

R 369-544

Eva Reichman

369

**United States Court of Appeals
FOR THE FIRST CIRCUIT**

No. 5160

**WILHELM REICH, ET AL.,
DEFENDANTS-APPELLANTS,**

v.

**UNITED STATES OF AMERICA,
APPELLEE.**

RECORD APPENDIX TO BRIEFS FOR APPELLANTS

VOL. IV

RECORDS DOCKETED BY CLERK OF TRIAL COURT

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Clerk's Docket Entries—Civil Docket No. 1056

 UNITED STATES OF AMERICA

vs.

 THE WILHELM REICH FOUNDATION, a Maine Corporation,
 WILHELM REICH and ILSE OLLENDORFF

Injunction

 Attorneys

For Plaintiff:

Peter Mills, U. S. Attorney

For Defendant:

1954

12-3 Notice of Appeal 5.00

1955

1-27 D/V A 1 5.00

J.S. 5 March 11/54

J.S. 6 April 12/54

[1a]

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1954

- Feb 10 Complaint for Injunction filed by Peter Mills, US Atty, Atty for Pl.
- Feb 10 Summons issued and delivered to Marshal w/copies of Complaint for Service.
- Feb 11 Summons returned executed. Executed Feb 10, 1954.
- Feb 26 Requests for Admissions filed by Peter Mills, U. S. Atty w/paperboard box marked "39 pieces Orgone Literature—U. S. Exhibits 1 to 25 inclusive".
- Mar 3 Return of Marshal on service of Requests for Admissions, filed.
- Mar 19 Request to Clerk to Enter Default filed by Peter Mills, U. S. Atty.
- Mar 19 Entry of Default, filed.
- Mar 19 Motion for Default Judgment, filed.
- Mar 19 Decree of Injunction, Clifford, J., it is hereby Ordered, Adjudged, and Decreed that the defendants, The Wilhelm Reich Foundation Wilhelm Reich, and Ilse Ollendorff and each and all of their officers, agents, servants, employees, attorneys, all corporations, associations, and organizations, and all persons in active concert or participation with them or any of them, be, and they hereby are, perpetually enjoined and restrained from doing any of the following acts, directly or indirectly, in violation of Sections 301 (a) or 301 (k) of the Federal, Food, Drug, and Cosmetic Act (21 USC 331(a) or (k)) with

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respect to any orgone energy accumulator device, in any style or model, any and all accessories, components or parts thereof, or any similar device, in any style or model, any device purported or represented to collect and accumulate the alleged orgone energy: (1) Introducing or causing to be introduced or delivering or causing to be delivered for introduction to interstate commerce any such article of device which is: (a) Misbranded within the meaning of Section 502(a) of the Act (b) Misbranded within the meaning of Section 502(2) of the Act (c) Misbranded within the meaning of Section 502(a) of the Act (d) Misbranded within the meaning of Section 502(a) of the Act by reason of any other false or misleading representation or suggestion; or (e) Adulterated within the meaning of Section 501(c) of the Act; or doing any act or causing any act to be done with respect to any orgone energy accumulator device while such device is held for sale (including rental, or any other disposition) after shipment in interstate commerce which results in said device becoming misbranded or adulterated in any respect; and it is further ordered: (1) That all orgone energy accumulator devices, and their labeling, which were shipped in interstate commerce and which (a) are on a rental basis, or (b) otherwise owned or controlled by any one of the defendants, or by the defendants, be recalled by the defendants to their place of business at Rangely, Maine; and destroyed; that all copies of written, printed, or graphic matter, and their covers, if any, which items have con-

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stituted labeling of the article of device, and which contain statements and representations pertaining to the existence of orgone energy, its collection by, and accumulation in, orgone energy accumulators, and the use of such alleged orgone energy by employing said accumulators in the cure, mitigation, treatment, and prevention of disease, symptoms, and conditions shall be withheld by the defendants and not again employed as labeling; in the event, however, such statements and representations, and any other allied material, are deleted, such publications may be used by the defendants; that all written, printed, and graphic matter containing instructions for the use of any orgone energy accumulator device, instructions for the assembly thereof, all printed, and other announcements and order blanks for the items listed in (this Decree) all documents, bulletins, pamphlets, journals, and booklets (listed in this paragraph), but not limited to those enumerated, shall be destroyed; and that the directives and provisions contained (in this Decree) shall be performed under the supervision of employees of the Food and Drug Administration; and that for the purposes of supervision and securing compliance with this decree the defendants shall permit said employees of the Food and Drug Administration, at reasonable times, to have access to and to copy from, all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of said defendants, including all affiliated persons, corpora-

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tions, associations, and organizations, at Rangeley, Maine, or elsewhere, relating to any matters contained in this decree; and that the defendants refrain from, either directly or indirectly, in violation of said Act, disseminating information pertaining to the assembly, construction, or composition of orgone energy accumulator devices to be employed for therapeutic or prophylactic uses by man or for other animals, filed. (Filed 2:45 P. M., March 19, 1954.

Mar 26 Return of Marshal on service of Decree of Injunction, filed.

May 5 Order to Show Cause, Clifford, J.: Let the plaintiff show cause before the United States District Court for the District of Maine, Southern Division, to be held in and for the said District of Maine, Southern Division, at the Federal Court House, 156 Federal St., Portland, Maine, on the 5th day of May, 1954, at 4 o'clock in the afternoon of that day, or as soon thereafter as counsel can be heard, why an order should not be made granting leave to intervene herein to the named applicants for intervention, vacating the said decree of injunction made and entered herein on March 19, 1954, and granting to said applicants leave to serve and file their answer in the form and contents as the aforesaid proposed answer of the said applicants for intervention; and it is further Ordered, that service of a copy of this order and copies of the papers upon which it was granted upon

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the attorney for the plaintiff, either personally or by leaving same with the person or department designated for that purpose, not later than 5 P.M., on May 5, 1954, shall be deemed good and sufficient service thereof. filed and entered May 5, 1954 at 3:45 PM. Acknowledgement of receipt of copy of the within (Order to Show Cause) by Peter Mills, U. S. Attorney on backer.

- May 5 Notice of Appearance of Charles Hayden, 40 Wall St., New York 5, New York, Atty for Interveners, filed.
- May 5 Answer of Interveners, filed.
- May 12 Affidavit of Service of copies of the Order to Show Cause, signed by Clifford, J., on May 5, 1954, together with copies of the papers and affidavits upon which it was made, on the Wilhelm Reich Foundation, Wilhelm Reich and Ilse Ollendorff, filed.
- Jun 7 Opposition to Motion to Intervene w/Proof of Service filed by Peter Mills, U. S. Attorney.
- Jun 15 Affidavits of Simeon J. Tropp, James A. Willie, and Charles Haydon, filed.
- Jun 15 Affidavits of Service of Memorandum of Law, Reply Affidavits, and Reply Memorandum, filed.
- Nov 17 Opinion and Order on Application for Intervention, Clifford, J., that the Application for Intervention was not timely made and that the Application for Intervention be and hereby is Denied, filed.

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- Nov 17 Attested copies of the Opinion and Order on Application for Intervention mailed to the following: Peter Mills, Charles Hayden, Esq., Wilhelm Reich Foundation, Dr. Wilhelm Reich, and Ilse Ollendorff.
- Dec 3 Notice of Appeal from the order on application for intervention filed on Nov 17, 1954, which said order denied the aforesaid application for intervention filed on May 5, 1954, filed by Charles Haydon, 40 Wall St., New York 5, New York, atty for Applicants for Intervention.
- Dec 6 Following named mailed attested copy of the Notice of Appeal filed Dec 3, 1954: The Wilhelm Reich Foundation, Dr. Wilhelm Reich and Ilse Ollendorff.
- Dec 13 Bond for Costs on Appeal filed. Approved, Clifford, J.
- Dec 28 Motion of Motion and Affidavit filed.
- Dec 28 Note of Issue filed.
- 1955
- Jan 4 Hearing had on Motion for Stay.
- Jan 4 Order Extending Time for Docketing Appeal to and including Feb 10, 1955, Clifford, J., filed.
- Jan 4 Stipulation by and between Peter Mills, US Atty and Charles Haydon, atty for Applicants for Intervention.
- Jan 12 Attested copy of the Order Extending Time for Docketing Appeal mailed to Charles Haydon.

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- Jan 18 Order on Motion for Stay of Enforcement of Provisions of Decree of Injunction. It is hereby Ordered that so much of the Decree of Injunction filed March 19, 1954 as directs the destruction of books and apparatus, is hereby Stayed pending final determination of the appeal from the order denying Application for Intervention, or pending further order of this Court. It is further Ordered that the Motion for Stay be and hereby is Denied, in all other respects, filed.
- Jan 19 Following named mailed attested copies of the Order on Motion for Stay: Peter Mills, Charles Haydon, The Wilhelm Reich Foundation, Dr. Wilhelm Reich and Ilse Oilendorff.
- Feb 8 Original papers on appeal mailed to Clerk, U. S. Court of Appeals for the First Circuit.
- May 28 Original papers returned from U. S. Court of Appeals.
- May 28 Mandate, U. S. Court of Appeals for the First Circuit, dated May 27, 1955: The order of the District Court is affirmed, filed.
- Jun 17 Motion for Stay of execution and enforcement of the decree of injunction entered in the U. S. District Court, District of Maine, Southern Division, on Mar 19, 1954 w/Memorandum in Support of Motion for Stay and Affidavit of Service filed by Charles Haydon, Attorney for Applicants.
- Jun 21 Following named notified of hearing on Motion for Stay, to be held at 1:30 PM, DST, Jun 24, 1955: Charles Haydon and Peter Mills.

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- Jun 24 Hearing had on Motion for Stay.
- Jun 24 Order Denying Motion for Stay, Clifford, J., and further ordering that the stay granted by this Court on Jan 18, 1955 of so much of the Decree of Injunction filed Mar 19, 1954 as directs the destruction of books and apparatus, be and hereby is Terminated, filed.
- Jun 28 Attested copies of the Order Denying Motion for Stay mailed to the following: Peter Mills and Charles Haydon.

Clerk's Docket Entries—Criminal Docket No. 5,003

UNITED STATES OF AMERICA

vs.

THE WILHELM REICH FOUNDATION, a Maine Corporation,
WILHELM REICH, and MICHAEL SILVERT.

Criminal Contempt.

Attorneys

For U. S.:

Peter Mills, US Atty. Joseph L. Maguire, Wash., DC.

