this business was Axelrod, no names were mentioned in the article, although I did comment that one of them "was known more for his noise output than for tropical fishes." Frank Dietrich (the editor) and I had been quite aware of his use of civil suits as a weapon but, much to our surprise, he nonetheless sued the magazine, Frank and me for libel, asking for about \$350,000 in damages. Although this, according to our attorneys, was without merit (the one libeled must be clearly identified and there were a half-dozen others involved in the business at the time), the issue was moot since the point of the lawsuit was simply to involve the magazine in an expensive defense it could not afford.

Frank defended the suit and paid all costs, but after a while what with all the depositions taken in various parts of the country it was more than he could bear financially. For Axelrod, of course, it was peanuts. Axelrod agreed to drop the lawsuit against *All-Pets* if Frank sold the magazine to TFH. Frank

had no other choice, and thus ended the history of a magazine that could trace its roots to some of the earliest days of the hobby.

If it had simply stopped there, then one could argue that business can sometimes be cutthroat, that our judicial system is not perfect, and that Axelrod was perfectly within his legal rights to do what he did. Incredibly, however, with regard to me he came up with the outrageous proposal to drop the lawsuit if I would agree never again to write for the aquarium hobby! The attorneys (on both sides) argued that this was unconstitutional and I, of course, refused (and, as you know, continued to write, edit, and publish).

Axelrod had claimed financial damages in the suit so, under deposition, my attorney asked for a copy of his financial statements for his various enterprises, including his tax returns. In effect the lawsuit backfired on him, since this was the last thing in the world Axelrod desired. He was forced, therefore, to drop the suit against me and it never got to trial.

Some who have commented on Axelrod have noted that, "after all, he was just a hard-nosed business man." If a man is libeled he certainly has a right to seek redress, but using the legal system



"And it should be noted that when the prosecution called my client a liar, at no time did my client's pants start on fire."

purely as a weapon against those who are in no financial position to defend themselves, or setting about to trample on a person's constitutional rights, is quite another matter entirely.

In lawsuits like these we all lose and, because of the chilling effect this and other lawsuits have had on freedom of expression for myself, George Myers, Paul Loiselle, Ross Socolof and a host of others, the aquarium hobby unfortunately lost heavily as well.

Ghostwriting seems to have been common in the TFH Inc. empire before Axelrod sold out, and thus one can never be sure of what Axelrod authored or what part he played in TFH publications. One of the company's most prolific writers was a woman by the name of Anmarie Barrie. She wrote dozens of pet books, including such titles as "Guinea Pigs for Those Who Care," "Step-by-Step Book About Rabbits," and "Conures as a New Pet." In a deposition filed in the case of Central Garden and Pet v. Axelrod - the firm Axelrod sold T.F.H Inc. to when he retired - Barrie was asked to define a conure.

"A bird," she replied.

"Do you know what type of a bird it is?" she was asked.

"No, I don't," she said. (It is a species of parrot.)

Before meeting Axelrod, Barrie was a receptionist who worked at the office of his dentist in Tinton Falls. Axelrod later paid to put her through Seton Hall Law School, from which she graduated in 1989. According to documents filed in Central Garden's lawsuit, Axelrod had an ongoing, intimate relationship with Barrie and helped support her by paying her as the author of rewritten TFH books.

Between 1990 and 1997, Barrie was credited with writing dozens of pet books, receiving at least \$63,874 in payments for books she said she put together from her own research and old manu-

scripts in one week's time. Barrie was referred to in the Government's indictment of Axelrod as a dental hygienist but was not named. The indictment said the former hygienist traveled to Switzerland with Axelrod to open a bank account there and charged that Axelrod deposited money in the account and told her to maintain the account to conceal the cash from the Internal Revenue Service.

In the case of Axelrod v. CBS Publications, Superior Court of New Jersey, Appellate Division, Axelrod appealed from dismissal of his claim for punitive damages for fraud allegedly committed by his publishers and from dismissal of all of his asserted claims against other defendants associated with publication of his work but with whom he had no direct contractual relationship.

Defendant Fawcett Publications, Inc. (Fawcett) printed and published a "How-To" series of books designed as aids in the pursuit of a variety of avocations. Defendant CBS Publications (CBS) had assumed all rights and obligations previously enjoyed or incurred by Fawcett.

Pursuant to a contract dated July 27, 1964, Fawcett agreed to publish a "How-To" book on tropical fish to be authored by Axelrod. It provided for payment to Axelrod of an advance royalty of



**"The meek shall inherit the Earth, but Axelrod will end up with Asia, Africa, South America and most of Europe."**

\$2,750 for the first 125,000 softcover copies sold and for percentage royalties on additional paperback sales. Fawcett was given exclusive rights to “publish or license” the book in the English language. Paragraph 5 of the contract was the core of the controversy. It provided: Should the publisher cause the book to be placed on sale in hardcover form, the Author will receive 50 per cent of all licensing or royalty fees when received by the Publisher.

Axelrod contended that at the time the contract was signed the primary interest was in paperback distribution. According to his testimony, Fawcett represented that even should it be published in hardcover, only a “few thousand [copies would be] put into a library binding” and he would then receive half of the anticipated 10% royalties. A library edition is prepared with a special hardcover to withstand repeated use of the book.

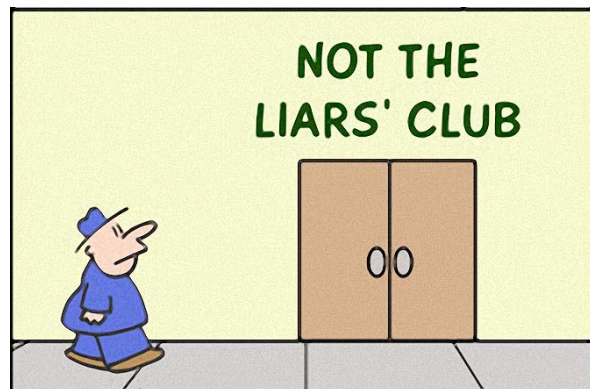
Axelrod alleged that he was never advised of a 1956 agreement between Fawcett and defendant Arco Publishing, Inc., (Arco), which permitted Arco to elect to print certain “How-To” books for sale in hardcover. A number of the “How-To” titles were eventually published in both soft and hardcover editions. The Arco-Fawcett contract required Arco to pay Fawcett an author’s royalty fee plus a “usage charge” on each copy sold in hardcover. In February 1965 Axelrod’s tropical fish book was added to the list of “How-To” volumes to be published by Arco in hardcover. Arco paid Fawcett 14¢ in royalties and 9¢ in usage fees, for a total of 23¢ per book sold, in addition to a flat fee of \$300 when the book was first printed.

Five or six years after the book was first published Axelrod became “annoyed at receiving very small checks” without sufficient explanation to permit him to “ascertain how many books were sold...” Axelrod felt he was being cheated. Although he disclaimed any knowledge of the Arco-Fawcett arrangement when he originally contracted with

Fawcett, a photocopy of the book cover in evidence revealed Arco’s name imprinted thereon. Still, he insisted that Fawcett initially represented to him that only 2,000 hardcover books would be printed and that when the contract with him was executed in 1964 Fawcett failed to reveal its 1956 arrangement with Arco.

Trial by jury commenced March 30, 1981, with the plaintiff’s case consuming six trial days. At the close of plaintiff’s case the defendants made various motions. Axelrod’s claim for compensatory damages based upon fraud in the annual royalty payments was held sufficient to go to the jury. However, the claims for fraudulent inducement to enter into the contract and for punitive damages were dismissed. The remaining issue, compensatory damages against Fawcett and CBS, its successor in interest, was settled with prejudice (a civil matter that is “dismissed with prejudice” is over forever). It was stipulated that Axelrod could proceed with his appeal of the issues on which the trial judge had ruled against him. The Appeals judge ruled as follows:

**There was no credible evidence to support any claim for relief against Arco or any of the defendants who stood in its shoes. Hence, upon completion of plaintiff’s presentation of evidence it was appropriate to grant the motion of those defendants to dismiss the complaint as to them. We find no merit in any of plaintiff’s remaining contentions. There was no evidence to support his allegations of misrepresentation of the number of books sold**



or of the number of damaged or free copies. For the reasons stated, the judgment on appeal is affirmed.

### LIAR, LIAR, PANTS ON FIRE!

Consider the following statements of Axelrod:

1. He claimed to be the world's best-known tropical fish expert (Patterson, 2004);
2. He claimed to be the world's leading aquatic photographer, owning a collection of over 10,000 fish species photos taken by himself (Williams, 2020);
3. He claimed to have swum fifteen miles across Lake Ontario at the age of ten (Tustin, 2011);
4. He claimed to have studied mathematics under Albert Einstein (Tustin, 2011);
5. He claimed that he advised Winston Churchill on goldfish (Hill, 2017);
6. He claimed that he spoke four languages before he learned English at school at age 5 (Anon., 2005).

I'll start with the first of his claims, i.e., that he was world's best-known tropical fish expert. William T. Innes's review of Axelrod's *Tropical Fish as a Hobby* was definitely not complimentary (Innes, 1952):

The author here is a gentlemen of whom we have not previously heard in our field, which, of course, is not crime on his part. He is an instructor in Science Education at New York University. He writes well, in teacher's style, although many of his conclusions and observations seem to be based on limited experience as an aquarist.

Note that the Science Education Department was in the School of Education, as was his Bachelor's degree.

One of the funniest things I have ever seen in print - I actually put a painful stitch in my side roaring with laughter over it - was Axelrod's

"trick photography" on the breeding of *Aphyosemion bivittatum* (Vorderwinkler, 1957 and Axelrod, 1957). This was early times and Axelrod did not have a photograph of the fish to illustrate William Vorderwinkler's text so he cut out two pictures of the fish from a book and pasted them onto pieces of thin cardboard. In a waterless tank he suspended a nylon mop and took a series of photographs of the two images in various stances, "swimming" throughout the mop to simulate their spawning activity. Now this wasn't a half-bad idea and there would not have been anything wrong with it except - both of the pictures he used were of males! Now any rank killifish beginner can tell the difference between a male and female *bivittatum* even at a distance, much less close-up, as they are decidedly sexually dimorphic. Thus Axelrod therefore has the dubious honor of being the first one in the aquarium hobby to illustrate homosexual activity among killifishes!

