

Anti-Constitutional Activities and Abuse of Police Power by the U.S. Food and Drug Administration and Other Federal Agencies

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In recent years, there has been an upsurge of police activities in the USA, the nature of which most Americans would more readily associate with repressive dictatorships. We Americans have been educated to believe that democracy, due process, assumed innocence-until-proven-guilt, and Constitutional protections against illegal search and seizure are the laws of the land. On paper, these protections are there; but in reality, these basic Constitutional rights and freedoms have been gradually and steadily eroded away by new laws, judicial rulings, and bureaucratic decrees. One of the lesser-known but more significant leaders of this assault on American freedom has been the US Food and Drug Administration (FDA).

Background to FDA Police-State Activities

As early as the 1950s, the FDA was engaged in aggressively spying on health-care providers who employed medications and approaches which were not considered “acceptable” by mainstream orthodox medicine. Notably, it was and has been the American Medical Association (AMA) which has dominated ideas within the medical community, as well as nearly all legislation related to health care. If the AMA dislikes a particular health care approach, they work to banish such methods within hospitals, and to suspend the medical licenses of any doctor who employs them. They have often been able to rely upon state licensing boards and legislatures, and even the US Congress, to pass laws outlawing natural healing methods and the non-MD practitioner (such as midwives, herbalists or acupuncturists). Failing here, the AMA and friends in the drug industry have relied upon their allies in the FDA to aggressively assault the advocates of natural treatment methods.

Many new health care discoveries have thereby remained “underground”, never being allowed to flower productively in the light of day. Inexpensive, non-toxic and unpatentable natural healing methods have never been seriously or honestly evaluated by the AMA-FDA-pharmaceutical-dominated medical establishment. Instead, policemen have been called in to simply arrest and jail the offending practitioners, seize their files, mailing lists and other property, burn their books, and otherwise trample the US Constitution into the dirt.

—Dr. Royal Raymond Rife was crushed when his new microscopical techniques demonstrated the pleomorphic nature of viruses and bacterium.(1)

—Harry Hoxsey’s successful herbal formulas for the treatment of cancer, used in dozens of clinics across the USA in the 1950s, were stomped into oblivion by an enraged FDA, after Hoxsey refused to sell his formula to Dr. Morris Fishbein, then

1. Barry Lynes, *The Cancer Cure that Worked: Fifty Years of Suppression*, Marcus Books, Ontario, 1987.

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president of the AMA.(2)

—Max Gerson’s dietary immune-boosting treatments for degenerative disease were criminalized by the FDA at the very time he published scientific evidence and clinical reports on their effectiveness.(3)

Today, none of these treatments are *openly* used in the USA, but only in clinics south of the Mexican-California border. The FDA also attempted to ban and burn Rodale’s *Organic Farming and Gardening* magazine as “advertising literature” not covered by the First Amendment; many vitamin companies were advertising in it, and Rodale claimed — to the annoyance of the chemical fertilizer and drug companies — that the vitamin and nutrient values of plants were increased by use of natural-organic farming methods, thereby improving human health. The FDA lost that case, but Rodale was forced to spend a fortune in legal fees to defend his right of free speech.

Probably the most significant and blatant example of FDA aggression and anti-Constitutional activity is the case of Dr. Wilhelm Reich. The Reich Legal Case surpassed the Scopes Monkey Trial in legal and historical significance, as it clearly marked the willingness of the US courts to condone the censoring of speech, the burning of books, the unreasonable seizure of property, and the willful ignoring of written documents presented to judges. Reich may not have been what one could call a “model legal client”, but the willingness of the US courts to incarcerate him, burn his books, and in general treat him like a criminal, demonstrated how far legal technicalities and procedural issues had replaced the *original intent* and *spirit of the law*. Certainly, all the various judges who reviewed Reich’s case and ruled against him, from the local and district court judges to the US Supreme Court judges, *knew they were agreeing to censorship of speech and to the burning of books*.

The judges also demonstrated no interest in any of the technical/procedural issues which would have weighed in Reich’s favor, such as the fact that the prosecutor was himself Reich’s former personal attorney, or that Reich had submitted documents (his “Response to Ignorance”) to the lower courts which were, essentially, thrown into the trash. Indeed, the deep significance the courts gave to procedural technicalities in his case was exclusively to those matters which worked *against* Reich. Clearly, they were out to “get Reich”, no matter what. On the basis of legal technicalities, his many books and research journals were burned in incinerators by court order, and both Reich and a co-worker, Dr. Michael Silvert, were sentenced to over a year in prison. Reich died in prison, while Silvert committed suicide shortly afterward. Other FDA violations at the time included the warrantless invasions and searches of the homes of people peripherally associated with

2. Ken Ausubel, *Hoxsey: How Healing Becomes a Crime*, Mystic Fire Video, Malibu, California, 1987.

3. Max Gerson, *A Cancer Therapy: Results of 50 Cases*, Gerson Institute, Bonita, California 1990.

“...nearly every major medical organization and medical society in the USA...expend significant sums of money each year to fund unfactual, even slanderous, propaganda against relatively inexpensive natural healing methods...”

Reich. In one such case, a home was searched and Reich's books were confiscated from private bookshelves. School teachers and doctors who worked with Reich were fired from their jobs, in a manner reminiscent of the more purely political repressions of that time, the McCarthy period.