For Defendant:

Frederick G. Fisher, Jr., Boston, Mass. for Wilhelm
Reich and Wilhelm Reich Foundation

Charles Haydon, N. Y., N. Y. for Michael Silvert

Appearance of Frederick G. Fisher, Jr., withdrawn.

Wilhelm Reich, Pro se

Charles Haydon for the Wilhelm Reich Foundation.

J. S. 2 8/10/55
& S 3 W. R. F. 6/18/56
" W R 6/18/56
" M. S. 6/18/56

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1955

- Jul 15 Information and Application in criminal contempt filed by Peter Mills, U. S. Attorney w/Order to Show Cause in Criminal Contempt, Clifford, J., that the defendants, The Wilhelm Reich Foundation, a Maine Corporation, Wilhelm Reich, and Michael Silvert, appear personally before this Court at the U. S. Courthouse in the Post Office Building, Portland, Maine, on the twenty-sixth day of July, 1955, at 1:30 o'clock PM, EST, to show cause, filed.
- Jul 20 Return of Marshal of service of Information and Application upon the Wilhelm Reich Foundation and upon Wilhelm Reich on Jul 18, 1955 filed.
- Jul 21 Return of Marshal of service of Information and Application upon Michael Silvert on Jul 18, 1955 filed.
- Jul 26 Appearance of Joseph L. Maguire, Acting Assistant General Counsel, Department of Health & Welfare, Washington 25, D. C., counsel for pl filed.
- Jul 26 Appearance of Frederick G. Fisher, Jr., 60 State St., Boston, Mass., counsel for Wilhelm Reich Foundation and for Wilhelm Reich, filed.
- Jul 26 Hearing had before Clifford, J., on Information and Application.
- Jul 26 Motion of the Wilhelm Reich Foundation to Discharge Order to Show Cause, filed.
- Jul 26 Motion of Wilhelm Reich to Discharge Order to Show Cause, filed.

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- Jul 26 Demand for Jury Trial of Defendant the Wilhelm Reich Foundation, filed.
- Jul 26 Demand for Jury Trial of Defendant Wilhelm Reich, filed.
- Jul 26 Oral motion to discharge Order to Show cause made by Charles Haydon, 52 Broadway, New York, New York, counsel for Michael Silvert.
- Jul 26 Demand for Jury trial orally made by Charles Haydon, counsel for Michael Silvert.
- Sep 23 Praecipe for subpoena to Thomas Mangravite, filed.
- Sep 23 Praecipe for subpoena to Orgone Institute Research Laboratory, Inc., and Michael Silvert, M.D., Treasurer, filed.
- Sep 23 Praecipe for subpoena to Camille Thurston, filed.
- Sep 23 Order, Clifford, J., that Thomas Mangravite appear on the 30th day of September, 1955 at ten o'clock AM, in the U. S. District Court, at Portland, Maine, and bring with him the books, ledgers, accounts, etc. as requested in the Praecipe for Subpoena filed herein; that notice be given to said Mangravite by serving him with a Subpoena to Produce Document or Object, and with an attested copy of this Order, on or before Sept 27, 1955, filed.
- Sep 23 Order, Clifford, J., that Orgone Institute Research Laboratory, Inc., appear and bring to the U. S. District Court, at Portland, Maine, on the 30th day of September, 1955, at ten o'clock AM, the books, ledgers, accounts, etc., as requested

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- in the Praecipe for Subpoena filed herein; that notice be given to said corporation by serving upon Michael Silvert its Treasurer, Subpoena to Produce Document or Object, and with an attested copy of this Order, on or before Sept 27, 1955, filed.
- Sep 23 Order, Clifford, J., that Camille Thurston appear on the 30th day of September, 1955 at ten o'clock A.M., in the U. S. District Court, at Portland, Maine, and bring with her the books, ledgers, accounts, etc., as requested in the Praecipe for Subpoena filed herein; that notice be given to said Camille Thurston by serving her with a Subpoena to Produce Document or Object, and with an attested copy of this Order, on or before Sept 27, 1955, filed.
- Sep 23 Subpoena to Produce Document or Object to Thomas Mangravite issued.
- Sep 23 Subpoena to Produce Document or Object to Orgone Institute Research Laboratory, Inc., Michael Silvert, Treasurer, issued.
- Sep 23 Subpoena to Produce Document or Object to Camille Thurston, issued.
- Sep 23 Motion to Amend the Information w/Affidavit of Service, filed.
- Sep 28 Subpoena to Produce Document or Object to Orgone Institute Research Laboratory, Inc., Michael Silvert, Treasurer, returned executed. Executed Sep 26, 1955.
- Sep 28 Subpoena to Produce Document or Object to Camille Thurston, returned executed. Executed Sep 26, 1955.

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- Sep 30 Motion to Quash w/Cert of Service filed.
- Sep 30 Subpoena to Produce Document or Object to Thomas Mangravite, returned executed. Executed Sep 27, 1955.
- Sep 30 Praeipie for Subpoena to Michael Silvert, M. D., 50 Grove St., N. Y., N. Y., filed.
- Sep 30 Praeipie for Subpoena to The Wilhelm Reich Foundation William Moise, Clerk, Rangeley, Maine, filed.
- Sep 30 Praeipie for Subpoena to Western Union, New York, N. Y., filed.
- Sep 30 Praeipie for Subpoena to Chemical Corn Exchange Bank, 204 W 4th St., New York, N. Y., filed.
- Sep 30 Praeipie for Subpoena to New England Telephone and Telegraph Company, Rumford, Maine, filed.
- Sep 30 Order, Clifford, J., that Michael Silvert, M. D., appear on the 10th day of October, 1955 at one o'clock P. M., in the U. S. District Court at Portland, Maine, and bring with him all books, ledgers, accounts, correspondence, memoranda and records of The Wilhelm Reich Foundation in his possession or under his control, as requested in the Praeipie for Subpoena filed herein; that notice be given to said Michael Silvert, M. D., by serving him with a Subpoena to Produce Document or Object, and with an attested copy of this Order, on or before Oct 5, 1955, filed.

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- Sep 30 Order, Clifford, J., that the Wilhelm Reich Foundation appear and bring on the 10th day of October 1955 at 11 o'clock A. M., in the U. S. District Court, at Portland, Maine, the books, ledgers, accounts, etc., as requested in the Praeipie for Subpoena filed herein; that notice be given to said corporation by serving upon William Moise, its Clerk, a Subpoena to Produce Document or Object, and an attested copy of this order, on or before October 5, 1955, filed.
- Sep 30 Order, Clifford, J., that Western Union appear and bring on the 10th day of October, 1955, at 11 o'clock A. M., in the U. S. District Court, at Portland, Maine, all copies of messages from Wilhelm Reich sent to Michael Silvert from Rangeley, Maine beginning in March through Oct. 1954 and April through July, 1955, and from Tucson, Ariz. in Nov. & Dec. 1954 and Jan. through April 1955, and from Wilhelm Reich from Tucson, Ariz. to Tom Ross in Nov. and Dec. 1954 and Jan. through March, 1955, as requested in the Praeipie for Subpoena filed herein; that notice be given to said Western Union by serving upon it, or its agent, a Subpoena to Produce Document or Object, and an attested copy of this order, on or before October 5, 1955, filed.
- Sep 30 Order, Clifford, J., that the Chemical Corn Exchange Bank appear and bring on the 10th day of October, 1955 at 11 o'clock in the U. S. District Court, at Portland, Maine, all documents, papers, correspondence and records, or copies thereof, pertaining to any and all accounts of

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Orgone Institute Research Laboratories, Inc., Orgone Institute, Orgone Institute Press and The Wilhelm Reich Foundation, as requested in the Praeceptum for Subpoena filed herein; that notice be given by serving upon it a Subpoena to Produce Document or Object, and an attested copy of this order, on or before October 5, 1955, filed.

- Sep 30 Order, Clifford, J., that New England Telephone and Telegraph Company appear and bring on the 10th day of October, 1955 at 11 o'clock AM, in the U. S. District Court, at Portland, Maine, all records of toll calls from February 10, 1954 to September 1, 1955, incoming to and outgoing from Rangeley, Maine over any telephone line, service for which was subscribed for by Wilhelm Reich, Orgone Institute, Orgone Institute Press and The Wilhelm Reich Foundation, as requested in the Praeceptum for Subpoena filed herein; that notice be given to it by serving a Subpoena to Produce Document or Object, and an attested copy of this order, on or before October 5, 1955, filed.
- Sep 30 Subpoena to Produce Document or Object to The Wilhelm Reich Foundation, William Moise, Clerk, Rangeley, Maine, issued.
- Sep 30 Subpoena to Produce Document or Object to Michael Silvert, M.D. issued.
- Sep 30 Subpoena to Produce Document or Object to Western Union, N. Y., N. Y., issued.
- Sep 30 Subpoena to Produce Document or Object to Chemical Corn Exchange Bank, N. Y., N. Y., issued.

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- Sep 30 Subpoena to Produce Document or Object to N. E. Tel. & Tel. Co., Rumford, Maine, issued.
- Oct 4 Subpoena to Produce Document or Object to The Wilhelm Reich Foundation, William Moise, Clerk, Rangeley, Maine, returned executed. Executed Oct. 1, 1955.
- Oct 4 Subpoena to Produce Document or Object to N. E. Tel. & Tel. Co., Rumford, Maine, returned executed. Executed Oct 3, 1955.
- Oct 7 Western Union Telegram withdrawing appearance of Frederick G. Fisher, Jr. and Hale and Dorr as counsel for Dr. Wilhelm Reich and The Wilhelm Reich Foundation, filed.
- Oct 8 Subpoena to Produce Document or Object to Michael Silvert, M. D., returned executed. Executed Oct 4, 1955.
- Oct 8 Subpoena to Produce Document or Object to Western Union, New York, N. Y., returned executed. Executed Oct 4, 1955.
- Oct 8 Subpoena to Produce Document or Object to Chemical Corn Exchange Bank, returned executed. Executed Oct 4, 1955.
- Oct 8 Received from The Western Union Telegraph Company, 60 Hudson St., New York 13, N. Y., envelope containing Western Union telegrams produced in accordance with subpoena.
- Oct 10 Received from Chemical Bank & Trust Company, 165 Broadway, New York, N. Y., registered mail No. G32182 (envelope) produced in accordance with subpoena.