In 1989, Axelrod donated a hugely valuable collection of fish fossils to the University of Guelph in Ontario and today its department is called the Axelrod Institute of Ichthyology. Eugene Balon, an old friend and retired professor of ichthyology at the University said Axelrod was a complicated man who was exceedingly cheap when it came to paying authors and photographers for the books he put out. He was also careless about details, making mistakes in his own and others' writing



"You can always tell when he's lying - his lips move!"

and mismatching photos with species. "We constantly quarreled about that," he said. "I felt it was embarrassing to have so many mistakes, and I asked him to send me the manuscripts to fix them. He said to me, 'Listen, I am a millionaire, and a businessman cannot be straight. They don't make money like that (Paterson, 2004).'"

The following is a review by J. M. Webb of Axelrod's book, "The Most Complete Colored Lexicon of Cichlids(Webb,2002)."

I got the Lexicon with the idea that it would prove to be a useful identification tool for the various species and strains of cichlids I keep. In that sense, the book is fairly successful - there is a plethora of beautiful photos of many, many species.

There are some serious problems with this book though. The most glaring problem is that Axelrod, in at least two instances, has printed two copies of the same photo and called the specimen two different species !!! He uses the same photo, just reversed, for *Aulonucara jacobfreirgei* as he does for another *Aulonocara* sp. Same thing with two species of *Apistogramma*.

Another disappointing feature about this book is the information content of the text - there isn't any. Axelrod's favourite topic in the text is himself. Axelrod is more interested in telling us about how important he is and about how much influence he has had on the aquarium hobby than he is in providing useful biological information. Oftentimes the text more resembles the ramblings of a senile old man than a scientific discussion of the species in question. Additionally, the length of the text could have been considerably shortened by replacing the often lengthy sentence about who described the species and when with the taxonomic standard of putting the name of the species' author(s) and the year of description behind the species name.

My final beef with this book is the poor taste of the author is his discussions of the classification of cichlids (actually, rants are probably a better description). Axelrod repeatedly poo-poo's the works of cladists (Axelrod calls them splitters) - challenging cladistic theory is all well and good, but in most instances the criticism is in the form of a snide comment about the other author or their classification. Never is any evidence provided to support Axelrod's claims/criticisms - one is left with the impression that the reason Axelrod opposes a new classification is simply that it is new and different than his ideas. Some of Axelrod's comments border on slander - this should never have been allowed to go to print.

The Lexicon had great potential, but overall it is a bloated, arrogant work. With proper editing it would have been much more useful. If you want a book with nice pictures, than this book is OK - just don't read anything in it :-)

During 1954-1955 I lived in New Jersey and regularly visited Aaron Dvoskin at his store, the Suburban Tropic Pet Shop in Eat Orange, where we would discuss aquarium matters and he told me this story. One day Axelrod came into the store and was examining the latest of Aaron's latest importations when he asked, "What is that



"I found you the perfect tax shelter Dr. Axelrod. It's one hundred feet underground with concrete wall thirty inches thick."

fish there?" Aaron walked over to where he kept copies of the *Tropical Fish Hobbyist*, opened it to a page and said, "Well Herb," it's the same fish you just wrote about in the latest edition of your magazine!" As I recall, the fish in question was the Rosy Tetra.

However, what Axelrod knew about aquarium fishes is irrelevant to his contributions to the aquarium hobby, one of his greatest being publication of the *Tropical Fish Hobbyist* since, for the first time, there appeared a monthly magazine that offered the reader a spate of color photographs of aquarium fishes. The magnitude of the before and after difference can be compared to that of color versus B&W television. Color photography not only aided the more advanced aquarist by facilitating identification of species, but it also attracted hordes of newcomers to the hobby who were entranced with the vibrant color of the fishes.

Axelrod also published high quality books, one after the other, written by eminent, qualified authors (he, alas, was not one of them), as well as reprints of materials of importance to the aquarium hobby, such as Breder and Rosen's *Modes of Reproduction in Fishes*, Jordan and Evermann's *The Fishes of North and Middle America*, and Bleeker's *Atlas Ichtyologique Des Indes Orientales*. Although Axelrod is sometimes credited with advancing the more scientific side of the hobby, this honor really falls to the specialty societies, such as the American Cichlid Association, the American Killifish Association, etc. (One aquarist remarked that, after the AKA was formed, the supply to the commercial magazines of quality articles on killifishes all but dried up).

The next claim, that of being the world's leading aquatic photographer, is easily refuted. The title was either given to him by a group, society or association of aquarists, or he gave the title to himself. If the former, then Axelrod would certainly have identified it as it would have added some justification to the title. Axelrod never mentioned

any such group, however, nor has any such group been found.

His claim that he swam fifteen miles across Lake Ontario at the age of ten is refuted in a similar manner. He never provided any of the details that would have accompanied such a feat, such as did he have a rescue boat alongside him as he swam? How did he get back? Why wasn't it reported in at least the local newspapers?

He claimed to have studied mathematics under Albert Einstein but this came only after he made a point that he attended a lecture by Einstein on lattice theory (and I will not argue here that this was a fabrication). However, Axelrod doesn't state whether he took the lecture for credit or only sat in and audited it. "Attending a lecture" doesn't mean "studying under," so we conclude that this is another of his "expansion" of the facts. Following this line of Axelspeak, anyone having attended a talk given by Pope Pius XII could claim that he or she had studied religion under the Pope.

Axelrod claimed that he advised Winston Churchill on goldfish but this is easily refuted. The correspondence and letters of most great men are archived in libraries, universities or other repositories for this purpose, and Churchill was no exception. For example, the *Churchill Archives Centre* was Purpose-built in 1973 to house Sir Winston Churchill's Papers. Furthermore, the *Churchill*



"If I am to be judged by a jury of my peers, could a few liars and cheats be thrown into the mix?"

*Archive* (Churchillarchive.com) published in October 2012 by Bloomsbury Publishing in collaboration with the *Churchill Archives Centre*, the *Churchill Archive* is a digital library of modern international history.

It includes more than 800,000 pages of original documents, produced between 1874 and 1965, ranging from Winston S. Churchill's personal correspondence to his official exchanges with kings, presidents, politicians, and military leaders. Axelrod's name is not among them. *Q.E.D.*

Finally, He claimed that he spoke four languages before he learned English at school at age 5. Well, if this is true, when did he start learning these languages? At age one year, two years, three years, four years? Also, why wasn't one of these languages Russian, since that was his father's primary language? And by "spoke" did Axelrod mean "mama" and "papa?" Reverting to Sagan's "Extraordinary claims require extraordinary evidence" aphorism, this is another of Axelrod's false claims.

### CENTRAL GARDEN & PET COMPANY LAWSUIT

From the 1960s forward, Axelrod's enterprise grew ever more profitable. TFH Publications claimed it controlled the most comprehensive "animal reference database" in the world. "Guppy to Great Dane, hamster to hedgehog, whatever your pet, TFH Publications has expert knowledge and guidance to help you and your pet enjoy a long and happy life together," the company's Web site stated.

Axelrod sold the company to Central Garden & Pet Co., a California company, for at least \$80 million in December 1997. One year later, Central Garden and Axelrod were in court, suing and countersuing. Papers filed in the lawsuit fill six cardboard boxes in the Monmouth County Courthouse. Central Garden alleged a wide scheme of

deceit by Axelrod over the years, including his siphoning of more than \$3 million into bank accounts in Switzerland and the Cayman Islands; illicit business deals in Cuba; payments to support a longtime extramarital relationship that were recorded as author's fees; at least a quarter of a million dollars in charitable contributions falsely booked as advertising expenses; and the wide-scale concealing of books in warehouses to fraudulently boost sales figures.

The claims filed in the civil case, however, allege years of financial jiggering of the books. Central Garden accused Axelrod of using the company to support indulgences from cigars to women while committing tax fraud and diverting payments meant for TFH into his own bank accounts. According to the court documents, Axelrod made a deal to sell his company for \$70 million in cash and a \$10 million loan. He told Central Garden he wanted the loan for cash to buy a quartet of Stradivarius violins. The terms of the contract provided the prospect of additional money going to Axelrod, contingent on the performance of the company under Central Garden. Those earnings, however, never materialized, the court papers allege. In fact, the revenues of TFH Publications



were far lower than expected. Axelrod and his wife, Evelyn, immediately filed suit against Central Garden for damages, alleging management failures that jeopardized the prospects of achieving those higher earnings.

“After we bought TFH from Herb Axelrod in 1997, we discovered that prior to our purchase, Axelrod had committed tax and other frauds, including the knowing sale of defective products and channel stuffing, that inflated the apparent value of TFH,” Central Garden spokeswoman Brandy Bergman said.

The company countersued the Axelrods, alleging fraud, misrepresentation and breach of fiduciary duty. As the company dug deeper into the TFH books it found evidence of a massive tax scam involving the payment by Axelrod of \$1 million to a former vice president of marketing, Gary Hersch, according to papers filed in the case.

In depositions, Axelrod did not deny the payment. “When I was going to sell TFH Publications, one or two of the people to whom I wanted to sell the company were upset at the contract I had with Gary Hersch. I wanted to get out of that contract, so I made a deal with Hersch for a million-dollar payment,” he said in sworn testimony. “I didn’t have the cash to give him right away, the million, so I said that as money came in (from Nylabone England, a British customer of TFH Publications), that’s the way the payments would be made.” Evelyn Axelrod was in charge of the company’s accounts receivable, and according to the court records, Axelrod said he had his wife’s assistant get the checks from Nylabone and have Hersch sign a receipt for the checks. He would not confirm how the checks were transferred, but Central Garden said it found the checks had been passed to Hersch through Swiss bank accounts. In depositions, Hersch said he was told to keep the diversions “totally hush.”