The Reich Legal Case has been discussed in detail elsewhere,⁽⁴⁾ and so will not be repeated here, but its importance lies in the fact that the FDA was able to commit severe anti-Constitutional actions, indeed, *murderous* actions, against an internationally-known and respected scientist without so much as a peep of protest from the various academic “scholarly societies”, “civil liberties” or “free speech” groups, etc. This lack of significant social protest was an encouragement and green light of approval to nearly every federal agency wanting to shape public or private behavior to one or another government policy. While blatant *political repression of politicians* has declined over the years, with increasing protections afforded to *political speech*, the political repression of unorthodox scientific discoveries related to health and sickness has not declined at all. In fact, *repression of non-political speech has increased*, especially when it is linked with concrete marketplace activities which conflict with official government policies or big business monopolies.

In the years since Reich's death, Constitutional protections against illegal seizure of property, assumed innocence-until-proven-guilt, and due process of law have been flagrantly violated and trampled into the dirt by the FDA leaders and field agents, who are increasingly teaming up with other arms of the federal bureaucracy to increase their power. Numerous medical pioneers have been assaulted and personally destroyed, in a manner so blatant and aggressive it makes Reich's treatment by the FDA appear almost gentle by comparison. The FDA's police-state activities are taking place all across the USA, but little of it is being reported in the mainstream media — or if so, generally with biased justifications given for the FDA actions, that “the FDA is combatting health fraud” or “medical quackery”. Here, the reader will be informed of more recent assaults by the FDA against the natural health movement.

The AMA-FDA-Pharmaceutical Cartel

Increasingly, health care decisions in the USA are being mandated by small cadres of “specialists” who decide whether this or that medication will be made legal and available to the American public. Where scientific evidence once was the criteria for extended use of a new medication, such decisions are today being made more on the basis of the profits which can be made from a particular medication — too many of the top physician-bureaucrats working in the FDA, National Institutes of Health (NIH), American Cancer Society (ACS), etc. are themselves often drug-company millionaires, with personal stock holdings or investments in the companies whom they

regulate. Drug companies provide large sums to political campaigns so as to definitively influence legislation, and to various medical institutes, to “research” their products. Their full-page color advertisements for new drugs in medical journals essentially pay for those publications. Pharmaceutical companies are one of the highest profit margin industries in the U.S. who do not have to account for the often extreme prices they charge - higher than anywhere else in the world. Drug company money plays a powerful role in shaping health policy, the approval process for new patent drugs, and publishing (or censoring) research findings about the effectiveness or side-effects of those drugs.

Additionally, nearly every major medical organization and medical society in the USA, to include many governmental agencies like the FDA, NIH, and ACS, expend significant sums of money each year to fund unfactual, even slanderous propaganda against relatively inexpensive natural healing methods, which might otherwise substitute for the expensive and often toxic medications and surgical procedures pushed by the medical-pharmaceutical cartel. “Quack-busting” groups, such as the National Council Against Health Fraud, team up with various medical societies, licensing boards, and the FDA to efficiently snoop upon and “police” the medical community, making sure that only the most orthodox medical treatments will prevail. Word quickly spreads, through the medical gossip system, if a doctor does not prescribe the usual drugs or treatments. Any doctor employing vitamins, herbs, nutrition, energetic medicine (homeopathy, orgone accumulator), chelation therapy, or any other progressive, innovative or unorthodox treatment can expect great pressure from these groups, up to and including visits from aggressive, gun-waving “health-care” policemen.

Similar, or even more aggressive treatment is meted out to midwives, herbalists or to other health care providers who lack the MD degree, and employ methods which compete with the entire lucrative doctor-hospital system. A doctor or midwife who is today labeled a “quack” in the newspapers can expect as bad and unfair a treatment as did a “witch” in the Middle Ages. The quite telling consequences of this anti-scientific pogrom against the new and unorthodox health research findings are that a higher percentage of people are dying from degenerative illness today than in the 1950s, while cancer cure and survival rates are essentially unchanged from when the multi-billion dollar orthodox “war” against cancer was initiated.⁽⁵⁾ Like the “wars” against crime, poverty and drugs, the “war against cancer” has been a huge, expensive flop, benefiting only the over-bloated cancer industry — today more people are engaged in the “treatment” of cancer than those who die from it in a given year. Obviously, the attitude that “war” is necessary to solve a social or health-care problem is itself part of the problem, and not part of the solution.

Increasing Use of SWAT Teams and Seizure Laws

One clear consequence of the widespread “war” approach to social problems has been the growing use of police Special

4. Jerome Greenfield, *Wilhelm Reich Versus the USA*, W.W. Norton, NY 1979; Lois Wyvell, “The Jailing of a Great Scientist in the USA”, *Pulse of the Planet* #4, 1993; James DeMeo, “Author's Preface”, *The Orgone Accumulator Handbook*, Natural Energy Works, Ashland, Oregon, USA. www.naturalenergyworks.net

5. J. C. Bailar & E.M. Smith: “Progress Against Cancer?”, *New England Journal of Medicine*, 314:1226-1232, 8 May 1986.

Weapons and Tactical (SWAT) teams to enforce bureaucratic decrees by federal agencies, even those agencies one normally does not associate with “law enforcement”. In recent years, the farm journal *Acres, USA* (6) has exposed numerous examples where individual farmers, who were making legal challenges to US Department of Agriculture (USDA) rulings about crop quotas or loan-security arrangements, had their homes, land and farm equipment *seized* at gun-point by the USDA. A few farmers have been shot dead. Legal and constitutionally-protected citizen opposition to federal government policies has been met by increasingly aggressive and militant reactions by policemen, armed with machine guns, flak jackets, concussion grenades, and even tanks — the message is, *Obey, Or Else!* The USDA, Bureau of Alcohol, Tobacco and Firearms (BATF), Drug Enforcement Agency (DEA), and US Forest Service (USFS) have all developed well-armed “security forces” which flagrantly defy the Constitutional ban against the use of military forces for domestic law enforcement. Hundreds of millions of dollars in property, to include homes, automobiles, cash in bank accounts, and other personal and business property has been seized by these various agencies, who often work in coordination with the FBI, Internal Revenue Service (IRS), US Customs Service, and US Postal Service.