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- Oct 10 Received from the N. E. Tel. & Tel. Co., Rumford, Maine, one (1) box of toll tickets re Tel. No. Rangeley, Maine, 99 and 239, produced in accordance with subpoena.
- Oct 10 Hearing had before Clifford, J., on motion to amend information and on motions to quash subpoenae duces tecum.
- Oct 10 Motion to vacate and dismiss the Information and for stay by Mr. Haydon.
- Oct 10 Oral appearance of Mr. Haydon for procedural matters on behalf of Dr. Reich, and The Wilhelm Reich Foundation.
- Oct 10 Oral opposition by Mr. Haydon on behalf of all the defendants to the motion to amend the information on the ground that it adds new and different offenses and is not properly an amendment. The Court allowed the amendment to be filed. Amended Information and Application filed.
- Oct 10 Oral agreement that the new information containing the allegations, as in the original information and in the proposed amendments shall be substituted for the original.
- Oct 10 Counsel advised orally by the Clerk that the Court set the time for arraignment at 2 PM, Oct 18, 1955.
- Oct 10 Oral motion by Mr. Haydon to the Court, to direct the U. S. Attorney to serve the new information, as amended, on Wilhelm Reich and the Wilhelm Reich Foundation, directly. The Court allowed the motion.

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- Oct 10 Oral motion by Mr. Haydon to broaden the written motion to quash subpoenae to include Mangravite; Chemical Corn Exchange Bank; the Western Union of New York; Michael Silvert; the Orgone Institute Research Laboratory, Inc., Michael Silvert as Treasurer; Camille Thurston of New York; William Moise, Clerk of the Wilhelm Reich Foundation; the New England Telephone and Telegraph Company of Rumford.
- Oct 10 Oral motion by Mr. Maguire to inspect the material that is returned in pursuance of the subpoenae duces tecum and that the Court withhold orders on this motion until the motions to quash are decided.
- Oct 10 Oral motion by Mr. Haydon to impound all material furnished pursuant to direction of the subpoenae until the ultimate disposition of these motions. Ordered impounded by Judge Clifford.
- Oct 10 Oral motion by Mr. Haydon, on behalf of the defendant Michael Silvert for an order vacating the original decree of injunction that was entered in Civil No. 1056, on the ground that the decree was entered without jurisdiction, on the part of the Court.
- Oct 11 Transcript of hearing on Oct 10, 1955 filed.
- Oct 11 Order, Clifford, J., Granting Motion to Amend Information, and that the defendants be ordered to appear at 2 PM on Oct 18, 1955, for arraignment; and that service of the Information and Application be made upon the defendants or their attorneys of record, by service of a copy

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- thereof and of a copy of this order, either in hand, or by leaving same at their last and usual place of business or residence, filed.
- Oct 14 Western Union Telegram requesting pro se appearance of Wilhelm Reich filed.
- Oct 14 Return of U. S. Marshal on Order, Clifford, J., Granting Motion to Amend Information, filed. (Attached to Original Order).
- Oct 18 Appearances of Wilhelm Reich, Pro Se and Charles Haydon for the Foundation filed.
- Oct 18 Hearing had at Portland, Maine, before Clifford, J.
- Oct 18 Following argument the Court denied the Motion to Vacate the Decree of Injunction entered in Civil No. 1056, on the grounds that the subject matter did come within the purview of the Food and Drug Act.
- Oct 18 Arraignment of The Wilhelm Reich Foundation: Plea of "Not Guilty" was entered on behalf of the Foundation by Charles Haydon, its attorney. Nov 4th at 1:30 PM was set by the Court at which time it will hear argument on Motion to Dismiss the Information and any other motions which counsel intend to file.
- Oct 18 Wilhelm Reich arraigned. Plea "Not Guilty".
- Oct 18 Michael Silvert arraigned. Plea "Not Guilty".
- Oct 28 Motions Pertaining to Subpoenas Duces Tecum w/Affidavit of Service filed by Peter Mills, U. S. Attorney.

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- Oct 31 Motion to Dismiss Amended Information on the Ground of Illegal Procedural Tactics to Misrepresent Factual Truth in Court w/Affidavit of Service, filed by Michael Silvert, MD.
- Oct 31 Motion to Dismiss the Case Against Orgonomy Completely and to Replace the Contempt of Court Charge by the Recommendation to Establish "Boards on Social Pathology" in the Court of the USA; Motion To Show and Correct Several Logical Errors in Procedural Formulations, w/three Exhibits; Motion to Dismiss Amended Information on the Ground of Illegal Misrepresentation of Facts; and Motion for subpoenas w/Affidavit of Service of Motions, filed by Wilhelm Reich, MD.
- Nov 1 Motions Pertaining to Subpoenas Duces Tecum w/Affidavit of Service filed by Wilhelm Reich.
- Nov 1 Motion to Vacate Subpoenas Duces Tecum Supporting Pending Identical Motion to Vacate Submitted by Former Counsel Haydon, filed by Michael Silvert, MD, w/Affidavit of Service.
- Nov 4 Letter from Charles Haydon to Judge Clifford withdrawing appearance as counsel for Michael Silvert and the Wilhelm Reich Foundation, dated Oct 21, 1955.
- Nov 4 Letter from Charles Haydon to Judge Clifford confirming previous letter of Oct 21, 1955 stating withdrawal of appearance.
- Nov 4 Appearance of Michael Silvert, pro se, filed.
- Nov 4 Appearance of Wilhelm Reich, pro se, filed.

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- Nov 4 Waiver of Counsel by Defendant, Michael Silvert, filed.
- Nov 4 Waiver of Counsel by Defendant, Wilhelm Reich, filed.
- Nov 4 Hearing had on motions and action taken thereon as follows:
1. Motion requesting authority for Emotional Plague Prevention Office to appear for The Wilhelm Reich Foundation. Motion denied.
 2. Motion to establish "Boards on Social Pathology". Motion denied. Court having no such jurisdiction.
 3. Motions by Drs. Reich and Silvert to dismiss the Amended Information on the grounds of illegal misrepresentation of facts. Motions denied.
 4. Motion to correct logical errors in procedural formulations. Motion denied.
 5. Motions for postponement of decision on subpoenas duces tecum pending determination of motion to dismiss amended information. Court having ruled on motions to dismiss found motions for postponement to be moot and requiring no action.
 6. Motions to Quash subpoenas duces tecum. Motion granted as to subpoenas duces tecum directed to The Wilhelm Reich Foundation. Motions denied as to all other subpoenas.

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7. Motion of Government to inspect documents and objects submitted pursuant to subpoenas issued. Motion granted.
 8. Motion for subpoenas to Government to produce all protocols of experiments conducted by the Food and Drug Administration concerning orgone energy, and names and addresses of scientists who made these experiments, to be presented at hearing on Nov. 4, 1955. Statement by Dr. Reich that he realized motion could not be granted because of time element, and motion denied.
 9. Motion of Government for return of documents and objects submitted by New England Tel. & Tel. Co. in accordance with subpoena, and without examination. Motion granted.
 10. Motion by Government to remove impounding order and permit immediate inspection of documents and objects now on file and submitted in accordance with subpoenas issued. Motion granted.
- Nov 8 Following named directed to comply with subpoenas duces tecum on or before Nov 16, 1955 due to denial of motions to quash re the same: Thomas Mangravite, Dr. Michael Silvert, Orgone Institute Research Laboratory, Inc., c/o Dr. Michael Silvert, Treasurer, and Miss Camille Thurston.
- Nov 9 Praeceptum for Sub. D. T. to Food & Drug Admin. filed. Subpoena issued.

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- Nov 10 Praeipe for Subpoena directed to The Wilhelm Reich Foundation, William Moise, Clerk, Rangeley, Maine, filed.
- Nov 10 Subpoena to Produce Document or Object directed to The Wilhelm Reich Foundation, William Moise, Clerk, Rangeley, Maine, issued.
- Nov 14 Subpoena to Produce Document or Object directed to The Wilhelm Reich Foundation, William Moise, Clerk, Rangeley, Maine, returned non est.
- Nov 14 Transcript of proceedings on Oct 18, 1955, filed.
- Nov 14 Transcript of proceedings on Nov 4, 1955, filed.
- Nov 14 Western Union Telegram dated Nov 12, 1955, protesting transmittal of records to the Court, signed by Wilhelm Reich and Michael Silvert.
- Nov 14 Motion by Counsel for the Discovery of the Life Energy to Deny Motion by Peter Mills, US Attorney, to be made November 16, 1955 to inspect subpoenaed material.
- Nov 16 Western Union Telegram from Thomas Mangravite, 25 West 3 St., New York City advising that his records have been incorporated into those submitted to the Court by Michael Silvert, MD, filed.
- Nov 16 Western Union Telegram from Camille Thurston, 7 Jane St., New York City advising that his records have been incorporated into those submitted by Michael Silvert, MD, filed.
- Nov 16 Motion to Quash Subpoena w/Affidavit of Service, filed.

Clerk's Docket Entries—Criminal Docket No. 5,003

- Nov 16 Following submitted by Michael Silvert, MD, in compliance with subpoena duces tecum: Record of Orgone Energy Accumulators Transferred from Rangeley, Maine, to New York City (January, 1955, through November 10, 1955); Record of Distribution of Literature by the Orgone Institute Press January 1, to November 1, 1955.
 - Nov 17 Praeipe for Subpoena duces tecum to The Wilhelm Reich Foundation, William Moise, Clerk, filed.
 - Nov 17 Subpoena duces tecum directed to The Wilhelm Reich Foundation, William Moise, Clerk, issued.
 - Nov 18 Michael Silvert, Thomas Mangravite, and Camille Thruston appeared bringing with them various ledgers, books, records and correspondence in accordance with subpoenas issued.
- Dr. Silvert requested that the Court read one paragraph on page 320 and one paragraph on page 334 of a publication entitled Orgone Energy Bulletin, Vol. 3, No. 4, October, 1951. Dr. Silvert left with the Court a copy of the above bulletin with the particular paragraphs indicated by pencil mark.
- Ordered that pending a further order of the Court the materials submitted by Michael Silvert, Thomas Mangravite and Camille Thruston could be inspected by attorneys for the Plaintiff, in the presence and under the supervision of the Clerk of this Court with the understanding that the examination would be confined to all matters excepting names of any individuals whose names appeared as a result of a doctor-patient relationship.