Other papers filed with the court claim the Axelrods siphoned at least \$3.8 million out of the

business into their Swiss and Cayman Island accounts, a charge they denied in responses. And Central Garden said there were other questionable expenses hidden within TFH’s books. A forensic accountant for Central Garden also reported finding evidence that Axelrod arranged with Nylabone Ltd. to pay his personal credit card expenses, deducting them from money owed TFH for goods sold. Much of those expenses were incurred in Cuba. The investigator for the company said Axelrod told Nylabone he wanted the expenses covered “because it is basically illegal for an American to do business in Cuba, and I would prefer not to have the receipts and bills coming here.” Axelrod invoked his Fifth Amendment right not to incriminate himself when he was asked by Central Garden’s lawyers about the trips.

Documents obtained by *The Star-Ledger* showed that in December 2002, Hersch agreed to cooperate with federal investigators and plead guilty, once the government filed a one-count charge of conspiracy to defraud the United States, for failing to report the payments from Axelrod on his tax returns. But even before Hersch’s plea deal, Axelrod had begun to sell off his assets. Earlier



“Herb, we have to let you go... You haven’t ripped off a customer in a week.”

in 2002, Axelrod introduced himself to the New Jersey Symphony Orchestra with what everyone thought was a unique deal. He wanted to sell some violins.

#### PRIDE GOETH BEFORE A FALL

In 2002, Axelrod sold his collection of 17th- and 18th-century instruments to the New Jersey Symphony Orchestra for \$17 million, claiming they were worth \$49 million. The symphony, seeing the opportunity for international attention and increased attendance with a concentration of instruments like no other orchestra in the world, launched a massive fund-raising drive. After a year of wrangling with Axelrod, the orchestra wound up borrowing millions to make the deal, including \$4 million from Axelrod himself, to buy what was dubbed as “The Golden Age Collection.”

Questions about the true nature of the collection began to swirl almost immediately after Axelrod was charged in his federal tax fraud. In the wake of his arrest, orchestra officials defended the costly purchase. But experts with extensive experience in authenticating and valuing rare stringed instruments interviewed by *The Star-Ledger* soon expressed doubt over whether a number of the instruments were authentic. An internal NJSO inquiry mounted in the wake of newspaper’s report concurred with the findings. In 2007, saddled with the debt tied to the deal, the symphony sold the collection. Federal prosecutors suggested that “like the powerful Medici family of Florence, Italy, Mr. Axelrod had a knack not only for subsidizing art, but also for creative banking and skullduggery.”

Papers filed in the lawsuit fill six cardboard boxes in the Monmouth County Courthouse. They provide more detail than the two-count indictment brought by U.S. Attorney Christopher J. Christie. They allege a far wider scheme of deceit by Axelrod over the years, including his siphoning of more than \$3 million into bank accounts in Swit-

zerland and the Cayman Islands; illicit business deals in Cuba; payments to support a longtime extramarital relationship that were recorded as author's fees; at least a quarter of a million dollars in charitable contributions falsely booked as advertising expenses; and the wide-scale concealing of books in warehouses to fraudulently boost sales figures.

In 2004, Axelrod fled the country and took refuge in Cuba to avoid federal prosecution for tax fraud. A federal judge issued an arrest warrant for Axelrod after he failed to show up for his arraignment in Trenton. The Assistant U.S. Attorney informed the District Court Judge that Axelrod was in Zurich, Switzerland when the indictment was returned and was well aware of the pending criminal charges. According to the Assistant U.S. Attorney, Axelrod confided to an associate that he had no intention of returning to the United States and planned to go to Cuba and confirmed with another individual that he was in Havana, staying at the Marina Hemingway, a four-star resort known for international marlin-fishing tourna-



“And this one is for fibbing.”

ments. The combined charges against Axelrod carried a maximum punishment of five years in prison and a \$250,000 fine.

The twist of events included the discovery by authorities that Axelrod had sold his home in earlier in the month, as well as other properties around the country - including several homes in Key West, Fla. Authorities say Axelrod's 50-foot yacht, the Lady Eve II, was missing from its berth in Florida and suspected it was docked in Havana.

In the two-count federal indictment, Axelrod was charged with conspiracy and aiding and abetting the subscribing of a false tax return. He was accused of funneling more than \$1 million to a former employee by diverting payments from a European company into a Swiss bank account controlled by the employee and the money was concealed on the books of Axelrod's company as a marketing expense. The employee was identified as Gary Hersch, who served as Axelrod's vice president of marketing. In December 2002 Hersch quietly signed a plea agreement, agreeing to enter a guilty plea to a single count of conspiracy and fraud in exchange for his cooperation.

Axelrod was arrested in Berlin on June 15, 2004 as he got off a plane from Switzerland, and then extradited to the United States. Axelrod pled guilty to his tax fraud charges in a deal that allowed him to avoid criminal charges relating to his sale of instruments to the New Jersey Symphony Orchestra. The Judge also ordered Axelrod to pay a \$40,000 fine and to refile his 2003 federal tax return without claiming a deduction for the multimillion dollar sale of rare stringed instruments to the New Jersey Symphony Orchestra and on March 21, 2005 he was sentenced in U.S. court to 18 months in prison. Since the time he had already spent in prison was counted, he was released on October, 6, 2005.

**BEWARE THE JABBERWOCK, MY SON! THE JAWS THAT BITE, THE CLAWS THAT CATCH!**  
There are, admittedly, many people who hold

Herbert R. Axelrod in high regard. There are four reasons for this. First, there are not many who have not actually met him but are impressed by his many publications and so-called achievements. Second, those who have met him on a social basis are often impressed as he is a real charmer, provided, of course, that you have not done something that displeased him. Third, since he never achieved his ambition to be recognized as such in the scientific or technical communities (he has never written a published scientific or technical paper), he has aspired to be known as a philanthropist and has financially supported scientific institutions and the arts, although the New Jersey Symphony Orchestra paid a high price for his kind of philanthropy.

In this country it is supposed that everyone is equal but in truth, some are more equal than others and this is especially true for those who wield great power because of their wealth. No matter what kind of case you're involved in, a civil lawsuit can be very expensive. In addition to attorney's fees, you are required to pay for filing fees, copying fees, expert witness fees, court reporter



**"No, I couldn't make it either."**

fees, transcripts and many other costs along the way to trial. The Federal Rules of Civil Procedure and most state rules provide for liberal discovery of facts before trial. The discovery rules were instituted to prohibit surprises at trial but because of discovery costs, the average citizen or business has simply been priced out of the judicial system. Settlement is the only economical option.

It is customary in every civil case to request all “relevant” documents by category. What you generally get is a mountain of material, most of which is irrelevant, but which has to be reviewed anyway - at the lawyer’s standard hourly rate of \$300-\$400 per hour. Then there are the depositions of everyone who is a fact witness. Multiply the number of witnesses by \$1,500 and you come pretty close to the cost. Axelrod could afford whatever it cost for discovery and deposition; the average person is not. The following is a case history of one of the individuals that Axelrod caused by a lawsuit that ruined his life.

Heiko Bleher was born in Frankfurt, Germany in 1944. He is a German author, photographer and filmmaker best known in the scientific community for his contribution to the exploration of fresh and brackish water habitats worldwide and the discovery of many species of freshwater fishes and aquatic plants. He inherited this passion from his mother, Amanda Flora Hilda Bleher who was the daughter of Adolf Kiel, one of the early pioneers of the modern aquarium in Germany. In 1959 he moved to Brazil with his mother and spent several years of his childhood living in the jungles of South America with indigenous tribes and has been active in the fish collecting industry since the 1960s.

In 1964 Bleher started a commercial operation collecting and exporting fishes out of Brazil for the aquarium trade, and introduced a number of new species including the brilliant rummy-nose (or firehead) tetra, which was named *Hemigrammus bleheri* in his honor. The species is now a popular aquarium fish and is farmed

worldwide. Among those also named in his honor are the rainbow snakehead, *Channa bleheri* and Bleher’s rainbowfish *Chilatherina bleheri*.

In September of 2008, Bleher was arrested in Manaus for alleged fish smuggling but he was released from prison after three and a half days behind bars in what he described as “the worst prison on the planet.” Bleher’s defenders were quick to point out that he had likely been targeted by Brazilian authorities for having spoken out on numerous occasions about the country’s plans to allow rainforest cutting and deforestation that would lead to massive loss of biodiversity.

“Heiko has a world-class ego, but he certainly is not guilty of pilfering Brazil’s biological treasures,” said a colleague who asked to remain anonymous while Bleher was incarcerated. “He has done business and research in that country for years, and there is much more to this misadventure than him simply getting caught smuggling. If it was meant to stifle his advocacy for the Brazilian rainforests, it was a pretty heavy handed act of political intimidation that the aquarium community should see for what it is.”



**At last, Axelrod finds his diary.**

According to Bleher, he broke no laws in attempting to leave the country with a number of dead fish specimens preserved in alcohol, saying his arrest was politically motivated with a Brazilian election coming the next month:

**IBAMA (the Brazilian Institute of Environment and Renewable Natural Resources) has known me and my work for decades. Their president has dined with me and travelled in my chartered plane, free of charge, and has many of my publications. Yet statements have been made without having verified facts, such whether the fish are new species, but they had no ability to examine the specimens and therefore have given them now to the INPA (the National Institute of Amazon Research) for them to do the work. In addition the powers that be know very well that a dead small fish does not and cannot be of any economic value to anyone - it only serves the purpose of identification or classification so that we know more about the biodiversity of our planet.**

The subsequent outcry over Bleher's arrest led to a massive outcry and the matter quickly was abandoned by the Brazilian government.

Bleher seems to have a bit of the Baron von Münchhausen syndrome about him. For example, Gary Lange, who is a longstanding member of the *Internationale Gesellschaft für Regenbogenfische* (the International Rainbowfish Association or IGB), together with a friend visited the lake named by Bleher as Lake Ifanten (the correct name is Lake Yaniruk) in Dutch New Guinea. In his story about the discovery of *Glossolepis pseudoincisus* in 2001 Bleher described how difficult it would be to get to the lake and to the water body and what hardships he had to undergo. Well, Gary and his friend were there a few years later and found that you could drive to the lake by car, almost directly to the water. And, the street wasn't new. When the IGB subsequently had a meeting in Harrachov in the Czech Republic, Gary gave a

lecture on the finding of the species. Heiko, not being registered as was usually necessary, had come in during the lecture. In the middle of the talk, when Gary was describing how easy it was to reach the lake and even showed a street sign with the lake's correct name, Heiko, who was sitting in the last row (there were more than 100 attendees) stood up and shouted that everything was wrong and a lie! In an interview in the September 2009 issue of *Practical Fishkeeping*, when asked how he identified fish in the field he answered,

**I have been working with fish and aquatic plants all my life. I am currently working on three volumes of a monster book of all fresh and brackish water fish of the world. So far 25,000 different forms and species have been identified, researched and collected, and I have details of almost all committed to memory. I cannot recall ever misidentifying any fish. I have in my library at home 33,000**



**Mendace veritas (= The truth is false?)**

fish books and about 2.5 million original descriptions or photocopies of them.