The various “War on Drugs” seizure laws have allowed these various government agencies to seize the property or cash money of any citizen, based upon *mere suspicion* that the property or money was acquired from sales of illegal drugs. A citizen whose property which has been seized must post a significant cash bond to the courts (a percentage of the value of the seized goods), and then go to court and “prove their innocence” to the judge before the property is returned. Failing to do so, the “law enforcement” agencies which made the seizure are then allowed to auction off the seized properties and keep a percentage of the money for “internal use”! For example, there was the case where a large fishing boat was seized by the DEA during a “routine” US Coast Guard inspection, when one of the deck hands was found to have marijuana cigarettes in his pocket. The seizure of the expensive fishing boat destroyed the life’s work of the boat-owner captain, who was held responsible for the concealed actions of one employee.

Then there was the case of Willie Jones, a hard-working gardener who paid cash for an airline ticket, not knowing that airline ticket agents often provide “tips” to policemen about travelers who pay for tickets with cash. The assumption is that anybody buying an airline ticket with cash is a drug dealer! The cops confronted Jones, and confiscated \$9,600 he was carrying for purchase of shrubbery for his landscaping business — he was flying to a gardening convention to purchase plants for next year’s work. Although the cops “arrested” his cash, Jones was never charged with anything, and he did not have additional money to go to the courts to “prove his innocence”. So the cops just kept the money. Jones observed “I didn’t know it was against the law for a 42-year old black man to have money in his pocket!”

In another remarkable case, two gardening supply stores, along with inventories and bank accounts, were seized by DEA agents after an employee advised undercover agents how grow-lights might be used for indoor cultivation. Marijuana was implied, but never mentioned explicitly — but so what! The DEA felt the selling of *grow-lights* was contributing to the drug trade, so they raided the stores. Now, this is, purely *legal stealing*, where the activities of the cash-greedy federal agents

6. *Acres USA*, www.acresusa.com

and judges is not supported by anything written in the Constitution, nor by any other moral or rational premise. Indeed, in fully 80% of the cases where assets are seized by the US government under the forfeiture laws, *no one is charged with a crime of any sort.*(7)

Even the US Environmental Protection Agency has gotten into the act, of creating its own police force SWAT teams; they recently raided an insectary which was legally challenging the need to obtain “EPA permission” to sell lady bugs to organic farmers. In another recent disgusting example, when the National Park Service (NPS) wanted to purchase a large plot of land adjacent to a National Park in southern California, the elderly owner, Mr. Donald Scott, refused to sell. Angered, NPS officials, teamed up with the IRS and DEA, went snooping for dirt on Mr. Scott, “to see” if he was growing pot on his property. One of the NPS agents then conveniently volunteered that he had seen “pot plants” when flying overhead many hundreds of feet in a helicopter (!), and somebody else received an “anonymous tip” that Mrs. Scott was seen purchasing items in town with hundred-dollar bills. With this fabricated “evidence”, they raided Scott’s rural mountain home with SWAT teams and gunslingers, with the expectation that — if drugs were found — they could confiscate his home and land, and whatever money he had in the bank, which would then become the property of the various “law enforcement” agencies. As they burst in on Scott’s mountain home early in the morning, Mrs. Scott screamed with alarm at the sight of guns being pointed at her by strangers. Still dressed in pajamas, Mr. Scott jumped up from his bed with a pistol in his hand to defend his wife against intruders. With his pistol pointed to the ceiling, he was shot dead in his own home by the cops, at the very moment when he was complying with police orders to put the gun down. *No drugs of any kind were found on the property. The entire raid was staged purely for the purpose of stealing the man’s land, and placing it on the auction block!* (7)

These are just a few incredible examples, from *hundreds to perhaps thousands* of similar cases, of federal assaults upon ordinary citizens who were never charged with a crime, as more political powers and guns are accumulated into the hands of our unelected federal bureaucracy. And, of course, there were the events in Waco, Texas, where an unruly fundamentalist religious group was needlessly assaulted by swarms of federal and state police, and Bureau of Alcohol Tobacco and Firearms (BATF) agents armed with automatic weapons and tanks, leading to nearly 100 deaths (including over 20 children).† The incident at Waco was undertaken for allegations which were no more severe than what has been routinely *certified and documented* as occurring within more established religions (such as child sexual abuse by Catholic Clergy). By contrast, no Catholic church or school has ever been invaded by BATF or Health and Human Services (HHS) agents, snooping out “alleged child sexual abuse” at the point of a gun. A recent Congressional investigation into the Waco massacre suggested the allegations of “child sexual abuse” had been concocted, after-the-fact, by Attorney General Janet Reno, to justify her approval of the shockingly aggressive raid.

7. *SF Chronicle*, 25 June 93; *Contra Costa Times*, 5 June 93; *Bay Guardian*, 2 June 93; *Pacific Sun*, 12 March 93.

† A videotape “Waco, The Big Lie” (*American Justice Fed.*, 3850 S. Emerson Ave., #E, Indianapolis, IN 46203) shows what appears to be flame-throwing equipment on the front of a tank which assaulted the Waco compound, casting doubt upon the “official” version of events.