Clerk's Docket Entries—Criminal Docket No. 5,003

- Nov 21 Motion by Counsel for Discovery of Life Energy to inspect all material subpoenaed from the Food and Drug Administration which are to be delivered to the Court on or before the 28th of November, 1955, w/Cert. of Service, filed.
- Nov 21 Answer of Dr. Reich in opposition to Plaintiff's Motion to Quash Subpoena w/Cert. of Service, filed.
- Nov 21 Subpoena duces tecum directed to Food and Drug Administration, returned executed.

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- Feb 2 Peter Mills, U. S. Attorney; The Wilhelm Reich Foundation, c/o William S. Moise, Clerk; Wilhelm Reich, M. D.; and Michael Silvert, M. D.; notified of jury trial at Portland, Maine, commencing at 10 AM, on March 6, 1956.
- Feb 3 Praecipe for Subpoena on behalf of the U. S., directed to Thomas Mangravite, filed.
- Feb 3 Subpoena to Produce Document or Object directed to Thomas Mangravite, issued.
- Feb 10 Subpoena to Produce Document or Object directed to Thomas Mangravite returned executed.
- Feb 10 Praecipe for Subpoena on behalf of the U. S. directed to Ilse Ollendorff, Arthur E. Bowker, Tom Ross and Dixie Potter, filed.
- Feb 10 Subpoena to Testify directed to Ilse Ollendorff, Arthur E. Bowker, Tom Ross and Dixie Potter issued.
- Feb 10 Praecipe for Subpoena on behalf of the U. S., directed to Miriam Sheppard and Camille Thruston, filed.

Clerk's Docket Entries—Criminal Docket No. 5,003

- Feb 10 Subpoena to Produce Document or Object directed to Miriam Sheppard and Camille Thruston issued.
- Feb 14 Subpoena to Testify directed to Arthur E. Bowker and to Tom Ross returned executed.
- Feb 14 Notice of Motion for an order removing the limitations imposed upon the inspection of documents heretofore submitted pursuant to subpoenas duces tecum, filed by U. S. Attorney.
- Feb 17 Subpoena to Produce Document or Object directed to Miriam Sheppard returned executed.
- Feb 21 Subpoena to Produce Document or Object directed to Camille Thruston, returned executed.
- Feb 21 Copy of designation of Hon. George C. Sweeney, Chief Judge, U. S. District Court for the District of Massachusetts, to hold a district court in the District of Maine in the above-entitled case now pending in said district court, filed.
- Feb 23 Return of service of U. S. Marshal for the District of Columbia re service of Notice of Motion, copies of which are attached to said Return, on the therein-named The Wilhelm Reich Foundation, by handing to and leaving a true and correct copy thereof with William Moise, Clerk, filed.
- Feb 28 The Wilhelm Reich Foundation, c/o William S. Moise, Clerk; Wilhelm Reich, M. D.; and Michael Silvert, M. D.; and Peter Mills, U. S. Attorney notified by the Clerk that trial in the above matter will not be held on March 6, 1956, as originally scheduled.

Clerk's Docket Entries—Criminal Docket No. 5,003

- Feb 29 Subpoena to Testify directed to Dixie Potter, Deputy U. S. Marshal, Tucson, Arizona, returned executed.
- Feb 29 Order on Motion, Clifford, J., hearing having been had on this day, the defendants not being present: It is ordered that the limitations imposed upon the United States of America regarding the inspection of documents heretofore submitted pursuant to subpoenas duces tecum, and which documents are currently in the custody of the Clerk of this Court, be removed. It is further ordered that said documents remain in the custody of the Clerk of this Court, but that they be made available to counsel for the plaintiff for inspection, without limitation, filed.
- Feb 29 The Wilhelm Reich Foundation, c/o William S. Moise, Clerk; Wilhelm Reich, M. D.; Michael Silvert, M. D.; and Peter Mills, notified by the Clerk of the entry of the Order on Motion filed Feb 29, 1956.
- March 8 The Wilhelm Reich Foundation, c/o William S. Moise, Clerk; Wilhelm Reich, M. D.; Michael Silvert, M. D.; and Peter Mills, notified by Clerk of designation of George C. Sweeney, Chief Judge of U. S. Dist. Court for the Dist. of Mass., and that Judge Sweeney has assigned the matter for jury trial, 10:00 a.m. on April 30, 1956.
- April 2 William S. Moise, Clerk, the Wilhelm Reich Foundation, Dr. Wilhelm Reich and Michael Silvert, M. D., mailed copies of trial list for the April, 1956 Term of Court, with notification that

Clerk's Docket Entries—Criminal Docket No. 5,003

- Crim. No. 5003 assigned for Jury Trial starting at 10:00 a. m. on April 30. Copy of Petit Jury list also mailed to same.
- Apr 27 Subpoena to Produce Document or Object dated Apr 18, 1956 directed to Camille Thruston, returned executed.
- Apr 27 Subpoena to Produce Document or Object dated Apr 18, 1956 directed to Orgone Institute Research Laboratory, Inc., Michael Silvert, M. D., Treasurer, returned executed.
- Apr 30 Subpoena to Produce Document or Object dated Apr 18, 1956 directed to Thomas Mangravite, returned executed.
- Apr 30 Case continued for trial due to failure of principal defendants and witnesses to appear.
- May 3 Trial by jury commenced in Crim. No. 5,003.
- May 4 Request for instruction to the jury filed by Wilhelm Reich. Denied by Judge Sweeney in margin thereof.
- May 7 Trial by jury concluded in Crim. No. 5,003. Verdict "Guilty" as to all three defendants.
- May 9 Dr. Reich expressed desire to file notice of appeal on behalf of the three defendants. Question being raised concerning the propriety of filing a notice of appeal prior to entry of judgment and imposition of sentence, Judge Sweeney suggested that the notice of appeal be filed following the judgment and imposition of sentence, but that this docket entry be made to protect the rights of defendants.

Clerk's Docket Entries—Criminal Docket No. 5,003

- May 25 Judgment and Imposition of Fine as to The Wilhelm Reich Foundation issued. It is adjudged that the defendant corporation be punished by paying a fine of Ten Thousand Dollars (\$10,000.00). Sentence to pay fine stayed by order of Court pending Appeal.
- May 25 Judgment and Imposition of Fine as to Wilhelm Reich issued. It is adjudged that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of Two (2) Years, and that he stand committed in execution of said sentence. Sentence of imprisonment stayed by order of Court, pending Appeal, with bail previously furnished ordered to stand continued. Request for Stay granted with the distinct understanding that defendant will not engage in the activities of which he was found guilty.
- May 25 Judgment and Imposition of Sentence as to Michael Silvert issued. It is adjudged that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of One (1) Year and One (1) Day, and that he stand committed in execution of said sentence. Sentence of imprisonment stayed by order of Court, pending Appeal, with bail previously furnished ordered to stand continued. Request for Stay granted with the distinct understanding that defendant will not engage in the activities of which he was found guilty.
- May 25 Written statement to the Court signed by Wilhelm Reich, dated May 25, 1956, filed.

Clerk's Docket Entries—Criminal Docket No. 5,003

- Jun 4 Notice of Appeal of The Wilhelm Reich Foundation, Wilhelm Reich and Michael Silvert, to the U. S. Court of Appeals for the First Circuit, filed. Attested copies mailed to Peter Mills, U. S. Attorney.
- Jun 5 Authorization from Wilhelm Reich for William Moise, Clerk, to appear and defend on behalf of the corporation, filed.
- Jul 2 Motion for Order Extending Time to File Record and Docket Cause in Appellate Court w/Cert. of service, filed by The Wilhelm Reich Foundation by William Moise, Clerk.
- Jul 2 Motion for Order Extending Time to File Record and Docket Cause in Appellate Court w/Cert. of service, filed by Wilhelm Reich.
- Jul 2 Motion for Order Extending Time to File Record and Docket Cause in Appellate Court w/Cert. of service, filed by Michael Silvert.
- Jul 6 Order, Sweeney, J., on Motion for Order Extending Time to File Record and Docket Cause in Appellate Court by The Wilhelm Reich Foundation, extending said time to and including Aug 13, 1956, filed.
- Jul 6 Order, Sweeney, J., on Motion for Order Extending Time to File Record and Docket Cause in Appellate Court by Wilhelm Reich, extending said time to and including Aug 13, 1956, filed.
- Jul 6 Order, Sweeney, J., on Motion for Order Extending Time to File Record and Docket Cause

Clerk's Docket Entries—Criminal Docket No. 5,003

- in Appellate Court by Michael Silvert, extending said time to and including Aug 13, 1956, filed.
- Jul 23 Transcript of hearing on May 3, 4, 5, and 7, 1956, filed.
- Aug 2 Motion for Order Extending Time to File Record and Docket Cause in Appellate Court filed by The Wilhelm Reich Foundation w/Cert. of service, thereon, and Order, Sweeney, J., extending the time to and including the 2nd day of September, 1956, filed.
- Aug 2 Motion for Order Extending Time to File Record and Docket Cause in Appellate Court filed by Wilhelm Reich w/Cert. of service thereon and Order, Sweeney, J., extending the time to and including the 2nd day of September, 1956, filed.
- Aug 2 Motion for Order Extending Time to File Record and Docket Cause in Appellate Court filed by Michael Silvert w/Cert. of Service thereon and Order, Sweeney, J., extending the time to and including the 2nd day of September, 1956, filed.
- Aug 30 Original papers on appeal mailed to Clerk, U. S. Court of Appeals for the First Circuit.

A true copy.

Attest: Morris Cox, Clerk

By: George F. Feeney
Chief Deputy Clerk

[SEAL]

Clerk's Docket Entries—Criminal Docket No. 56-14

UNITED STATES OF AMERICA

vs.

MICHAEL SILVERT

Attorneys

For U. S.:

Peter Mills, U. S. Atty.
Joseph L. Maguire, Spec.
Asst. U. S. Atty.

For Defendant:

Proceedings

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- May 2 Criminal Contempt Petition filed, w/Affidavit.
- May 2 Deft. arraigned and entered plea of "Not Guilty". Hearing had before Court and matter taken under advisement.
- May 7 Court found Deft. Guilty of offense as charged, and sentenced Deft. to pay a fine of Three Hundred Dollars (\$300.00). Fine paid. Deft. discharged.
- May 7 Judgment and Imposition of Fine issued.

A true copy:

Attest: Morris Cox, Clerk

By: Clare T. Davies
Deputy Clerk

(Seal)

Clerk's Docket Entries—Criminal Docket No. 56-17

 UNITED STATES OF AMERICA

vs.