When asked what his greatest discovery was, Bleher said that it was a difficult question but that perhaps it was in 1982 when in a remote northern Australian lake he discovered the first freshwater sawfish known:

**This was with my biggest discovery in the 20th Century, the freshwater sawfish (*Pristis leichhardti* or a new species; still working on it). I found it by night diving, as it burrows during daytime, in a very remote lake in northern Australia. Twice I brought specimens back and these were very adventuresome, some of it in two *Tropical Fish Hobbyist* issues at the time and the international press around the world, including the *New York Times*. In its 1987 edition book of records Guinness declared it as the largest freshwater discovery of the Century.**

One of my German friends told me that he went to the Berlin zoo aquarium and saw some of them there that Bleher had collected and brought back alive to Germany. During a private look behind the scenes the zookeeper responsible for the aquarium told him about his problems. Bleher had given one or two of the sawfish to the zoo for free if they would take care of some of his others for a period of time. The zookeeper was very angry as the sawfish turned out to be full of parasites and every day had to get a seawater bath to get rid of them. However, these “freshwater sawfish” were just ordinary *Pristis pristis* as my friend’s Australian contacts had told him previously. The sawfish had long been known to invade freshwaters in Australia and that’s what Bleher had found.

However, regardless of these peccadillos, one should not equate Heiko Bleher with Herbert Axelrod. Even Davy Crockett claimed that he could “...wade the Mississippi, leap the Ohio, ride a streak of lightning and slide down a honey locust and not get scratched.” Bleher’s stories were not

the “Duper’s Delight” tales of Axelrod nor did Bleher ever destroy the livelihoods of competitors like Frank Dittrich of All Pets with his Draconian business practices or wield the power of litigation against whomever crossed him nor did he ever dismiss the readers of his publications with contempt or derision.

Bleher’s relationship with Herbert Axelrod was a one-way street that he realized much too late, although his mother had said to him: “Heiko, this man will hurt you one day very badly, you do not deserve this, be careful, do not trust him,” but unfortunately he did. Heiko was never paid for all the articles he wrote for the *Tropical Fish Hobbyist*, nor for over 7,000 photos Axelrod received from him and from other photographers who had trusted him and whose pictures he had handed over to Axelrod believing he would handle them correctly (Azas, 2010). The following is taken from an interview Juan Miguel Artigas Azas had with Heiko in *The Cichlid Room Companion* (Azas, 2010):

**I had given him the idea in 1984 to do a freshwater fish book about all fishes known or coming into the hobby, each one from its continent for the trade. Such a book had never been done before. And he said I should do**



**“Now these aren’t covered by your insurance and they do cost \$700. But they will cure you of being too gullible with Herb’s claims.”**

it. But these were just words. Sometime in 1985 I received a parcel and in it was "Dr. Axelrod's Atlas of Freshwater Aquarium Fishes." He called me the next day: "Well what do you think about it? Is that what you wanted to do? See how fast I did it!" and my answer was: "No Herbert, and besides from what I saw, over 70% of the names below the photos are wrong and do not represent the fish shown." (Many of the photos were from my collection and in addition the names of the locations were wrong. Later, on another occasion he told me that he was not interested in what was written below the photo, that it will change anyhow, people are stupid and what sells are only the nice photos.) "So, this is a start, you can now do it better."

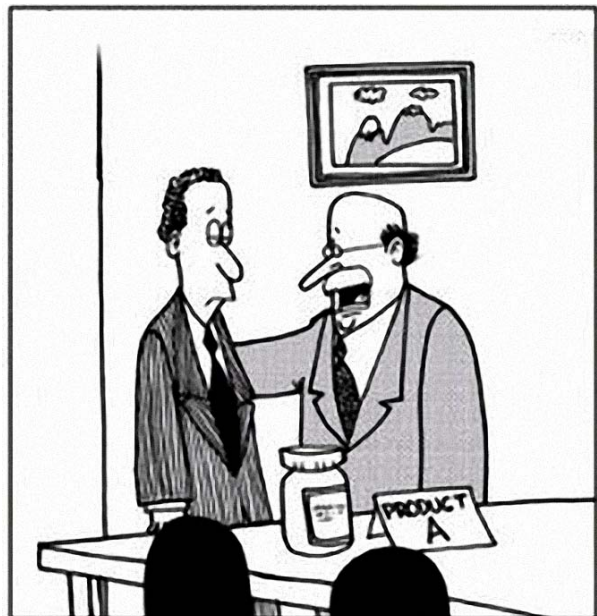
So Axelrod had nothing but contempt for the people who bought his books. I wonder what they think now of Herbert R. Axelrod? Continuing with Bleher's interview:

I worked for three years, accumulating excellent photos, everyone with the correct collection location of, most of them taken myself but around 3,000 or so also taken by other photographers. I worked almost day and night when I was not on expeditions or selling fishes around the globe. In late 1988 he wanted to print my book and I was to go to New Jersey and bring all the photos so he could get them ready. I had over 7,000 in my bag and Dieter Vogt, previous editor of *DATZ* magazine came with me. I arrived on the 14th of July.

I had worked for three years without a single penny being paid even for my trip over to the US to deliver the photos and having for three years traveled the world to get all the detailed and correct information of habitat, collecting, taking water parameters, etc., almost monthly. I asked Herbert that I be the senior author, as he would do only the printing ... and that must have driven him mad (or he was all his life – but that I realized that too late).

We drew up an agreement but he changed it every day. He asked me while I was there to work with Warren Burgess in the meanwhile on the *An Atlas of Freshwater and Marine Catfishes* (which I did, helping him with 1,200 of my photos, correcting wrong names and locations, sometimes even in the wrong continent, and with the 4 missing catfish families he did not have). I had to leave on the 19th because I had already my next trip to Zaire bought and had to connect in Frankfurt to Kinshasa. While the Taxi for JFK was already waiting in front of his office he presented me with the agreement that I had hardly time to read. I remember that all copyrights of the photos were to go to TFH in perpetuity. I told him I didn't mind my photos but not those of the other photographers and he just said "Don't worry, we can change anything you want" and that was to be the biggest error of my life.

When I came back from Africa on September 17th I found a Telex (no e-mails at the time) in my office with the words: "Heiko: Your book will be too expensive. The retail price will be \$100 and no one will ever buy such an



I'm sure we'll be able to successfully market your product, Mr. Ferguson. I've got one of my best liars working on it right now."

expensive TFH book; it will never sell. So you better do it on your own, or with Hans (Baensch) or anyone, I cannot do it. Your photos will have to go to the Catfish Atlas and the Dr. Axelrod's Atlas and I will produce a new Atlas every year, containing 500 new photos; then it will always sell" I was shocked. I had worked for nothing and he had all the photos. I wrote back to ask him to at least pay the photographers (which up to this date he has, as far as I know, only paid a few of them). I paid nearly 200,000 German Marks - about \$100,000 - for photos that he used but he never paid me except for the AFC (Aquaculture and Fisheries Club), who used some of my colour separations without asking permission from the authors. I had it in writing from the AFC Secretary that they would do so but they never did.

Herbert answered, not to worry. I asked him every month; we even had a meeting in Florida in March 1989 and he said he would. And then our next encounter was at the first "Aquarama" (i.e., the first International Ornamental Fish and Accessories Exhibition & Conference ) in 1989 (which I coordinated), where I presented flyers of my new book, Bleher's Fishes, that I wanted to bring out. I had worked so hard for it and still had the colour separations and had pre-sold 21,000 copies in four languages. He could not believe his eyes when he saw it and on June 7th (seven days after Aquarama's end), I received a restraining order from the Trenton, New Jersey, Court, against selling my book. Axelrod swore under oath that, a) I had stolen out of his pocket \$50,000, b) because I had free access to his publishing house, I had stolen all his designs (like putting 8 pictures on a page) and his ideas, and c) that I was doing the book he had planned already to do all his life and there was no market for two. He also sent the restraining order to every one of my future distributors.

The rest is history. In the following years I lost all my savings, my pension and 7 houses, just

to mention a few of the items. The only thing he was unable to take from me was my will to survive and to continue my work, the things he had never done, only written (lies) about his doings. Ross Socolof, who knew the story in every detail, as well as Marshall Myers (a senior advisor for the Washington-based Pet Industry Joint Advisory Council), Rolf C. Hagen, Allen Levey and many others (except the bulk of aquarists; they knew nothing of this) tried to help and said "Heiko, sooner or later it will catch up with him," which definitely was the case - only for me again it was too late.

I should note that although it is true that although he suffered great losses after these actions by Axelrod, part of it was due to unwise investments and his very expensive trips, forcing him to go bankrupt and return to Italy. In any event, it is no wonder why more people didn't speak up about Axelrod's lies, distortions, manipulations, moral turpitude and crimes. It would have resulted badly for the risk-taker, since the rich scape-grace always wins.

#### HERBERT AXELROD, THE FIRST GOAL

Axelrod's goal was to become one of the World's greatest scientists, in particular in ichthyology. The problem was that he didn't have the qualifications needed in order to be taken seriously. His Master's degree in mathematics did not help since mathematics is not a science. Note that if mathematics is a science, then it is a science that is part of practically every other



science. Now that cannot be said of any other science and therefore mathematics is unique and so deserves a different name. Willard Gibbs (1839 - 1903) was an American scientist who made significant theoretical contributions to physics, chemistry, and mathematics. His work on the applications of thermodynamics was instrumental in transforming physical chemistry into a rigorous inductive science, and he was praised by Albert Einstein as “the greatest mind in American history.” When asked whether mathematics was a science he thought about it and said “No, it’s a language. (He also said that a mathematician may say anything he pleases, but a physicist must be at least partially sane.) Axelrod’s doctorate wasn’t any help, either, as I have already shown. In any event, according to Lawrence Page, president of the American Society of Ichthyologists and Herpetologists - i.e., fishes and frogs - “Axelrod doesn’t have standing in the field.”