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These examples are only a few from many, of clear and growing evidence of the *decline of respect for Constitutional principles and due process of law*, not by ordinary citizens, but rather, by *out-of-control, power-hungry government leaders and bureaucrats*, stimulating the growth of an American Police State. Increasingly, these various federal police forces are coordinated through larger and larger computer data banks on ordinary citizens. With poverty and homelessness on the rise, with more and more of the public wealth, lands, resources and means of production owned and controlled by fewer and fewer people, and with new reforms blocked by both political barriers and bureaucratic immobility, it is not surprising to see an increase in social chaos and crime. But the public clamor has unfortunately *not* been to address the root causes of crime, or even to hold the guilty federal leaders accountable for their autocratic, indeed fascistic, conduct. Rather, with the news media nearly silent about these various assaults upon democracy and freedom, the cry from Washington, DC is for even more police “protection”. And so, new legislation is making its way through Congress, supported by both conservative Republicans and liberal Democrats, to grant even more police powers to the various federal agencies, and frighteningly, to centralize their activities under a single anti-crime umbrella. This is the background against which the AMA-FDA-Pharmacy cartel has turned up the heat against health care reformers, midwives, physicians employing natural healing methods, and vitamin and herb companies.

Growth of Natural Healing Methods in the USA

According to a recent study in the *New England Journal of Medicine*(8) about a third of all American adults use unconventional medical treatments, such as chiropractic, therapeutic massage, relaxation techniques, special diets and megavitamins. Americans are increasingly attracted to non-toxic natural healing methods, as an alternative to the cut, burn and poison methods of allopathic medicine. In recent years, there also has been increasing evidence that vitamins and other items advocated by “health food nuts” do indeed work to prevent degenerative diseases, and to promote recovery and remission from severe illness. Health reformers are increasingly advocating natural healing methods, including natural childbirth, home birth, breastfeeding of infants, and organic fruits and vegetables. Vitamins A, B, C and E in moderate to high doses are increasingly being found to reduce one’s risk of heart disease, cancers, and other degenerative diseases. Indeed, the National Institute of Health, in response to growing pressure from the public, recently opened an “Office of Alternative Medicine”, and has started to fund investigations of natural healing methods.(9)

The percentage of Americans attracted to natural healing methods is growing and threatens the economic monopoly of Big Medicine, the AMA-FDA-Pharmacy cartel, which has for many years dictated health care approaches used in the USA

with an iron fist. This appears to be *the* major reason for the intensification of the FDA’s vicious and murderous war against the natural health movement. The Director of FDA, under both the Bush and Clinton Administrations, is Dr. David Kessler, a powerful bureaucrat who epitomizes what Wilhelm Reich meant by the term *HIG* (Hooligan In Government). Kessler has intensified efforts by the FDA to control what is said, published, used or sold in all aspects of health care in the USA. He has established a “snitch” telephone hot line whereby “responsible doctors can call in and report any of their colleagues engaged in unacceptable, unorthodox, or deviant medical practice”.

A blatant double-standard is applied: natural health advocates are assaulted for legal technicalities or for no reason at all, while big pharmacy and surgical device companies can literally get away with murder. Nutritional supplements with proven benefits are banned without evidence of any public health hazards, while synthetic pharmacological drugs or horrific surgical devices which have never been proven effective are approved in spite of demonstrated deadly side effects. Even when evidence is found that the pharmacy companies completely fabricated their FDA-approval data, out of thin air, nothing is done; the FDA turns a blind eye in such cases. Some examples: The FDA has received over 5,500 complaints against Aspartame (NutraSweet), which was legalized amid controversy regarding the capacity of this substance to alter brain hormone balances; some 9% of the complaints today involve serious neurological effects, including seizures. A recent major study by UCLA researchers of 109 patent-drug advertisements found 81% to be “inaccurate, misleading and even dangerous.”(10) A General Accounting Office report found that 51.5% of patent drugs approved by the FDA between 1978 and 1986 had “serious post-approval risks” not disclosed on originally-approved package inserts, including “heart failure, myocardial infarction, anaphylaxis, respiratory depression, convulsions, seizures, kidney and liver failure, severe blood disorders, birth defects and blindness”.(11)

In spite of these and many other deadly problems associated with costly “FDA-approved” patent drugs and medical devices, you never read about a major pharmacy company being raided with SWAT teams, their bank accounts seized, with offices, laboratories and homes of officers being raided and ransacked at gun-point, or their drug inventories being confiscated and impounded. Nor has the FDA taken any actions against the blatant advertising of drugs within medical journals publishing papers purportedly evaluating the efficacy and safety of those same drugs. But such repressions and police actions are being taken against natural healing clinics and smaller laboratories all across the USA, for doing nothing more than manufacturing, selling or prescribing vitamins, aloe vera, herbs and other non-toxic food substances. Witness the following recent examples:

8. Eisenberg, et al; *New England Journal of Medicine*, 328:246-52, 1993.

9. *Health Federation News*, March 1993; *SF Chronicle* 16 Feb.93, 18 May 93, 13 Sept. 93)

10. *Health Federation News*, March 1993; *SF Chronicle* 16 Feb.93, 18 May 93, 13 Sept. 93.