 WILHELM REICH

Attorneys

For U.S.:

Peter Mills, US Atty.

Joseph L. Maguire, Spec. Asst. US Atty.

For Defendant:

1956

May 7 Wilhelm Reich 500.00

J.S. 2 June 18/56.

J.S. 3 " 18/56.

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May 3 Criminal Contempt Petition w/Affidavit, filed. Def. arraigned and entered plea of "Not Guilty". Following hearing the Court took the matter under consideration and fixed bail at \$15,000.00.

May 3 Statement by def, Wilhelm Reich, filed.

May 3 Govt's Exhibit #1, filed.

May 7 Court found def guilty of offenses charged, and sentenced def to pay a fine of \$500. Fine paid. Def discharged.

May 7 Judgment and Imposition of Fine issued.

Complaint for Injunction

Civil Action No. 1056

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MAINE

 UNITED STATES OF AMERICA,

Plaintiff

v.

THE WILHELM REICH FOUNDATION, a Maine Corporation,
WILHELM REICH and ILSE OLLENDORFF

Defendants

The United States of America, plaintiff herein, by and through Peter Mills, United States Attorney for the District of Maine, files this Complaint for Injunction and respectfully represents unto this Honorable Court as follows:

1. This proceeding is brought under Section 302 (a) of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 332 (a)), hereinafter referred to as the "Act", specifically investing the several United States District Courts with jurisdiction to enjoin and restrain violations of Section 301 of said Act (21 U. S. C. 331) as hereinafter more fully appears.

2. The defendant, The Wilhelm Reich Foundation, is a Maine corporation, hereinafter called the "Foundation",

Complaint for Injunction

having its principal place of business at Rangeley, Maine. The defendant Wilhelm Reich is an individual who resides at Rangeley, Maine. The said defendants manufacture and have been and now are introducing and causing to be introduced, and delivering and causing to be delivered for introduction into interstate commerce in violation of 21 U. S. C. 331(a) orgone energy accumulators, devices within the meaning 21 U. S. C. 321 (b), which are adulterated within the meaning of 21 U. S. C. 351 (c) and misbranded within the meaning of 21 U. S. C. 352(a), And further, said defendants have been and now are causing said devices to be adulterated within the meaning of 21 U. S. C. 351 (c) and 352 (a) while held for sale after shipment in interstate commerce in violation of 21 U. S. C. 331 (k), all, as hereinafter appears. The defendant, Iise Ollendorff, also known as Mrs. Wilhelm Reich, is an individual who resides at Rangeley, Maine, who holds and has held responsible managerial positions in the conduct of the business and affairs of the Wilhelm Reich Foundation, such as, member of the board of trustees, treasurer, secretary, and administrator of the Foundation, administrative director of Orgone Institute Research Laboratories, Inc., an affiliate of the Foundation; supervisor and in charge of the distribution of said orgone energy accumulator devices and the Orgone Research Fund.

3. The orgone energy accumulator device is available in several styles and models. The box style orgone energy accumulators are designed to stand upright and are large enough to permit an adult to sit inside. (See Exhibit A attached). The height, width, and depth are each several inches less than those of the ordinary telephone booth. The top, bottom, sides, and door are similarly constructed. Each is made with alternating layers of organic and metal-

Complaint for Injunction

lic material. The outer layer may be of celotex or plywood, then alternating layers of steel wool and rock or glass wool and the inside layer is galvanized sheet metal. In recent years plastic wire mesh has been used as a substitute for the sheet metal. A device with six layers is called a three-fold orgone energy accumulator. One with two additional layers is called four-fold and progressively so as the layers increase. The door is hinged to one side, and usually either has an open window or has portions cut out at the top and bottom for ventilation. There is a two section removable seat made in layers as described above. A small section is cut out at a corner of the seat for the insertion of a length of B-X type hollow cable, into the other end of which a funnel may be placed. The drop section may be used as a chestboard by placing it upright in front of the chest of a person sitting in the box. Chestboards are also made and sold separately. Attached and marked "Exhibit A" is page 31 of a booklet entitled *THE ORGONE ENERGY ACCUMULATOR, Its Scientific and Medical Use* showing a box style orgone energy accumulator device, equipped with a two-section seat, chestboard, and funnel arrangement.

4. A "Shooter" type orgone energy accumulator device is a box about one cubic foot in size, all sides of which are made in the manner described in the preceding paragraph. It is equipped with a B-X type hollow cable into which a funnel may be inserted. Attached and marked "Exhibit C" is page 37 of the booklet from which Exhibit A is taken, showing a "shooter" orgone energy accumulator device.

5. The blanket style orgone energy accumulator device is constructed of wire mesh with several alternating layers of organic and metallic material covered on the outside with plastic. It is made in three portions which may fold

Complaint for Injunction

down flat. It is for use in bed or local application. One section may be placed under the mattress and the other two over the patient. Attached hereto and marked "Exhibit B" and "Exhibit D", respectively, are pages 32 and 38 of the booklet described in Exhibit A, which pages show how the said blanket style may be used in bed and for local application.

6. The funnel style orgone energy accumulator device is also constructed of wire mesh with several alternating layers of organic and metallic material covered with plastic. An example of the use of said funnel style is shown on page 39 of the above described booklet, which is attached hereto and marked "Exhibit E". The picture shows an earlier style metal funnel orgone energy accumulator device insulated on the outside with cotton and tape.

7. The orgone energy accumulator device is not connected with or plugged into any source of electrical or any other type of energy or power.

8. In the interstate distribution of the orgone energy accumulator devices the said defendants offer them for sale at the following prices:

<i>Style</i>	<i>Price</i>
Cabinet	\$ 225.00
Chestboard	15.00
"Shooter"	40.00
Funnel	25.00
Blanket	60.00

The said defendants also offer for rent cabinet style orgone energy accumulator device for an advance "contri-

Complaint for Injunction

bution" of \$40 plus a \$10 monthly "contribution" payable in advance. The said defendants recommend unless a person has used an orgone energy accumulator device and is well acquainted with its effects that he rent for a three months trial period. If it is decided then to purchase, the \$40 "contribution" and \$30 rental are credited to the purchase price. At the end of a two year rental period reapplication is to be made for the rental of the device or it is to be returned to the defendants.

9. Prospective purchasers of the device may learn about it in several ways. They may hear of it in conversation with persons acquainted with the device; through advertising campaigns conducted by the defendants in newspapers, journals, and in magazines which promote the sales of books, periodicals, booklets, journals, bulletins, and other publications of the defendants. Such advertising announces the existence, availability, and prices of defendants' publications on the discovery and medical use of orgone energy by employing the orgone energy accumulator. They may also learn of the same by such announcements appearing on the removal covers of defendants' said books and on the inside and outside permanent covers of said booklets, pamphlets, and journals; by exhibitions of defendants' publications at booksellers and library association conventions and conferences; by listings in book reference sources; by the use of a mailing list containing approximately 7500 names; by means of 10,000 copies of a catalogue describing the contents of each book and periodical of the defendants, 7000 of which were mailed by the defendants to prospective customers. Purpose of the promotional and advertising campaigns, by such means, and the said publications, is to acquaint the public with the alleged

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discovery and medical use by means of said device of the alleged orgone energy; to acquaint the reader concerning specified stated uses therefor; to furnish certain specific instructions and directions for the use of orgone energy accumulators; to create a demand for the purchase or rental from the said defendants of said orgone energy accumulator devices. Lacking certain of said publications the purchaser or leasee of such a device would be without information concerning instructions and directions for the use of said device in various diseases and disease conditions.

10. The said defendants distribute and cause to be distributed in interstate commerce various items of written, printed, and graphic matter which relate to said devices and which written, printed, and graphic matter is printed and distributed through the Orgone Institute Press, a department and the publishing house of The Wilhelm Reich Foundation, located at Rangeley, Maine. Such written, printed, and graphic matter consists of books, book covers, booklets, periodicals, journals, pamphlets, bulletins, brochures, order blanks, announcements, catalogues, catalogue sheets, form sheets, application forms for the rental or purchase of orgone energy accumulators, sheets containing instructions for their use among other things. Said items of written, printed, and graphic matter accompany said devices when they are introduced into and delivered for introduction into and while in interstate commerce, and constitute labeling of said devices. Said written, printed, and graphic matter contains instructions for the assembly of the large box models and directions for the use of the various models, both as a prophylactic and for use in the cure, mitigation, and treatment of various symptoms, con-

Complaint for Injunction

ditions, and diseases, and misbrands the said devices in that said written, printed, and graphic matter represents and suggests that said devices, when used as directed, are effective in the cure, mitigation, treatment and prevention of said symptoms, conditions, and diseases, whereas, the said devices are not effective in the cure, mitigation, treatment, and prevention of said diseases. The false and misleading statements and representations contained in said written, printed, and graphic matter are hereinafter more particularly set forth and alleged in this complaint.

11. When written inquiries are received by the said defendants pertaining to the prophylactic and medical uses of orgone energy accumulator devices or literature and publications relating thereto, the said defendants in actively promoting the sale and rental of said devices, and their distribution in interstate commerce, respond by sending through the United States mails, catalogues and announcements containing descriptive material and the prices, with order blanks therefor, of the following, among other, publications:

The Discovery of the Orgone by Wilhelm Reich	
Vol. I—The Function of the Orgasm	6.00
Vol. II—The Cancer Biopathy	8.50
The Orgone Energy Accumulator, Its Scientific and Medical Use	2.00
Orgone Energy Bulletin	
A quarterly publication	4.00
Ether, God and Devil by Wilhelm Reich	4.50
Annals of the Orgone Institute, No. 1	2.00
Listen, Little Man by Wilhelm Reich	3.00

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The Mass Psychology of Fascism by Wilhelm Reich	4.50
Character Analysis by Wilhelm Reich	6.00
International Journal of Sex-Economy and Orgone Research (Published 1942 through 1945)	7.50
Emotional Plague versus Orgone Biophysics	1.00
Internationale Zeitschrift Fur Organomie	1.00
Orgone Energy Emergency Bulletin	.40
The Murder of Christ by Wilhelm Reich	(20.00)
People in Trouble by Wilhelm Reich	(for)
	(the)
	(set.)

12. The defendant, Wilhelm Reich, in the aforesaid written, printed, and graphic matter claims to have discovered a form of energy which is present in the atmosphere and for which he coined the term "orgone energy." He claims that this alleged energy is life energy, has therapeutic value, and is beneficial in the cure, mitigation, treatment, and prevention of disease.