Beginning in the middle of the 1900s, getting a scientific article published was not easy. The publishing was done mainly by universities, institutions and associations. Printing a scientific paper was expensive and it took a long while before the paper finally appeared. Axelrod, with his *Tropical Fish Hobbyist* (TFH) magazine was able to overcome these two problems and after the *International Commission on Zoological Nomenclature* (ICZN) decided that publication even in a hobby magazine satisfied its definition of publication, Axelrod could use this leverage to have a host of fishes named after him, thinking that this would help in how he was viewed by the scientific community.

In Greek mythology Narcissus was the son of the river god Kephissus. He was a beautiful youth who rejected all admirers (including the gorgeous nymph Echo) and fell in love with his reflection in a pool. After much myth and fable he was finally transformed into the flower that bears his name. Today we now know these as daffodils which, you may have noticed, are always looking downwards - like Narcissus into the reflection of his

pool. From this legend comes the term narcissism, meaning exclusive love of self. Psychoanalytic theory considers narcissism a normal phase of childhood yet suggests that remnants of this phase in adulthood may be a factor in some neuroses.

Individuals with narcissistic personality disorder (NPD) exhibit five or more of the following, which are present by early adulthood and across contexts:

- A grandiose sense of self-importance**
- Preoccupation with fantasies of unlimited success, power, brilliance, beauty, or ideal love**
- Belief that one is special and can only be understood by or associate with special people or institutions**
- A need for excessive admiration**
- A sense of entitlement (to special treatment)**
- Exploitation of others**
- A lack of empathy**
- Envy of others or the belief that one is the object of envy**
- Arrogant, haughty behavior or attitudes**

People with NPD often try to associate with other people they believe are unique or gifted in some way, which can enhance their own self-esteem.



They tend to seek excessive admiration and attention and have difficulty tolerating criticism or defeat.

In 1976 a group of collectors (Axelrod, Bleher, van den Bossche, Gery and Schwartz) captured a number of then undescribed catfishes. Heiko Bleher began referring to one of these species as *Corydoras bleheri*, a name which appeared in a subsequent magazine article by him about the trip and which quickly was taken up by various wholesalers. Another account said that he named the fish for his mother,

A number of these fish were later sent to Nijssen and Isbrücker (two leading scientists in the field of South American catfish ichthyology) with a strong request to name the species after one of the aforementioned collectors. In 1980 they were described by Nijssen and Isbrücker as *Corydoras narcissus* and within their paper it read "Etymology - *Corydoras narcissus* is named after Narcissus, son of the Greek river god Kephissus, in honour of those who recently collected undescribed *Corydoras* species, and kindly suggested new names for them." So, tongue set firmly in cheek, the species was named after the collector generally if not specifically. This left the aquarium hobby with the question of which of the five had requested the honor.

Of the five, I have eliminated three of them since they have *Corydoras* patronyms: *Corydoras axelrodi* by Rössel in 1962, *Corydoras Schwartzi* by Rössel in 1962 and *Corydoras geryi* by Nijssen & Isbrücker in 1983. Although the last-named got his patronym in 1983, clearly it was not Gery that Nijssen and Isbrücker had in mind in 1980. Therefore it had to be either Bleher or van den Bossche. Unfortunately, nothing is known about van den Bossche, which is a very common name in the Netherlands. However, it also cannot be van den Bossche since he has no known history of any fish being named after him. Thus, following Sherlock Holmes' advice, "When you have eliminated the impossible, whatever remains, however improba-

ble, must be the truth," it was Heiko Bleher that Nijssen and Isbrücker had in mind.

Note that if Bleher had really wanted it named after his mother he would have suggested *Corydoras bleherae*, not *Corydoras bleheri*, an incorrect female patronym. A correct one for example is *Corydoras evelynae*, named for Herbert Axelrod's wife by Rössel in 1963. There is evidence, by the way, that both his and her patronyms were paid for by Axelrod.

### HERBERT AXELROD, THE LAST GOAL

After Axelrod realized that he could never achieve his first goal he tried for another. Under twinkling lights at a lavish New Jersey Symphony Orchestra ball, three former governors and 250 members of New Jersey's power elite applauded Herbert Axelrod as the greatest arts benefactor in the history of the state. Axelrod had finally reached his last goal, that of being a well-known philanthropist. At the Jewish Community Center in Deal, New Jersey, is a performing arts building named after Herbert Axelrod. "Dr. Axelrod was a devoted friend of classical music and the world of opera," the Zurich Opera said.

The couple's philanthropy was well-known in cultural circles. They donated money and lent or gave instruments to several music schools, including Juilliard, Philadelphia's Curtis Institute and



"You sound familiar. Haven't I swindled you once before?"

the Manhattan School of Music. He donated to the Cancer Research Project Program at the Jersey Shore Medical Center. In 1989, he donated fish fossils to the University of Guleph; at the time likely the single largest donation ever received by a Canadian University. Six months later they had established the Axelrod Institute of Ichthyology in his honor. Axelrod donated to the Smithsonian Institution, plus institutions in Europe. In 2003, his donations to museums in Vienna brought him the gift of Austrian citizenship, which he later put to use during a darker phase of his life.

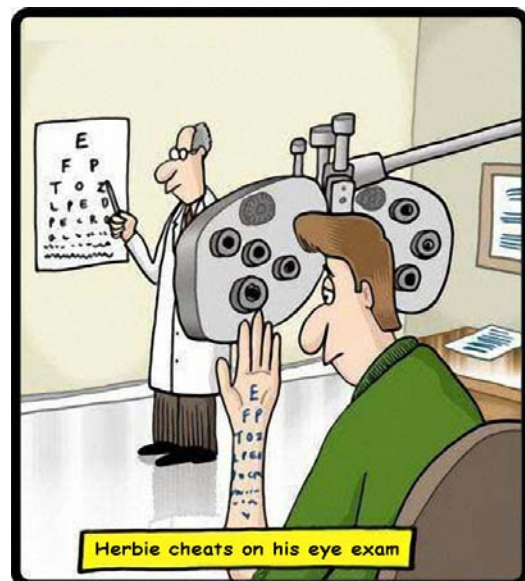
Axelrod studied violin in his youth, but admitted he was not a huge talent. As his publishing company grew, however, he began acquiring instruments and donating large sums of money to theater and the arts. He would frequently lend the instruments to musicians. It was his deal with the New Jersey Symphony, though, that put him in the public spotlight. In 2002, Axelrod made an offer to sell his collection of 17th- and 18th-century instruments to his home-state orchestra for \$25 million, half of what he claimed they were worth. The symphony, seeing the opportunity for international attention and increased attendance with a concentration of instruments like no other orchestra's in the world, launched a massive fundraising drive. After a year of wrangling with Axelrod, the orchestra wound up borrowing millions to make the deal, including \$4 million from Axelrod himself, to buy what was dubbed "The Golden Age Collection."

Within music circles he donated tens of millions to orchestras, operas and academies. In 1997, the Curtis Institute and New York's Juilliard School hosted a party for his 70th birthday, at Carnegie Hall, and with an all-star cast. After his death in May in 2017 in Switzerland, tributes rang out from admirers as disparate as the violinist Joshua Bell and the *Australian Society for Fish Biology*. His philanthropic fame enormous and he was once ranked as one of the top benefactors of America in the *Chronicle of Philanthropy*.

In *Socialism for Millionaires*, the Irish playwright George Bernard Shaw quipped that a rich man "...does not really care whether his money does good or not, provided he finds his conscience eased and his social status improved by giving it away." Was he right to be so cynical? Can the wealthy "survive" without giving? What needs are fulfilled by philanthropy? Do we give to make the world a better place, to give back to the community? Or is charity motivated by reasons that are far less noble: peer pressure, social status, a version of conspicuous consumption?

Studies show that, in general, people who feel good, do good. Likewise, people who do good, feel better. The rich are no exception. Giving to charity activates parts of the brain related to reward and pleasure. Yes, the rich do have some distinctive reasons for giving to charity, such as the desire not to "morally corrupt" their heirs. But like others, they also give to strengthen their identity and probably, to relieve their guilt. As Shaw said, with typical epigrammatic acuity: "One buys moral credit by signing a cheque, which is easier than turning a prayer wheel."

The first person to attribute the act of charity to improving one's public image was the 18th-century Scottish economist Adam Smith, who claimed that people make moral and ethical de-



cisions based on how an impartial observer would judge them. This idea harks back to a dialogue about justice in Plato's *Republic*, in which Glaucon tells Socrates that people behave ethically only when they think others are watching.

Fast-forward to 2009, when Dan Ariely, a behavioral economist at Duke University in North Carolina, co-conducted a study evaluating the motive of outward appearances in giving to charity. The research found that appearances are so important that they even trump financial incentives. In the experiment, participants were divided into two groups, where each group was asked to type a combination of letters on a keyboard. They were told that if they typed the combination correctly, some money would be donated in their name to the Red Cross, although never more than a few dollars.

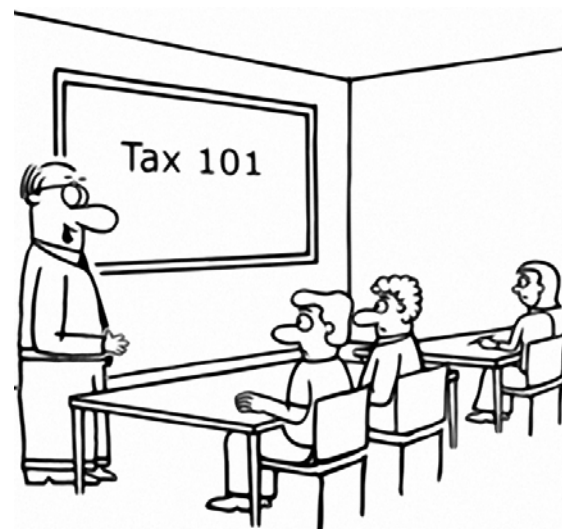
In the "private" group, members were exposed only to their own "giving" scores, whereas in the "public" group, each member was asked to publicly announce his or her donation to the others. In the end, members of the public group got the letter combination right twice as often as members of the private group. At a later stage of the experiment, researchers decided to test whether people would forgo a financial reward to look altruistic in the eyes of others. In the public group, adding a personal financial incentive had only a small effect on its success rate, whereas it increased the private group's success rate by 35%.