11. GAO/PEMD 90-15 *FDA Drug Review: Post Approval Risks* 1976-85, p.3, 28 April 1990.

1) 1987; Ft. Lauderdale, Florida: Based upon a perjured search warrant, the Life Extension Foundation, a non-profit organization supplying supplements to low income individuals, is raided by armed FDA agents and US Marshals. Breaking down the doors, the agents spent 12 hours seizing every nutrient product, file, and newsletter they could get their hands on, including many personal affects of owners and employees. Even telephones and computers were “ripped from the wall”. Four years later, another raid took place, after the Foundation relocated to Arizona. Employees were intimidated into thinking they had been “shipping illegal drugs” (*vitamins!*), but no charges were filed against anyone. The raid took three days to complete. Requests for the return of property were consistently refused. Lawsuits against the FDA are in progress.(12)

2) 1990; Mt. Angel, Oregon: Nine FDA agents, 11 US marshalls, and 8 heavily armed Oregon state police raid Highland Laboratories, kicking in both front and back doors. Over an 11 hour period, virtually everything except tables and chairs is carted off to waiting trucks, including many items not listed on the search warrant, at a total value of \$37,000. Nobody was informed about the grounds for the raid, the “supporting affidavit” being suppressed by the court. The seized property was taken to an undisclosed location. Mr. Kenneth Scott, owner, and other Highland employees were threatened with violence if they attempted to enter the company premises, and the daughter of the owner was held “in house arrest” for 12 hours at a location several miles away. Highland subsequently reopened, and hired a separate outside mailing service to satisfy FDA requirements. In response, the FDA raided the mailing service, which was a small business run out of the home of a woman in another town. Finding nothing there except mailing equipment and business records, FDA agents threatened to confiscate the woman’s checkbooks and cash, failing to do so only after being begged not to. When she asked them “Why are you doing this?”, the agent replied “Somebodies got to do it!!” Because of the raids, the owner of the mailing firm subsequently closed her business, and refuses to file charges out of *fear of government reprisals(!)*. No charges were ever filed by the FDA against anyone, nor has any of the seized property been returned. The FDA still has not given anyone reasons for their outrageous tactics, which were designed simply to put the firm out of business.(13)

3) 1990; El Cajon, California: The FDA attempts to railroad Sissy Harrington-McGill, 57-year old owner of a pet food store, for violation of a proposed “Health Claims Law” because her literature stated vitamins would help keep pets healthy. Her store was raided and ransacked without a search warrant. When her day in court arrived, Harrington-McGill requested a jury trial — the judge refused her request, dictating that he alone would judge the case. She was tried and convicted of violation of the Health Claims Law, *even though it had not yet been passed by the US Congress at the time the FDA raided her, or at the time of her trial or conviction*. Ms. Harrington-McGill repeatedly informed the federal judge of this fact, but he ignored her complaint. For this first-time misdemeanor “violation” of a non-existing law, she was sentenced to 179 days in prison, with a fine of \$10,000. She was led away in chains and

served 114 days in prison before being released after the U.S. Congress refused to pass the “Health Claims Law”. Lawsuits against the FDA have been filed. (14)

4) 1990; Reno, Nevada: The Century Clinic, which employs chelation therapy, homeopathy, nutritional and natural therapies, is raided twice by FDA and Postal Service inspectors and other government agents. During the first raid, a 14 page list of items was confiscated even though the warrant itemized only three short paragraphs of materials for seizure. Virtually all equipment, supplies, files, mailing lists, computers and records were taken during a 16 hour ransacking of facilities. No charges were filed. Century Clinic then recovered, rebuilt their facility and sued the FDA for return of the seized property. The FDA responded with a second raid, this time involving searches of the persons, homes and vehicles of Clinic owners and employees. Patients in treatment at the time of the raid were treated rudely, ordered about, and interrogated. Many were not allowed to leave without giving names and addresses. Cash and checks were also seized, along with another 14 pages of inventory. Again, *no charges were filed against anybody!!* (15)

5) March, 1991; Tijuana, Mexico: Four armed Mexican police, without warrants or charges, kidnapped Jimmy Keller from his office at the St. Jude Hospital, and took him to their headquarters. There, six men in blue jeans and work shirts who refused to identify themselves (later identified as bounty hunters for the US Justice Department) seized him and forced him to cross the border to the USA. There, Keller was arrested by the FBI on 12 counts of wire fraud — Keller had made telephone calls across interstate lines to attract people to his Mexican clinic. Following the illegal kidnapping of Keller from Mexican soil, without extradition, he was jailed in Texas, his bond set at \$5 million. He was later convicted and sent to a North Dakota prison for two years. Keller ran a very successful cancer treatment clinic, which he founded after using natural methods to cure himself of “terminal” cancer. His own cancer had been unsuccessfully “treated” 25 years earlier by orthodox cancer specialists who amputated his ear and mutilated his face. Following the horrific surgery, Keller’s cancer returned and metastasized. He investigated natural healing methods, cured himself, and then began helping others to do so.(16)

6) 1991; Texas: The alternative medical clinic of Dr. Stanislaw Burzynski, an emigre from communist Poland, is raided by FDA and Texas Department of Health agents, following public announcement that Burzynski’s successful, unorthodox methods will be evaluated by the National Cancer Institute. Until then, Burzynski had worked quietly for 15 years without any complaints or trouble with the law.(17)

7) 1991; San Leandro, California: NutriCology, a nutrition supplement company operated by Stephen Levine, Ph.D., a molecular geneticist from the University of California at Berkeley, is raided by 12 FDA agents. Levine spends \$500,000 over the next year to fight three different FDA injunctions, all of which are thrown out of court. No complaints were ever made about the firm.(18)

12. *FDA Versus The People of the United States*, Jonathan Wright Legal Defense Fund, Citizens For Health, PO Box 368, Tacoma, WA 98401 206/ 922-2457, FAX 206/922-7583.

13. *FDA Versus The People...* ibid

14. *Body & Soul*, 8(4):6, June 1992; *FDA Versus The People...* ibid.

15. *FDA Versus The People...* ibid

16. *FDA Versus The People...* ibid.