13. The defendant Reich in said literature claims to have invented, in 1940, a device which collects from the atmosphere this alleged energy and accumulates it in the device, where it is usable for scientific, educational, and medical purposes. Approximately 10 of these devices were made in New York State from 1940 to 1942; from then until 1949 they were made by Herman Templeton, a Maine hunting and fishing guide, and after his death were made by his daughter, at Oquossoc, near Rangeley, Maine; for a short time thereafter they were made in New York again; and since 1950 they have been made by S. A. Collins & Son at Rangeley, Maine.

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14. The defendants claim in said literature that this alleged energy is demonstrable, useful, and measurable. They attempt to prove the existence of such energy and its presence in the device by employing well-known scientific instruments and by resorting to the use of phenomena such as light, heat, radio-active measurements, and electromagnetism.

15. The said defendants state in said literature that organic material, which should constitute the outermost layer of the accumulator, attracts and absorbs the alleged orgone energy, that metallic material, though it attracts said energy, quickly reflects it; that by layering the accumulator as described in paragraph 3 hereof, always with the organic matter on the outside, a direction is given to the said energy from the outside to the inside, where the alleged energy is collected and concentrated.

16. The said defendants maintain that the medical use of their box style device is accomplished by sitting in it. The manner of use of the other styles is shown in Exhibits A through E attached here.

17. The defendants maintain, as stated in said literature, that the enclosure within the device constitutes an alleged orgone energy field and the person in the enclosure another such field; that the energy fields of the two systems make contact; that both the person and the energy field of the accumulator begin to "luminate"; they become excited and, making contact, drive each other to higher levels of excitation. The defendants maintain that the user of the device becomes aware of this alleged phenomenon through feelings of prickling, warmth, relaxation, reddening of the face; further that the body temperature increases from one half to one and one half degrees, Fahrenheit.

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18. The said defendants state in said literature that the box style device should fit the size of the person who uses it; that the body surface should be no more than about 2 to 4 inches away from the metal walls.

19. The said defendants state in said literature that the blanket style device may be used by bedridden individuals in place of the regular box type device.

20. The said defendants state in said literature there is no mechanical rule as to the length of time a person should sit in the accumulator. They suggest that on the average a person requires from 5 to 30 minutes daily; that with regular use the time may be shortened from 30 minute to 10 minute sessions; that the necessary time for sittings will be decreased in accordance with the greater number of layers the device has; that the patient may sit in the accumulator clothed or unclothed; that woolen or too heavy clothing is not recommended as it is alleged that such prevents quick contact and lumination; that it is better for a person to indulge in 2 or more sittings than one protracted sitting as the latter could cause serious damage.

21. For local application of the alleged orgone energy using the "shooter" style device with funnel attachment which is applied to the area to be treated, the defendants recommend approximate irradiating times, examples of which are as follows: heart region 2 to 5 minutes; root of nose, 4; mouth cavity, 5; closed eyes, 1; ears, 2; solar plexus, 3; wounds, burns, cuts and bruises, 5 to 20 minutes; using a glass tube filled with steel wool instead of the funnel attachment, with the tube inserted in the vagina, 1 minute; using a smaller glass tube so filled and placed inside the nose, no time is specified.

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22. The said defendants, despite disclaimer of a cure from the use of their device, resort to detailed accounts of case histories in the said literature describing "cures" alleged to have been effected by the use of the device. Outstanding results are alleged to have been accomplished in inordinately short periods of time. Some examples of such claims are as follows:

ORGONE ENERGY BULLETIN

Vol. 1. No. 1

January 1949

Page 13

A woman, aged 30, suffered a leg injury. The wound suppurated and didn't heal for several weeks. After 3 sessions in the orgone accumulator the wound closed * * *

Page 13

* * * cutaneous abscesses; even after only one treatment the abscesses receded, and after five further treatments they had completely disappeared. In the meantime, the child developed some new abscesses; again they began to recede rapidly after the first orgone treatment.

Page 13, 14

A woman, aged 46, with a carcinoma of the liver, came for orgone treatment in the last stage of her disease. Shortly before the appearance of the liver metastasis, she had been operated on for carcinoma of the left breast. She had lived in complete sexual abstinence for 17 years. Her menstruation was very weak

Complaint for Injunction

and always lasted only two days. The patient came for treatment twice daily for half an hour and after two days of treatment she felt much better, as her appetite increased and she was able to walk with greater ease. Three days later menstruation occurred which, although still as weak as before, lasted four days for the first time. Her hemoglobin content rose from 75% to 85% within a week and her weight increased by 2 lbs. * * *

Page 14

A patient, aged 56, with pseudomyxoma peritonei * * * had been constipated for half a year * * * After the first treatment, bowel movement was copious * * *

Page 15

A man, aged 56, with angina pectoris had his first attack eight years ago and had had no trouble whatever since then. A week before the beginning of the orgone treatment new attacks set in, some of them of a serious nature. Consciousness was partly clouded. The attacks occurred with varying intensity several times a day, up to the first orgone treatment. After the first treatment, there were no more attacks. * * *

Page 16

A patient, aged 62, with an arteriosclerotic heart disease became sick 5 years ago. He had been repeatedly hospitalized and his doctors had given him up on several occasions. After a few weeks of orgone treatment, he felt strong enough to take a walk of several

Complaint for Injunction

miles in the glare of a tropical sun at noon against medical advice, a thing which he had been unable to do for years. * * *

Page 16, 17

A woman, aged 65, suffered from a myodegeneratio cordis for 7 years. Two years ago she was hospitalized for several weeks because of her heart disease. Since all internal medication failed, and since the patient, after returning from the hospital, was no longer able to leave the house, her family decided to try orgone therapy in spite of the skepticism of the physician in charge of the case. Her heart condition improved so much that the patient, after 3 weeks of orgone therapy, could do without any internal medication. Several weeks later, she was able for the first time to walk outside again, for half an hour * * *.

Page 17

In a case of chronic bronchitis in a woman aged 20, an improvement was visible after only 5 orgone treatments. Previous slight increases of temperature disappeared * * *.

Page 17, 18

A patient, 60, was suffering for years from a duodenal ulcer. He was severely constipated during almost all of his life. The ulcer especially caused serious painful attacks which increased after the patient's wife died several months ago. The constipation improved immediately after the first treatment. In the course of one month of treatment, the constipation

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after first alternating with normal bowel movements, was completely eliminated. The pains disappeared after the fourth session. In addition to these results, 3 warts on the left hand and a corn became smaller. The treatment is being continued.

Page 18

A patient, aged 20, with anemia was treated with the accumulator for a fortnight. The number of erythrocytes rose from 2.7 million to 4 million and her hemoglobin content rose from 70% to 80%.

Page 18

An inflammation of the eyeball after the removal of a splinter disappeared altogether after having been subjected to radiation from an accumulator tube.

Page 18

A patient, aged 39, had a hemorrhage of the throat which lasted for hours and which ceased immediately following the first orgone treatment.

Vol. II. No. 1

January 1950

Page 16, 17

A 53-year-old woman one year before the beginning of orgone treatment had a thrombophlebitis of the right calf. * * * After 1 week of orgone treatment, a reaction of very severe, almost unbearable, pain occurred. (In some other cases, we have also observed that the pain increases at the beginning of orgone treatment. The transformation of the lifeless tissue

Complaint for Injunction

into living tissue is of an inflammatory nature, and hence the cause of the pain is understandable.) After 11 days of irradiation, the first significant improvement took place, manifested in the reduction of pain and also improved walking. The improvement continued. When she had had 1 month of treatment, she could walk quite freely, even "run", * * *

Page 17

Buerger's disease. * * * One patient, a 40-year-old man, had suffered from this disease for the last 16 years. * * * When he came for orgone treatment, there were wounds of a gangrenous nature on several of his toes and the surgeon urgently recommended amputation. Instead of amputation, the patient decided to try the orgone accumulator. After the first irradiation, he felt a strong prickling on his head and an especially strong prickling sensation on his feet, * * * After the second, third, and fourth irradiations, the same phenomena appeared. After the fifth, the wounds were dry for the first time in 8 years. When he had had 8 irradiations, entirely painless intervals occurred, whereas formerly the patient suffered constant pain. * * * The legs, which were ice cold before the therapy, became warmer. Previously the patient took about 2 dozen pills daily to combat the pain; now he could get along with 1 or 2. The wounds started to close. * * *

Page 18

* * * A second patient, aged 55, had been suffering from Buerger's disease for 10 years. * * * After 14 days of irradiation twice daily, his walking was already very much improved. He no longer needed a

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cane and the healing of his wounds progressed rapidly. * * *

Page 18

A 43-year-old patient suffered for many years from Buerger's disease. * * * After orgone treatment for 1 month he again wished "to exercise and to jump" (the patient is a gymnastics instructor). * * *

Page 20

A 39-year-old woman had been suffering for 4 years from chronic sneezing; a specialist diagnosed her illness as "asthmatic sneezing". * * * After 3 weeks of orgone irradiation, her sneezing stopped. * * *

Vol. II, No. 3

July 1950

Page 133

Re: Breast Cancer * * * The patient was only able to use the accumulator one half hour a day, six times, over a period of three weeks and then she left for the country. Very soon after that she noticed that the lump had disappeared. When I saw her on her return six weeks later, the tumor had entirely disappeared and the chronic cystic mastitis had almost gone. Both breasts were of normal consistency. In spite of the fact that I have seen many remarkable results from the orgone accumulator, and that I knew small, malignant breast tumors disappear after 2 to 4 weeks of orgone irradiation, what I saw here was still unbelievable.

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Page 135

Re: Cancer of the Breast. There was a mass in the outer upper quadrant of the right breast. The outer edge of the tumor was sharp and about 2 inches in width. Proceeding medially, the tumor could not be differentiated from the rest of the tissue. Both breasts showed signs of chronic cystic mastitis. * * * Two weeks later I saw the patient after she had been using the orgone accumulator twice a day. The color of her skin was better and she seemed generally improved. The sharp edge of the tumor was gone and there remained only some enlarged gland tissue which was not differentiated from the rest of the breast tissue. Both breasts were much softer. Three weeks later the tumor had completely disappeared.