There's no doubt that outward appearances help to explain the rise of modern philanthropy. In the early 20th-century U.S., giving was a way of gaining status for those who had recently acquired a fortune. "New" and "old" money competed for large-scale public projects, such as the American Museum of Natural History in New York and the New York City Opera. One can find the names of individual donors splashed across the programs of philharmonic orchestras, in university brochures, and on hospital walls. If donors were not concerned with their personal brand, these displays

would be meaningless. In several documented cases at U.S. universities, only around 1% of donors requested to remain anonymous - a statistic often cited by those who argue that cachet and publicity are the main reasons that the rich give to such institutions. And when donations are publicly listed by category, most people donate equal to or slightly above the minimum amount required to secure their spot.

Some researchers explain donors' behavior with an economic rationale: Donors reap benefits from their contributions. Gifts to charity are one of the best tax-saving opportunities available. Not only does the charity itself benefit, but the taxpayer receives a tax deduction. However, in 1990, the economist James Andreoni at the University of California, San Diego showed that this model, like that of pure altruism, doesn't capture all the reasons why people give. Perhaps donors enjoy a "warm glow" from giving, he suggested. Art benefactors, for example, want to perceive themselves as art lovers as much as they want to contribute to art. This certainly was the case with the Axelrods. Furthermore, their tax deductions were significant but dependent upon their unreasonably high estimates of their valuation.

When Axelrod sold his collection of rare Italian violins to the New Jersey Symphony Orchestra,



The Internal Revenue Code is absurdly complex or, as we lawyers say, a goldmine.

saying that he had parted with a \$50 million value for only \$18 million, he was hailed as the greatest arts benefactor in the state's history. However, the \$32 million difference that he used as a charitable deduction was not commented upon. Axelrod is a benefactor of the University of Guleph, having donated a valuable collection of fish fossils in 1989. The donation was arranged by a friend, Eugene Balon, then a professor in the university's department of ichthyology. At the time, Axelrod appraised the fossils' value at \$24 million but Balon says that Axelrod inflated their value. "Nobody would have paid \$24 million."

In 1998, Axelrod donated four inlaid Stradivarius instruments - two violins, a viola and cello - to the Smithsonian Institution's *National Museum of American History*. He placed the value of the strings at \$50 million. The high-profile gift, one of the museum's largest ever, allowed Axelrod to claim what his lawyer confirmed was a tax break of around \$32 million. The independent experts contacted by The Star-Ledger by turns called the valuation "ludicrous," "preposterous" and "a joke." The result was that the FBI, the IRS and U.S. Senate finance committee all launched investigations to determine whether Axelrod used lofty appraisals as a vehicle for fraudulent tax deductions.

It's probably impossible to find one explanation for all these patterns. They operate in an intricate web of motives and interests, both altruistic and egoistic. The extent of egoistic motives varies across donors (due to individual diversity), but is linked to donation amount (size matters). It should be remembered, however, that since it is our government that was defrauded of \$20 million, it is the taxpayer you and I who were defrauded as well. Axelrod, therefore, cost all of us. Axelrod has been described as a "philanthropist" but taking away money from your pockets and mine is not philanthropy but a subtle form of robbery.

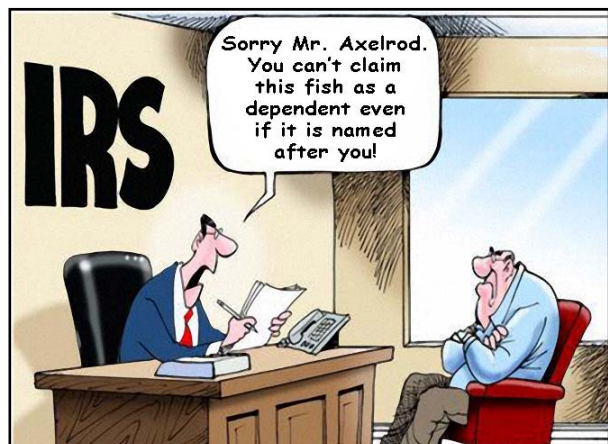
On one of the rare occasions he commented on his own life, Axelrod was on record after his conviction

in 2004 as saying: "It was always my goal to be remembered as an outstanding philanthropist. That's all gone. Instead, I will be remembered as a person who disrespected his country, his government, the law and this court. It is the biggest mistake of my life."

#### THE GOOD, THE BAD AND THE UGLY

Some readers may wonder why I added "moral turpitude" to the list. I have already discussed Axelrod's extra-marital activities with Anmarie Barrie but over the years I have heard, at second hand, numerous examples concerning some of Axelrod's other activities in this regard but it was gossip and I had no knowledge that it was true. However, after I became more prominent in the aquarium hobby, I did learn first-hand about two instances from two people who were extremely good friends of mine and whom I had known for many years. Furthermore, they were at the pinnacle of the aquarium hobby, known to most advanced aquarists. What I tell you now is what they told me.

In the less contemptable case, Axelrod was trying to seduce the man's wife, causing serious marital difficulties for him. In the more repugnant case, Axelrod was trying to do the same to the man's 14-year old daughter and he had to make sure his daughter was nowhere near Axelrod at all times. Unfortunately, I can't provide the names of the victims since some are still alive and the common knowledge would be uncomfortable and embarrassing to all involved.



As one aquarist observed (Lange, 2020):

**As a young aquarist I was talking to our club, the Missouri Aquarium Society (MASI), about how cool Axelrod was when the President pulled me aside and told me just how wrong I was. He proceeded to tell me what an ass he was when he visited the club and wanted as part of his speaking agreement for the club to go to the "east side" and have them procure two black prostitutes for him. The President, being one of those Baptist types, was not pleased but certainly not a person to lie about something like that.**

The following is a list of famous men who did both good and bad:

**Aristotle:** Helped invent science and philosophy.  
\*Robust sexist; supported slavery.

**Charles Dickens:** Wrote *Oliver Twist*, *A Christmas Carol*, *David Copperfield*, *Great Expectations*.  
\*Abused his wife and other women he was involved with, and was a terrible, cruel father.

**Ezra Pound:** Wrote *The Cantos*; helped other writers get their works published.  
\*Pro-Nazi anti-Semite.

**Gottlob Frege:** Helped invent standard logic and modern philosophy.  
\*Pro-Hitler Anti-Semite.

**Hans Geiger:** Invented a machine that could measure radiation, called the Geiger Counter.  
\*Supported the Nazis in World War II.

**Isaac Newton:** Discovered physics; invented calculus to study the physics he discovered.  
\*Extraordinarily mean, cruel, ruthless, petty, and vindictive, especially to anyone who sought to improve his (Newton's) physics or his calculus. Newton is rumored never to have smiled.

**Richard Owen:** Made Dinosaurs a thing; coined the term "dinosaur"; worked hard to estab-

lish the British Museum of Natural History; contributed to our scientific understanding of dinosaurs.

\*Was vicious and deceitful, especially to his rivals; claimed the work of others as his own.

**T. S. Eliot:** Major Poet; wrote *The Love Song of J. Alfred Prufrock*, *The Waste Land*, *The Hollow Men*, *Old Possum's Book of Practical Cats*, *Four Quartets*, etc.  
\*Anti-semite.

**Thomas Jefferson:** Helped invent democracy and the United States; wrote the original draft of the U. S. Declaration of Independence.  
\*Owned slaves; forced some of them to have sex with him; hypocrite; racist.

**William Shockley:** Invented the transistor and helped invent the computer.  
\*Very big racist, big fan of eugenics.

**Ernst Ahl:** One of the great German aquarists who influenced the American hobby prior to World War II. Edited *Das Aquarium*.  
\* Staunch Nazi.

**Leon F. Whitley:** Well-known in the aquarium world: Wrote *All About Guppies* and *The Complete Guide to Tropical Fishes*.  
\*Very big racist, big fan of eugenics and sent a copy of his eugenics book, *The Case for Sterilization* to Adolf Hitler.

**Herbert R. Axelrod:** One of the most famous aquarists in the American Hobby. Published many books that would not have been available to aquarists. Philanthropist.  
\*Liar, Cheat, obsessively egotistical and self-centered; predatory, unfair business dealings.

What are we to do about these men? They were deplorable, despicable persons, one and all. Yet, they made contributions to our lives, some of which are profound. We cannot live today the way that we do without some of them (computers and electric lights, for example). And without the others, there'd be little point to living at all. The obvious solution - and the one we use now - is to

ignore their misdeeds (we used to cover them up), apply their contributions, and when pressed, praise and thank them for helping us so much.

The one thing we should not do is smile and say “Well, we all have blemishes.” These men did not have blemishes. They had huge moral failings that directly harmed many people, and some even millions indirectly. This is the main reason I wrote this book.

### REFLECTIONS ON AQUARIUM HOBBY RESEARCH

In May In May 1965, Robert H. Boyle (1928-2017) published an article that appeared in *Sports Illustrated* called “The Strange Fish and Stranger Times of Dr. Herbert R. Axelrod.” Born in 1928 in Brooklyn, Boyle attended the Loyola School in Manhattan and then Trinity College in Hartford, Conn. After graduating from Trinity in 1949 with a BA in history, he studied history at Yale University. He had completed a master’s degree and was en route to a scheduled PhD when he was called to active duty by the Marine Corps and served as a second lieutenant in the Atlantic fleet during the Korean Conflict.

Upon completion of his obligation to the Marine Corps, he traveled to Europe where he studied at the Universitat de Barcelona. In Spain, he also enjoyed a brief fling as a professional baseball pitcher. This experience formed the basis for his first published work – a recollection of the adventure for *The Atlantic Monthly*. Upon his return to the United States in 1953, he became a writer for the United Press. Then in September 1954, he began work as a writer/reporter for Time Inc., where he wrote for *Time*, *Life* and the company’s newest publication, *Sports Illustrated*.