17. *FDA Versus The People...* ibid.

18. *FDA Versus The People...* ibid.

“ The FDA alliance has destroyed the lives and work of numerous medical pioneers... usually without any charges being filed. They simply... seize and impound office and laboratory equipment, mailing lists, computers, files, bank accounts, etc.”

8) 1992; Kent Washington: The unlocked door of Dr. Jonathan Wright's natural medical clinic was kicked in, while FDA agents wearing bullet-proof vests with drawn guns, pushed into the room, shouting at everyone to "Freeze! Put up your hands!" The raid was in reaction to a recent FDA ban on a contaminated batch of B-vitamins in another state. Wright was not connected to that particular incident, and did not ever use contaminated vitamins. No matter. Workers were held at gun-point and his office searched, while computers, mailing lists, books and files were hauled away in a large truck. Patients were generally treated like criminals. The FDA Gestapo agents spent 14 hours at the clinic, searching through everything. Dr. Wright is internationally known for his work on nutritional medicine and preventative health approaches. At the same time, down the street, the For Your Health pharmacy was being raided in a similar manner. This pharmacy serves preventative health doctors in the Kent area. As of mid-1993, none of the impounded equipment, computers or files have been returned, and *no charges have been filed against anyone.* (19)

9) 1992: San Diego: David Halpern and several of his family members, as well as the Presidents of three British and one German vitamin companies, are charged with 198 counts of "conspiracy", "smuggling" and "violation of the Food, Drug and Cosmetic Act" for importing banned nutritional supplements which are freely available, over the counter, in Britain and Germany. The indictments carry a potential prison term of 990 years in prison.(20)

10) 1992: Texas: The FDA, working behind the scenes, prompted the Texas Department of Health (TDH) and Texas Department of Food and Drug to undertake raids upon over a dozen large health food stores. Over 250 different products, an arbitrary list some 88 pages long, was forcibly seized from shelves. The list includes flaxseed oil, effervescent vitamin C, various herbs, Sleepytime Tea, aloe vera, and zinc products. Following a public outcry, and restraining reactions from Texas politicians, the TDH Gestapo officers threatened one of the ravaged health food store owners in the manner of a Mafia extortionist: "Don't talk to the press, or we'll come down on you twice as hard". No justifications were given for the inclusion of any of the products on the seizure list, no charges were filed, and none of the products were ever returned to the stores. (21)

11) 1993: USA: Nearly 40 different natural healing clinics, health food stores, and vitamin manufacturers were raided in May and September, in armed commando-style assaults by combined agents of the FDA, DEA, IRS, US Customs and US Postal services. Details on these more recent raids are difficult to come by, but it is reported that, besides seizing various stocks of vitamins, herbs and other nutritional supplements

19. *Seattle Post-Intelligencer*, 7 May 92, 11 May 92; *FDA Versus The People...*ibid.

20. *FDA Versus The People...* ibid.

21. *FDA Versus The People...* ibid.

and compounds (such as shark cartilage), IRS officials seized both personal and company bank accounts, along with automobiles, computers, office equipment, and other valuables. Mailing lists of customers and patients were of particular interest in the seizures. The homes of the company owners and employees were also raided, without search warrants. SWAT teams, armed with machine guns and flak jackets, participated in some of the raids. The Post Office, in turn, acted to illegally block the mail of some of the companies, effectively shutting them off from communication with the public and leaving them without funds, mailing lists, or other resources necessary to mount a proper legal defense.

As before, *no charges were filed.* Some shocking examples of Gestapo tactics occurred. At the home of one employee, dark-dressed men with guns demanded entry, but the scared individual refused to let them in; instead, she went to the bedroom to dial 911 for the local police. The door was smashed down and she was shoved to the floor with a gun put to her head. In another case, a breast-feeding mother employed at a raided firm was roughed-up and handcuffed for 11 hours while FDA agents ransacked her home. These latter raids included the clinic and offices of Dr. Kurt Donsbach, author of many self-help nutrition-oriented books widely sold in health food stores. Donsbach's home was also reportedly raided, and his personal bank accounts seized. Also raided were the USA distributors of German-made Neiper Products, formulated by the internationally-known and respected Dr. Hans Neiper, who operates a successful clinic in Germany, and sponsors the popular health-science magazine *Raum & Zeit*. Many ordinary citizens were manhandled and threatened with death by gun-pointing government agents during these raids, all for the "crime" of manufacturing, distributing, selling or prescribing vitamins, nutritional supplements, and related natural health products or methods.(22)

The above are only representative examples from a very long list of similar FDA abuses of power in recent years. The FDA clearly has become the attack-dog tool of the AMA and pharmacy industry, and many FDA field agents are on record as stating that the agency is out to "destroy the health food and nutritional supplements industries". And that is precisely what they are trying to do. FDA Director Kessler wants to control not only the marketing of products, but also what is said in speech or print about health matters. He has vowed to "crack down" even on scientific meetings and conferences which present findings "unacceptable" to FDA policies, and this is no idle threat. Kessler and the FDA are the closest thing to a domestic Gestapo-type police force in the USA, and their power is growing; new alliances are being cemented between the FDA, IRS, DEA, FTC, Customs and Postal Services, HHS and other government agencies, to "combat the growing menace of health fraud".