Vol. III, No. 3

July 1951

Page 165

Re: Ichthyosis * * * The patient began to use the orgone energy accumulator on September 15th for daily thirty-minute irradiations. Within 2 weeks he reported a marked decrease in the itching and scaling. The skin began to assume a healthier pink color * * * Within 1 month after beginning the use of the accumulator he was free of itching and the scaling of the skin was present only on the legs.

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THE DISCOVERY OF THE ORGONE

Volume Two

The Cancer Biopathy

Page 140-143

Our orgone therapy experiments with cancer patients consist in their sitting in the orgone accumulator. The orgone energy which is concentrated in the accumulator penetrates the naked body and is also taken up by way of respiration. * * * I began with sessions of 30 minutes. * * * During the first session the skin between the shoulder-blades became red; * * * During the next sessions, the redness of the skin spread to the upper part of the back and chest. * * * During the third, she began to perspire, particularly under the arms; she related that during the past few years she had never perspired. All these reactions of the organism to the orgone radiation are typical in all cancer patients. * * * Our patient came with a hemoglobin of 35%. 2 days later it was 40%; after 4 days, 51%; after a week, 55%; after 2 weeks, 75%, and after 3 weeks, 85%, that is, normal.

(The foregoing also appears in *International Journal of Sex-Economy and Orgone Research*, Vol. 1, 1952, at page 138 et seq.)

Page 171-173

The patient had a swelling the size of a bean at the outer margin of the right breast. * * * I refrained from having a biopsy done. Since the patient wished to undergo the orgone therapy experiment, there was no reason why I should not wait to see whether the tumor would disappear after a few irradiations. If it would disappear rapidly, it would have been a malign-

Complaint for Injunction

nant tumor. If it took many weeks or even months to disappear, or if it neither receded nor grew, it would have shown itself to be a harmless glandular enlargement. * * * definitely established the diagnosis of an advanced carcinomatous shrinking biopathy. * * * The patient started with daily orgone irradiations in my laboratory. Later she ordered an orgone accumulator and took two daily irradiations of half an hour each; * * * after 10 days of orgone irradiations, the tumor was no longer palpable. (Observation of earlier cases had shown that orgone therapy eliminates breast tumors of medium size in the space of two to three weeks).

(The foregoing also appears in *International Journal of Sex-Economy and Orgone Research*, Vol. 2, 1943, pages 4, 5.)

Page 199

* * * In the case of orgone therapy, * * * the tumor can be easily destroyed.

(The foregoing also appears in *International Journal of Sex-Economy and Orgone Research*, Vol. 2, 1943, page 20.)

Page 275-277

In many cases of biologically debilitated blood and severe anemia the attack on the tumor is preceded by the formation of a great number of young erythrocytes, as can be observed microscopically. Breast tumors disappear in the course of 2 to 3 weeks. Observation to date shows that the tumors always become soft, no matter what their location. * * * In one case of brain tumor the destruction of the tumor occurred as

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early as two weeks after the beginning of treatment. . . .

Another woman with a tumor of the stomach the size of an apple, also reacted rapidly to the orgone therapy. The tumor, which was palpable, became soft and became rapidly smaller.

Similarly, a third woman, with ovarian tumor, who had reacted to the orgone therapy with an improvement of her general condition and with a decrease in size and a softening of her tumors. . . .

In a boy of 5 with an adrenal tumor and metastases in the spine, X-ray showed calcification of the bone defects after 4 weeks. The primary adrenal tumor was no longer palpable after 2 weeks' treatment. . . . The fact should be remembered that none of our cases came to us shortly after the discovery of the tumor. They all had tried other methods for several years, and when they came to us, they had been given up as hopeless and were on the point of dying.

(The foregoing also appears in *International Journal of Sex-Economy and Orgone Research*, Vol. 2, 1943, pages 57, 58.)

Page 283

Anemias were eliminated within 3 to 6 weeks.

THE ORGONE ENERGY ACCUMULATOR
Its Scientific and Medical Use

Page 35

. . . Painful burns, cuts, bruises will stop smarting after a few minutes. . . . One can follow the healing process as it runs its course. . . . According to the

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size of the injury, five to twenty minutes will suffice to set the healing process into rapid motion.

Page 36

The wounds heal in a matter of a few hours; severe ones need a day or two.

Orgone energy also sterilizes the wound. Microscopic observation shows that, for example, bacteria in the vagina will be immobilized after only one minute of irradiation through an inserted glass pipe filled with steel wool.

23. When the said defendants cause the devices to be introduced or delivered for introduction into interstate commerce, and while the devices are being held for sale after shipment in interstate commerce, the labeling thereof, consists in part, of a small metal plate affixed to, or, an ink impression stamped on, the side of the device. In addition the defendants mail from Rangeley, Maine, addressed to the consignee other items of labeling which are usually received within a few days, either before or after, delivery of the device. Some of these items are as follows:

- a. Application For Use Of The Orgone Energy Accumulator—on which the purchaser specified whether he desires the device for medical, non-medical or experimental use.
- b. How To Use The Orgone Accumulator—which contains some directions for use of the cabinet style device, "shooter", seat box, and chestboard.
- c. Instructions for Assembling The Orgone Accumulator—which contains directions for assembling the cabinet style accumulator.

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- d. Catalogue Sheet—which lists and partially describes the various styles of accumulators.
- e. Physician's Report.
- f. A form letter entitled "To All Users of The Orgone Energy Accumulator".
- g. Instructions for the Use of the Orgone Energy Accumulator Blanket.

24. The defendants have devised a jargon stemming from their coined word "orgone" and utilize words having "orgone" as a base in the promotion of the pseudo-science which they call "orgonomy."

25. That said defendants have been and now are representing and suggesting in the labeling of said devices, in particular, on page 3 of the mimeographed sheets entitled *HOW TO USE THE ORGONE ACCUMULATOR*, under the heading *PLEASE READ CAREFULLY*, that said devices be kept at least three rooms away from an operating X-ray machine; that said devices should not be used in proximity to operating X-ray equipment; and against experimenting with radioactive materials in combination with the alleged orgone energy because "it is dangerous to life", which representations and suggestions in said labeling are and were false and misleading and misbrand said devices within the meaning of said Act, 21 U. S. C. 352(a), since such representations and suggestions convey the impression and belief that the alleged orgone energy is a powerful form of energy, particularly when in contact with emanations from radioactive material and Roentgen rays, whereas, the alleged orgone energy, as claimed to have been discovered and its existence proved by the said defendant Reich as stated in the labeling for said devices, is not a powerful form of energy, is non-existent, and is not "dangerous to life".

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26a. The aforesaid orgone energy accumulator devices have and now are further misbranded when introduced into, while in, and while held for sale after shipment in interstate commerce, within the meaning of 21 U. S. C. 352(a) in that their labeling, namely, the booklet (outside cover) entitled *THE ORGONE ENERGY ACCUMULATOR—Its Scientific and Medical Use*, the booklet (page 198d) entitled *THE ORANUR EXPERIMENT*, and book (page 66) entitled *COSMIC SUPERIMPOSITION*, and the frontispieces of *ORGONE ENERGY BULLETIN*, Vol. 1, No. 1, the book entitled *THE MURDER OF CHRIST*, and the bulletin entitled "Internationale Zeitschrift Fur Orgonomie April 1950", contains written, printed and graphic matter, namely, a photograph with caption, which is false and misleading in that such written, printed, and graphic matter conveys the impression that the photograph is an actual photograph depicting the alleged orgone energy, whereas, the alleged orgone energy is not thereby depicted.

26b. The aforesaid orgone energy accumulator devices have been and now are further misbranded when introduced into, while in, and while held for sale after shipment in interstate commerce, within the meaning of 21 U. S. C. 352(a) in that their labeling, namely, the book (pages 198a and 198b) entitled *THE ORANUR EXPERIMENT*, contains written, printed, and graphic matter, namely photos 1 and 3 captioned as showing an excited orgone energy field between the palms of the hands and from an alcohol flame, respectively, which is false and misleading in that such written, printed, and graphic matter conveys the impression that the photos show excited orgone energy fields, whereas, said photos do not show excited orgone energy fields.

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27. The orgone energy accumulator, in all of its styles and models, is a device within the meaning of 21 U. S. C. 321(b), and is and was further misbranded when introduced into, while in, and while held for sale after shipment in interstate commerce, within the meaning of said Act, 21 U. S. C. 352(a), in that its labeling, namely, the printed matter mentioned in paragraph "23" hereof and the written, printed, and graphic matter hereinafter identified, accompanying said device, represents and suggests that the device is an outstanding therapeutic agent, is a preventive of and beneficial for use in all diseases and disease conditions, is effective in particular in the cure, mitigation, treatment, and prevention of the diseases, conditions, and symptoms hereinafter mentioned, which representations and suggestions are false and misleading since the device is not an outstanding therapeutic agent, is not a prevention of and beneficial for use in all diseases and disease conditions, and is not effective in the cure, mitigation, treatment, and prevention of the diseases, conditions, and symptoms hereinafter enumerated. Examples of the diseases, conditions, and symptoms, and the items of written, printed, and graphic matter wherein they appear, which constitute the labeling referred to above, are as follows:

THE ORGONE ENERGY ACCUMULATOR

Its Scientific and Medical Use.

cancer
 anemia
 headaches
 cancer tumor of breasts
 acute and chronic colds
 hay fever

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rheumatism
 arthritis
 varicose ulcers
 chronic illnesses
 bruises
 cuts
 lesions
 abrasions
 wounds
 burns
 sinusitis
 migraine
 vascular hypertension
 high blood pressure
 decompensated heart disease
 brain tumors
 arteriosclerosis
 apoplectic attacks
 skin inflammation
 conjunctivitis
 sterilization of wounds
 immobilization of vaginal bacteria
 chronic fatigue
 undernourishment
 diabetes

Orgone Energy Bulletin

cancer
 angina pectoris
 constipation
 high blood pressure
 low blood pressure
 Basedow's disease

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abscesses
 chronic diarrhea
 chronic bronchitis
 gastric ulcer
 putrefaction of the intestines
 inflammation of the eyeball
 hemorrhage of the throat
 paradentosis
 anemia
 lichenoid eczema
 osteoporosis
 arteriosclerotic heart disease
 duodenal ulcers
 thrombophlebitis
 compound fracture
 Buerger's disease
 purulent frontal sinusitis
 diabetes
 ichthyosis

International Journal of Sex-Economy
 and Orgone Research

cancer
 angina pectoris
 asthma
 cardiovascular hypertension
 epilepsy
 multiple sclerosis
 chorea
 cancer pains
 raising hemoglobin
 elimination of cancer tumors
 tumor easily destroyed
 lung cancer