Boyle’s true calling, however, was the outdoors. He first became involved in the environment in 1959 and while doing research for his 1969 book, “The Hudson River; A Natural and Unnatural History,” he collected fishes from the river for the

American Museum of Natural History and the U.S. Fish and Wildlife Service under scientific license. As Boyle noted in his article, “The Creature from the Aquarium” (Boyle, 1991):

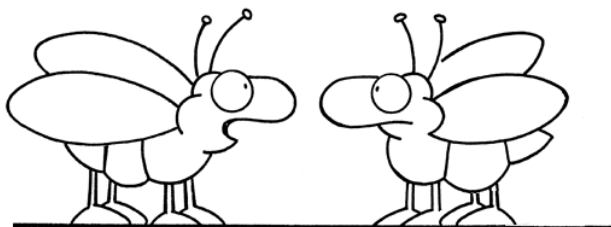
**For most of the last 30 years I have been keeping freshwater fish and invertebrates in aquariums. Not for me, though, are the swordtails, kissing gouramies, neon tetras or other pet-shop exotics kidnapped from the tropics. Instead I revel in observing what I have brought back alive from lakes and streams near my home.**

However, even twenty six years after his 1965 article Boyle was still pandering to Axelrod:

**Anyone interested in keeping native creatures alive in the living room would do well to consult Dr. Axelrod's Mini Atlas of Freshwater Aquarium Fishes, put out by TFH Publications. Despite its title and heft, this 992-page book by Dr. Herbert R. Axelrod and several colleagues contains a most helpful section on basic aquarium setup and maintenance. I first met Dr. Axelrod, a world-renowned authority on fish, shortly after I started keeping large-mouth bass (up to 3½-pounders) in my 120-gallon living-room aquarium. Very much a private person, Dr. Axelrod said that the only reason he met with me was because "you're a nut, too."**

Boyle’s 1965 *Sports Illustrated* article unfortunately formed the basis for the promulgation of the Axelrod myths for the following years to come. Worst still, as Boyle took everything Axelrod told as the gospel truth, Axelrod must have

**“When Herbie says he’s been on the silver screen, he means the screen door, not the movies!”**



been jumping up and down with Duper's Delight after reading the article.

Boyle's article can be compared to that of John T. Ward's, "The Maestro" in the New Jersey Monthly (Ward, 2003). Over his three decades in the news business, John T. Ward site has worked as a reporter at the *Asbury Park Press* and the *Star-Ledger* and as a magazine freelancer. *The Baltimore Sun* sent him with several other war correspondents to Korea to cover the war where he sent back photos from the front lines. Ward wrote about all kinds of different topics, including show business, TV, crime, the armed forces, sport and real-life tales.

He covered breaking news as well as writing in-depth features. He interviewed top celebrities from the world of show business and sports and got into a few hairy situations while investigating drug dealers and unsavory far-right characters in the English Defence League (a far-right, Islamophobic organization in the United Kingdom). He had been embedded with the British Army in Afghanistan on four occasions, where he went out on patrol with our troops in deepest Helmand Province (Since the 2001 War in Afghanistan, Helmand Province has been a hotbed of insurgent activities. It has been considered to be Afghanistan's "most dangerous" province.). Ward also has won a number of awards for his articles from the *Society of Professional Journalists*, including one in 2003 for his Maestro article on Axelrod.

Ward wondered why Boyle had described all of Axelrod's tall tales without any comment and as if he believed everything Axelrod had told him. Little was attributed to sources. When Ward asked him about this, Boyle stated that every word of the article went through the magazine's rigorous verification process. "We checked it all out," Boyle said. "We sent cables to correspondents in Djakarta, Manaus, Rio wherever he'd been in the world. We queried Japan about the Hirohito stuff. He did all that. He was known."

Clearly, Boyle did no such thing, other than per-

haps confirming that Axelrod was in the right places at the right time. I wonder to whom Boyle sent his cable to when trying to confirm that Axelrod had swam the Ontario river between the US and Canada or to whom he sent his cable to when trying to confirm that he anesthetized two jaguars and had them painted black. It is important to note that it takes effort, time and money to try to prove that somewhat is lying and I doubt that *Sports Illustrated* invested much in trying to confirm all of Axelrod's claims. An example of how well *Sports Illustrated* checked their articles is the following quote from Boyle's article:

**When the Germans almost broke through American lines in the Battle of the Bulge in 1944, all the students were rushed overseas, except Axelrod, who was too young for combat. He was apprehended at the gangplank and sent to Fort Lewis, Wash., while his clothes and equipment sailed off to France. At Fort Lewis, Axelrod served out his Army career as a private in an engineering company and whiled away his idle hours as a violinist in the Tacoma Symphony.**

The fact is that Axelrod was not in the Army in 1944; he enlisted on June 30, 1945, 53 days after the War in Europe came to an end with the German surrender at Reims on May 7, 1945. These are simple facts that are easily available (I have a copy of Axelrod's enlistment papers for both of his enlistments).

Describing Axelrod in appearance and manner, with a voice like an ancient car horn attached to a new battery, Ward commented,

**...reports of [his] adventures that make me wonder whether I'm chowing down with a part-time Forrest Gump. Other credulity strainers crowd my notes. But whether I'll even get to ask Axelrod about those reports is doubtful, if a warning I've heard about him is true. It holds that after about 40 minutes of regaling me with tales, he'll abruptly declare**

an end to the interview and retreat to the bubble of privacy that surrounds him and Evelyn, his wife of 48 years. In the meantime, instead of getting whittled down, my list of subjects to ask about only grows longer. As when, for example, Axelrod casually mentions that he studied mathematics under Einstein. Einstein? This I haven't heard before. Axelrod, a graduate of New York University, says he would travel to Princeton during his student years to hear Einstein chatter about the lattice theory, which involves the arrangement of atoms in a crystal. Alas, minutes after that revelation and right on schedule my host develops a case of laryngitis. It turns out that he recently spent five nights smoking cigars with fishing buddies down in Cuba and hasn't yet recovered.

Note: Albert Einstein's lectures on lattice theory were held in the School of Mathematics of the Institute for Advanced Studies at Princeton and, because of their understandable popularity, were open only to advanced students of the University. So, another lie by the "maestro."

"Okay, goodbye," he wheezes after loading my arms with books, a draft of a paper he's writing for a Dutch publication about a Cuban coral reef, and a picture of Evelyn, circa 1954. "Here, put that in your article," he says. "Isn't she gorgeous?" Even Todd Axelrod, Axelrod's 53-year-old son from his previous marriage and his only child, doesn't know where to draw the line between the man and the myth. A retailer of autographs and rare manuscripts who splits his time between Las Vegas and British Columbia, the younger Axelrod didn't grow up in his father's household and had a contentious relationship with him that in adulthood evolved into genuine friendship, he tells me by phone from his Canadian home. "Ask him, "the younger Axelrod says with amusement when I inquire about the veracity of the Lake Ontario story. And how about the one involving the salon-dyed jaguar? "It sounds right," he laughs. Really, trying

to disentangle the apocrypha from the facts of his father's life is wrongheaded, advises Axelrod the younger. "If you listen to his life as a song, it's the rhythm that makes sense," he says. "The lyrics don't have to be that accurate. He is bigger than life."

And what of all those heroic if slightly dubious tales? Escorting me to the door a second time, Axelrod insists every one of them is true except, maybe, the one purporting that he and Churchill exchanged letters about goldfish. "I don't remember that," he says. "But I think I sent him some cigars..."

The comparison with Ward's interview and that of Boyle's is, as Hamlet put it, "Hyperion to a satyr." There is no pandering in Ward's interview. He tells the Axelrod story with a strong dose of skepticism not evidenced in any other Axelrod interview and he does it with considerable humor to boot. They say you can't believe all you read in the newspapers, but if the author is John T. Ward, rest easy. If the author is Robert H. Boyle, however, before you read it take a few lessons from the school of philosophical skepticism founded by Pyrrho in the 4th century BC.



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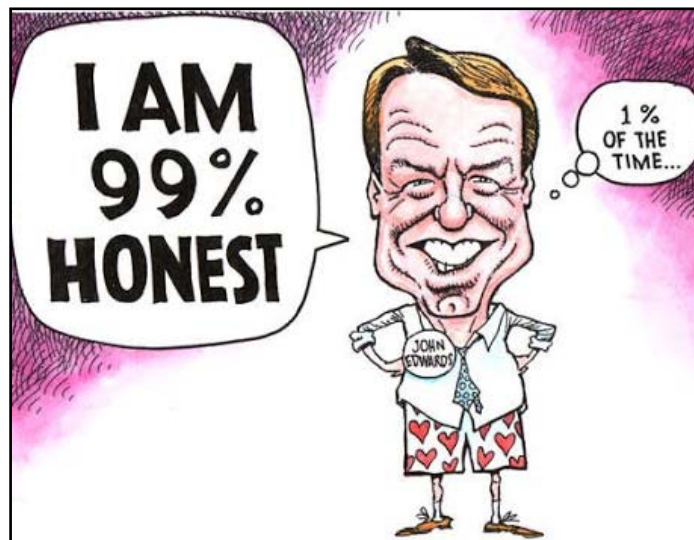
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**THE BARON VON MÜNCHHAUSEN: AXELROD**

APPENDIX

The following is a verbatim statement, description, analysis and critique of Paper 31 in the thesis (the outline shown is the same for all of the papers in the thesis). Note: Cervical cap insemination is a medical device used to treat low sperm count, low sperm motility, hostile vaginal environment, tilted cervix and unexplained infertility. The cervical cap is left in place for up to six hours giving all available sperm the opportunity to meet the egg (the cervical os is the opening in the lower part of the cervix between the uterus and vagina).

**31. THE CERVICAL CAP - AN ADJUNCT IN THE TREATMENT OF MALE INFERTILITY.**

Summary of Problem

A method has been investigated of positioning the semen after intercourse for increasing the likelihood of conception, particularly in cases of male infertility. This concerns the use of a relatively tight fitting plastic cervical cap which places the entire ejaculate in close approximation with the external cervical os.