The FDA alliance has destroyed the lives and work of numerous medical pioneers, as outlined above, usually *without any charges being filed.* They simply arrive at the offend-

22. *Sarasota Eco Report*, July 1993; *Am. Preventative Medical Assn.*, PO Box 2111, Tacoma, WA 98401

ing clinic and home of the pioneer, break down the doors, shove guns into the faces of everyone present, seize and impound office and laboratory equipment, mailing lists, computers, files, bank accounts, etc., carting everything off to a warehouse where it is dumped. Even personal funds in a bank account are “impounded” (*stolen!*) by these government thugs, whom we may assume are, like DEA agents raiding a crack house, using drug-seizure laws to *keep a percentage of whatever they steal!* Amazingly, *none* of the major political parties have displayed alarm or interest in these FDA assaults. It has all been done with the full knowledge and approval of top politicians (Reagan, Bush, Clinton, Gore) and Justice Department officials (Janet Reno). Virtually *all* of these politicians have consistently been sent letters of protest by the lawyers, friends, patients and co-workers of the various clinicians or small businesses who have been raided — to my knowledge, nobody who has been raided by the FDA has ever received a friendly note or a helpful response from any of our political Royal Family. These power elites either agree with the FDA, don’t care about natural health matters, or are completely isolated from what is going on in the real world by layers of bureaucracy and “helpers”, who censor the the pleas for help from their mail and telephone calls.

The FDA raids demonstrate *a serious erosion in the principles of government by law, due process, liberty and justice*. For health matters, at least, we now have *government by iron-fisted bureaucratic decree, with only the facade and illusion of law*. Originally, the FDA was formed under the mandate of the Pure Food and Drug Act which simply required that products be accurately labeled as to what their contents are and to actually contain those ingredients, which is a necessary regulation in order for consumers to make informed decisions. However, this simple mandate has grown into a bureaucratic monster which has decreed itself the sole judge, jury, and prosecutor (with its own hit squads) on matters of medical efficacy. Since Reich’s time, and through the 1960s, 1970s and 1980s, the FDA has consumed millions of taxpayer dollars to wage its war against natural approaches to health care. The result is that our health care system is one big gigantic expensive mess, rife with official fraud, and a holocaust of victims due to the toxic and deadly side effects from ineffective “approved” drugs and horrific surgical mutilations. Nature, science, and compassion have been thrown out of the house of modern medicine, and the doors and windows have been barred shut, with armed guards posted outside.

The Congressional Battle

In spite of the damage done to many individuals, clinics and small businesses, the natural health movement continues to fight back, through legal means and by pressuring their elected representatives to restrain the FDA. But the FDA has its own supporters in Congress, and wants even more power and authority, so that it can go out and even more thoroughly “search and destroy” the natural health movement. New legislation has been offered into the US Congress which would grant the FDA the more complete and sweeping police powers it wants. These new Congressional bills are the Regulatory Enforcement Amendments for the existing Nutritional Labeling and Education Act (H1662, H2597, H3642, S1982, S2135). Their sponsors are long-time FDA supporters and recipients of pharmaceutical PAC “donations” Rep. Henry Waxman (D-California), Rep. John Dingell (D-Michigan), Sen. Edward M. Kennedy (D-Massachusetts), and Sen Howard Metzenbaum

(D-Ohio). The proposed legislation would grant to the FDA:

- power to set arbitrarily low potency levels for vitamins and foodstuffs, and to forbid the sale of any vitamin or foodstuff which contained levels higher than the FDA mandates.
- power to forcibly censor advertising of health claims in magazines and books.
- power to embargo and destroy any imported product without proving its threat to the public health
- power to issue its own subpoenas and to undertake *warrantless* searches, seizures, and electronic surveillance, based upon *mere suspicion*, without the need for court approval.
- power to set its own punitive fines against anyone who fails to obey their demands — up to \$250,000 for individuals, and \$2 million for businesses.
- power to dictate to the Federal Trade Commission new regulations for censoring health claims in television and radio programs and advertisements.
- power to pay informants a reward, up to \$250,000, for reporting on suspected violators of FDA regulations.

Other related legislation has recently been proposed (SS732, S733, H940, Sen. Edward Kennedy sponsoring on behalf of the Clinton Administration), which would establish a “national registry and tracking system” for the vaccination of all infants and children, a prelude to the notorious “Smart Card” or “Health Identity Card”, with total control over health care decisions by a centralized medical Big Brother. These bills mandate “social workers” to essentially become the new “health care police”, calling upon every home in America, door to door, to “investigate” whether or not every child in residence would have all “mandatory vaccines”. If not, the child might be blocked from enrollment in school, or the parents charged with “child abuse”, and the child forcibly taken away by the state for adoption. Already, legal attacks for “child neglect and abuse” have been mounted by social workers and medical authorities against parents opting for home-birth, and against parents refusing to inoculate their children with potentially dangerous experimental vaccines.⁽²³⁾ Even breast-feeding mothers have had infants ripped from their arms, being charged with “child sexual abuse”, by power-drunk “social workers”, who did not approve of breast-feeding beyond two years.⁽²⁴⁾

Coupled with the new, national health insurance initiatives, we rapidly approach the creation of a politically-directed, centralized network of “health spys” and “health police”, whose ultimate goal would be to root out any and all forms of natural health care, self-responsible health care, or anyone who would exhibit signs of independent-mindedness or “disobedience to authority” regarding basic matters of child-rearing, sexuality, education or health. This is reminiscent of the *KGB-neighborhood-spy* systems of the communist nations, and the *religious police* of the fundamentalist Muslim nations. It is a clear and present danger to our democracy,

23. Regarding the vaccine issue, see: Neil Z. Miller, *Vaccines: Are They Really Safe and Effective?*, New Atlantean Press, NM, 1993; Editors of *Mothering: Vaccinations, The Rest of the Story, Mothering Magazine*, PO Box 1690, Santa Fe, NM 87504.

24. The average age of weaning, world-wide, is around 3.5 years. See the case of Denise Perrigo in *New York*, discussed in *Birth Gazette*, Spring 92, p.11-12; also discussed in *Sex-Economic Notes, Pulse of the Planet* #4, 1993.

given the fact that Americans today are prone to grant to white-coated “doctors” the same uncritical, unquestioning obedience as once was given to black-robed priests during the witch-burning period of history, or to communist-party functionaries during the Stalinist purges. Science, particularly medical science, is today the New Religion of *Homo Normalis*, and the witch hunt against heretic disobedient unbelievers is gathering steam.

Opposing the above FDA-AMA-Gestapo legislation is the Health Freedom Act (S784 and H1709) sponsored by Sen. Orrin Hatch (R-Utah) and Rep. Bill Richardson (D-New Mexico). This bill would restrict the FDA on some of the above matters, preserving the rights of Americans to make their own essential health decisions — regarding vitamins, herbs and food supplements, at least. There additionally are a few states, such as Alaska and Washington, which have passed specific legislation to protect natural health-care methods, though it is not clear that these laws do anything to restrain the FDA, which is governed by federal legislation. Rep. Henry Hyde (R-Illinois) has also sponsored the Civil Asset Forfeiture Reform Act of 1993 to restrain the “long arm of the law”, and place the burden of proof on the government in asset seizure cases, where it belongs.

These latter laws to restrain government power are a start in the right direction, but in fact do not go far enough to curb the persisting abuses. Wilhelm Reich’s suggestion, that judges, prosecutors, and government officials who plot to throw innocent people into prison should themselves be imprisoned, is the kind of strong medicine necessary to prevent our social situation from spiraling into even more despotic conditions. Clearly, a Congressional Investigation with public hearings and testimony should be initiated in Washington, DC, to allow hundreds of ordinary citizens the right to come forward and tell their stories about US government hooliganism, in full light of day, and where the “mainstream” news media could not so easily ignore it. A Special Prosecutor should also be appointed by the President, to investigate the blatant Police State activities of the FDA and other governmental agencies. FDA Commissioner Kessler should immediately be fired and investigated for his role in these abuses. All FDA leaders, field agents and lawyers, AMA officials, and prosecutors and judges who plotted, approved, or directed the invasions of clinics, laboratories and homes of medical pioneers, carrying out the massive seizures of property where nobody was ever charged with a crime — those individuals should receive stiff fines and jail terms, with compensation paid to those whose lives and work was destroyed by power-drunk bureaucrats. Even those now-elderly FDA officials, prosecutors and judges who presided over the burning of Reich’s books should be held fully accountable for their past abuses of power. These and other concrete steps must be undertaken if we are serious about our Constitution and Bill of Rights, and if the words “Land of the Free” are to have meaning beyond that of a mere slogan, recited mindlessly at political rallies.

Clearly, unless our social reformers and health-care pioneers are allowed to move from the present suppressed “underground” situation, and practice their arts openly in the social marketplace, free from constant FDA-police harassment, there will be no real health reforms or pioneering health breakthroughs to reach the general public. The battle lines are drawn, but the outcome is not clear or certain at all. Hanging in the balance is nothing less than the future of our remaining democratic and social freedoms. ■

Health Freedom & Natural Health Organizations

- *American Preventative Medical Assoc.*, PO Box 2111, Tacoma, WA 98401, 206/ 926-0551, FAX 206/ 922-7583.
- *Cancer Control Society*, 2043 N. Berendo, Los Angeles, CA 90027, 213/ 663-7801.
- *Citizens For Health*, PO Box 368, Tacoma, WA 98401 206/ 922-2457, FAX 206/922-7583.
- *Committee for Freedom of Choice in Medicine*, 1180 Walnut Ave., Chula Vista, CA 91911 619/429-8200.
- *Foundation for the Advancement of Innovative Medicine*, PO Box 338, Kinderhook, NY 12106.
- *Independent Citizens Research Foundation for the Study of Degenerative Diseases*, PO Box 97, Ardsley, NY 10502.
- *Life Extension Foundation*, PO Box 229120, Hollywood, FL 33022 800/841-5433, 305/966-4886.
- *Natural Health Care Alliance*, 1348 LaPlaya Ave., #2, San Francisco, CA 94122 415/ 731-8115.
- *National Health Federation*, 212 W. Foothill Blvd., Monrovia, CA 91016, 818/ 359-8334, FAX:818/303-0642.
- *New England Health Freedom Coalition*, 105 Main St., Brattleboro, VT 05301, 802/ 257-9345, FAX 802/ 257-0652.
- *Nutritional Health Alliance*, PO Box 267, Farmingdale, NY 11735 800/ 226-4642, 516/ 249-7070.
- *People Against Cancer*, PO Box 10, Otho, IA 50569, 515/ 972-4444, FAX: 515/ 972-4415.
- *People for Pure Foods*, 433 Main St., Half Moon Bay, CA 94019, 415/ 726-8110, FAX 415/ 712-8008.

Organizations Against Seizure Laws

- *Forfeiture Endangers American Rights*, 265 Miller Ave., Mill Valley, CA 94941
- *Freeman Education Association*, 8141 E. 31st St., #F, Tulsa, OK 74145
- *Fully Informed Jury Association*, PO Box 59, Helmville, MT 59843.

The Constitution of the United States Bill of Rights, 15 December 1791

Amendment I: Congress shall make no law ... abridging the freedom of speech, or of the press...

Amendment IV: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated...

Amendment V: No person shall be ... deprived of life, liberty, or property, without due process of law...