Summary of Design

27 cases of sterility in which oligospermia was usually the diagnosis were selected for experiment, all the couples in the group having experienced unsuccessful attempts at conception for at least 1-1/2 years. The principal criterion for admission to the special group was a sperm count of less than 60 million per ml.; other apparent deficiencies of the semen such as decreased motility or abnormal morphology could cause the inclusion of a couple, but they were associated with oligospermia. Any other factor thought to be concerned was concomitantly treated if possible. Ovulation time was determined by vaginal smear techniques and the pattern of each patient established. Insemination procedures with the plastic cervical cap were then carried out twice during the ovulatory phase of each cycle at 36 hour intervals. Details are given of the method of collecting semen and placing it in the cervical cap and of treatment of patients thereafter.

Statistical Methods

Despite the above remarks, which are a precis of the authors' original account of their total of 27 cases, they then go on to state that 15 of them presented problems of primary sterility with deficient semen as the essential feature and that those 15 present the most significant group of the study. The results of insemination of these 15 patients are given in Table I, each patient having undergone at least five successive cycles involving capping, unless success occurred earlier than that. It will be seen that 10 of the 15 pairs of patients in fact conceived during the experimental period. No comparison is made with any other series or with controls of any kind. The results in the full 27 cases are given in Table II showing a total of 15 which conceived out of the 27, together with one abortion, making a total of 16. Table III relates the results of insemination in the 27 cases to the sperm count of the husband, showing astonishingly enough that most of the successful cases occurred with very low sperm counts. Tables IV and V, not reproduced here, gave details of clinical findings, duration of sterility, ages, basal metabolic rate, sperm counts, numbers of cycles capped, etc., in the individual successes and failures, but have contributed little that could be the subject of fruitful statistical analysis, particularly in the absence of any kind of control. No statistical methods are applied in any of these instances.

Summary of Conclusions

It was concluded that the use of the cervical cap is probably of considerable importance in shortening the duration of infertility and a summary of the results achieved is given.

Criticism of Design

The main criticism to be afforded of this experiment is the paucity of data and the complete absence of any kind of comparison with either controls or other methods of attempted treatment. It is notorious in such studies that the very fact of being under medical care and trying out a new medical technique may alter the probability of conception without particular reference to the true clinical value of the procedure. Many of these factors can be controlled by the simultaneous application of several techniques, including a placebo, the difference between which are not appreciated by the patient, but which give the clinician an opportunity of differentiating between true success and failure. There is no doubt that the authors must have been treating other and perhaps very similar patients by different methods, by which it was hoped to induce conception, and a comparison of their degrees of success with these methods would have been very valuable. Without such a comparison one can only piously express the opinion that these patients would probably have gone on being sterile and therefore one may choose to suppose that the procedure has some value. This, however, is entirely without factual basis.

It should therefore have been possible to have allotted this type of sterility patient to at least two treatment groups in one of which, if even for a limited period, no active treatment would be given.

Criticism of Statistical Methods

No very useful statistical analysis could be applied to the figures as they stand but such an analysis could have been applied to the figures that would have been obtained from the suggested comparisons above.

These would almost necessarily be Chi-square tests, and in order to show significant differences they would have to be founded on reasonably large numbers. It seems doubtful whether a series of 27 or 15 patients, according to how the present series is recorded, would be likely to show significant differences unless the results of the particular procedure under examination were indeed spectacular. Even in Table III, where one might expect perhaps to examine the regression of conception rate on sperm count (were the data extensive enough but they are not), it is quite clear that no such regression is forthcoming and that the experience is heterogeneous. The results are confined to the two ends of the series with nothing but failures in the middle and would give a most peculiar regression which would be physiologically meaningless. It may be noted that there is a division in Table III into primary and secondary cases, the majority of relatively high count successes falling into the secondary column and the majority of the successes with relatively low count cases falling into the primary column. This shows that there was a difference between the types of patient at the two ends of the series and confirms the heterogeneity just mentioned.

Duration of Sterility	Number	Conceived	Aborted	Failures
1 - 3 years	5	5	1	0
3 - 5 years	7	3	0	4
5- 8 years	3	2*	0	1
Totals	15	10	1	5

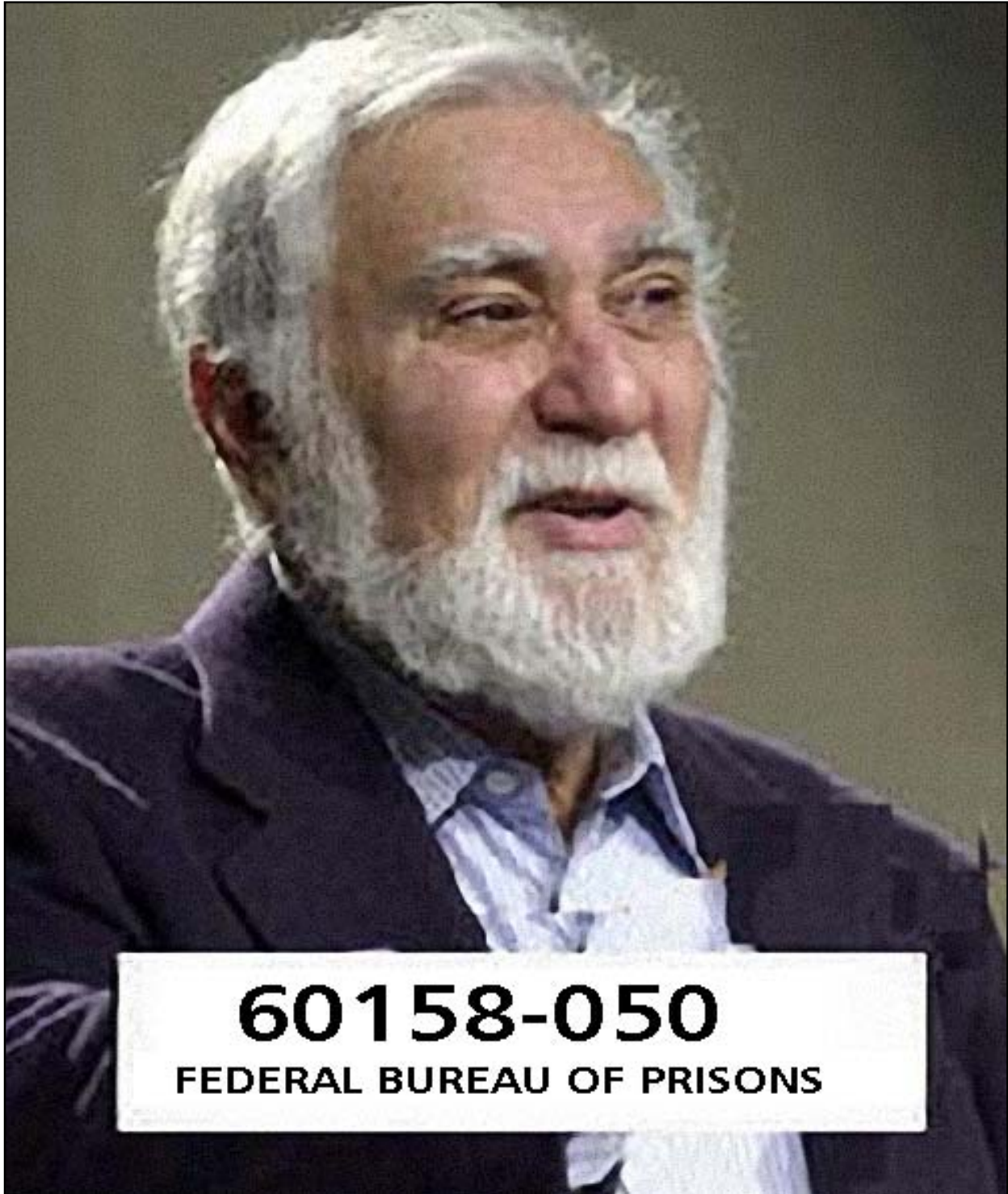
\*An intensively treated couple with a seven-year sterility problem with marked oligospermia who achieved conception twice by capping and is considered as two separate units.

Duration of Sterility	Number	Conceived	Aborted	Failures
1 - 3 years	13	10	1	3
3 - 5 years	9	3	0	6
5- 8 years	5	2*	0	3
Totals	27	15	1	12

\*See footnote in Table I.

Sperm Count (Millions/Co.)	No. of Cases	Conceived		Aborted		Failures	
		Primary	Secondary	Primary	Secondary	Primary	Secondary
>60	8	0	3	0	0	3	2
50 -59	2	1	1	1	0	0	0
40 - 49	1	0	0	0	0	1	0
30 - 39	1	0	0	1	0	1	0
15 - 29	6	2	1	0	0	1	2
5 - 14	9	7*	0	0	0	2	0
Totals	27	10	5	1	0	8	4

\*See footnote in Table I.



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**FEDERAL BUREAU OF PRISONS**

**The following is a list of books and booklets written by Albert J. Klee. Although many of them had more than one edition, I have listed only the year of the latest edition for them.**

**A HISTORY of AQUARIUM INVENTIONS**, The First 100 years, 2007

**A HISTORY of AQUARIUM INVENTIONS**, The First 100 years, Advanced Aquarist Edition, 2018

**ANTHOLOGICA**, A Collection of Aquarium Articles by Albert J. Klee, Volume I, 2005

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**ENJOY YOUR CATFISH**, 1966

**FREMDLÄNDISCHE SÜSSWASSERFISCHE** (Note: Translation by George Maier, Illustrations by Albert J. Klee), 1966.

**KNOW HOW TO BREED LIVEBEARERS**, 1966

**KNOW YOUR GUPPIES**, 1966

**KILLIFISH EXCHANGES** (with Richard Haas), 1963

**ESSAYS ON AQUARIUM HOBBY HISTORY**, 2020

**THE AQUARISTS\_NOTEBOOK**, Volume 1- IX, 2006

**THE FINNY BONE**, 2nd edition, 2010

**THE GUPPY**, 1859-1967, 3rd\_edition, 2013

**THE TOY FISH**, A History of the Aquarium Hobby in America - The First One-hundred Years, 2014

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