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tumor of the breast
 high blood pressure
 low blood pressure
 brain tumor
 inoperable cancer of esophagus
 prevention of metastases
 leukemia
 fistula
 trichomonas vaginalis
 colds
 cutaneous abscesses
 healing of wounds
 underweight
 anemia
 in pregnancy

Annals of the Orgone Institute

cancer
 angina pectoris
 common cold

The Discovery of the Orgone Vols. I & II

tumors
 anemia
 wounds, burns, bed sores
 colds
 grippe
 infection
 trichomonas vaginalis
 cancer
 angina pectoris
 arteriosclerosis
 varicose ulcer
 common cold
 pneumonia, prevention of
 high blood pressure

Complaint for Injunction

Emotional Plague Versus Orgone Biophysics

arthritis
 colds
 sinusitis
 anemia
 cancer
 leukemia
 angina pectoris
 vascular hypertension
 varicose ulcer
 cancer tumors
 arthritis

Listen, Little Man

cancer

Ether, God and Devil

cancer

The Sexual Revolution

cancer

Character Analysis

cancer tumors

Cosmic Superimposition

cancer
 common cold
 ichthyosis
 rheumatic fever
 hypertension
 diabetes

The Mass Psychology of Fascism

cancer

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The Oranur Experiment

colds
 cut finger
 influenza
 tissue degeneration
 blood degeneration
 cancer

Internationale Zeitschrift Fur Orgonomie

cancer
 diabetes
 wounds
 duodenal ulcer
 pernicious anemia
 Basedow's disease
 high blood pressure
 low blood pressure
 parodontosis
 lichenoid eczema
 osteoporosis
 angina pectoris
 arteriosclerosis
 myodegeneratio cordis
 prostatitis
 myocardial infarction
 intestinal trouble
 mediastinal malignancy
 sinusitis
 burns
 diabetic neuritis
 colds

*Complaint for Injunction**Annals of Orgone Institute*

common cold
angina pectoris
cancer

Oranur Project

counteracts nuclear radiation
chronic colds
chills
low resistance
pneumonia prevention
healing of wounds and burns
old resilient ulcers
prevention of burn blisters
relief of pain in cancer
rheumatism
migraine
neuritis
cuts
shock
atomic warfare
epidemics

The Murder Of Christ

cancer

People In Trouble

cancer
blood
tissues

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28. The orgone energy accumulator device, in all styles and models, is adulterated within the meaning of 21 U. S. C. 351(c) in that its strength differs from and its quality falls below that which it purports and is represented to possess, since it is not capable of collecting from the atmosphere and accumulating in said device the alleged orgone energy as claimed to have been discovered and its existence proved by the defendant Reich.

29. The plaintiff is informed and believes that unless restrained by the court, the said defendants will continue to cause the introduction or delivery for introduction into interstate commerce, of the said orgone energy accumulator device, in all its styles and models, misbranded within the meaning of 21 U. S. C. 352(a) and adulterated within the meaning of 21 U. S. C. 351(c). The plaintiff is also informed and believes that unless restrained by the Court the said defendants will continue to cause the said orgone energy accumulator device, in all its styles and models, to be misbranded and adulterated within the meaning of 21 U. S. C. 352 (a) and 351 (c) while held for sale after shipment in interstate commerce.

WHEREFORE PLAINTIFF PRAYS:

That the defendants, The Wilhelm Reich Foundation, a Maine corporation, Wilhelm Reich and Ilse Ollendorff, individuals, and each and all other officers, agents, servants, employees, attorneys, all corporations, associations, and organizations, and all persons in active concert or participation with any of them, be perpetually enjoined from directly or indirectly introducing or causing to be introduced or delivering or causing to be delivered for introduction into interstate commerce in violation of 21 U. S. C.

Complaint for Injunction

331(a), any orgone energy accumulator device, in any style or model, and any and all accessories, components or parts thereof, or any similiar article, in any style or model, which is misbranded within the meaning of 21 U. S. C. 352(a) or adulterated within the meaning of 21 U. S. C. 351 (c):

AND FURTHER PRAYS:

That the aforesaid defendants, their officers, agents, servants, employees, attorneys, all corporations, associations, and organizations, and all persons in active concert or participation with any of them, be perpetually enjoined from directly or indirectly doing or causing to be done any act whether oral, written, or otherwise in the manner aforesaid or in any other manner, with respect to any orgone energy accumulator device, in any style or model, or with respect to any similiar article of device while held for sale after shipments in interstate commerce, in violation of 21 U. S. C. 331 (k) which results in said article being misbranded within the meaning of 21 U. S. C. 352(a), or adulterated within the meaning of 21 U. S. C. 351 (c):

AND FURTHER PRAYS:

That the plaintiff be given judgment for its costs herein and for such other and further relief as to the Court may seem just and proper.

(Peter Mills)

United States Attorney

Address:

Federal Court House
156 Federal Street
Portland 6, Maine

Decree of Injunction**Civil Action No. 1056**

Plaintiff having filed a Complaint for Injunction herein to enjoin the defendants and others from further alleged violations of the Federal Food, Drug, and Cosmetic Act; and each defendant having been duly served, on February 10, 1954, with a summons and copy of the Complaint; and no defendant having appeared or answered in person or by representative, although the time therefor has expired; and each defendant having been duly served, on February 26, 1954, with a copy of Requests for Admissions; and no defendant having served any answer to said Requests, although the time therefor has expired; and the default of each defendant having been entered herein; and it appearing that the defendants, unless enjoined therefrom, will continue to introduce or cause to be introduced or delivered, or cause to be delivered into interstate commerce orgone energy accumulators, devices within the meaning of the Federal Food, Drug, and Cosmetic Act, 21 U. S. C. 301 et seq, which are misbranded and adulterated, and in violation of 21 U. S. C. 331 (a) and (k); and the Court having been fully advised in the premises;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the defendants, THE WILHELM REICH FOUNDATION, WILHELM REICH, and ILSE OLLENDORFF and each and all of their officers, agents, servants, employees, attorneys, all corporations, associations, and organizations, and all persons in active concert or participation with them or any of them, be, and they hereby are, perpetually enjoined and restrained from doing any of the following acts, directly or indirectly, in violation of Sections 301(a) or 301(k) of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. C. 331(a) or (k)) with respect to any orgone energy accumulator device, in any style or

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model, any and all accessories, components or parts thereof, or any similar device, in any style or model, and any device purported or represented to collect and accumulate the alleged orgone energy:

(1) Introducing or causing to be introduced or delivering or causing to be delivered for introduction into interstate commerce any such article of device which is:

(a) Misbranded within the meaning of Section 502(a) of the Act (21 U. S. C. 352(a)) by reason of any representation or suggestion in its labeling which conveys the impression that such article, in any style or model, is an outstanding therapeutic agent, is a preventive of and beneficial for use in any disease or disease condition, is effective in the cure, mitigation, treatment, and prevention of any disease, symptom, or condition; or

(b) Misbranded within the meaning of Section 502(2) of the Act (21 U. S. C. 352(a)) by reason of any representation or suggestion in its labeling which conveys the impression that the alleged orgone energy exists; or

(c) Misbranded within the meaning of Section 502(a) of the Act (21 U. S. C. 352(a)) by reason of any photographic representation or suggestion with a caption, or otherwise, which conveys the impression that such is an actual photograph depicting the alleged orgone energy or an alleged excited orgone energy field; or

(d) Misbranded within the meaning of Section 502(a) of the Act (21 U. S. C. 352(a)) by reason of any other false or misleading representation or suggestion; or

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(e) Adulterated within the meaning of Section 501(c) of the Act (21 U. S. C. 351(c)) in that (1) its strength differs from or its quality falls below that which it purports or is represented to possess or (2) it purports to collect from the atmosphere and accumulate in said device the alleged orgone energy; or

(2) Doing any act or causing any act to be done with respect to any orgone energy accumulator device while such device is held for sale (including rental, or any other disposition) after shipment in interstate commerce which results in said device becoming misbranded or adulterated in any respect; and

IT IS FURTHER ORDERED:

(1) That all orgone energy accumulator devices, and their labeling, which were shipped in interstate commerce and which (a) are on a rental basis, or (b) otherwise owned or controlled by any one of the defendants, or by the defendants, be recalled by the defendants to their place of business at Rangeley, Maine; and

(2) That the devices referred to in (1) immediately above, and their parts, be destroyed by the defendants or, they may be dismantled and the materials from which they were made salvaged after dismantling; and

(3) That the labeling referred to in paragraph (1), just above, except those items for which a specific purchase price was paid by their owners, be destroyed by the defendants; and

(4) That all parts or portions of orgone accumulator devices shipped in interstate commerce and returned to

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Rangley, Maine, or elsewhere, and awaiting repair or re-shipment be destroyed by the defendants, or, they may be dismantled and the materials from which they were made salvaged after dismantling; and

(5) That all copies of the following items of written, printed, or graphic matter, and their covers, if any, which items have constituted labeling of the article of device, and which contain statements and representations pertaining to the existence of orgone energy, its collection by, and accumulation in, orgone energy accumulators, and the use of such alleged orgone energy by employing said accumulators in the cure, mitigation, treatment, and prevention of disease, symptoms and conditions:

The Discovery of the Orgone by Wilhelm Reich

Vol I—The Function of the Orgasm

Vol II—The Cancer Biopathy

The Sexual Revolution by Wilhelm Reich

Ether, God and Devil by Wilhelm Reich

Cosmic Superimposition by Wilhelm Reich

Listen, Little Man by Wilhelm Reich

The Mass Psychology of Fascism by Wilhelm Reich

Character Analysis by Wilhelm Reich

The Murder of Christ by Wilhelm Reich

People in Trouble by Wilhelm Reich

shall be withheld by the defendants and not again employed as labeling; in the event, however, such statements and representations, and any other allied material, are deleted, such publications may be used by the defendants; and

(6) That all written, printed, and graphic matter containing instructions for the use of any orgone energy accumulator device, instructions for the assembly thereof,

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all printed, and other announcements and order blanks for the items listed in the paragraph immediately above, all documents, bulletins, pamphlets, journals, and booklets entitled in part, as follows: CATALOGUE SHEET, PHYSICIAN'S REPORT, APPLICATION FOR THE USE OF THE ORGONE ENERGY ACCUMULATOR, ADDITIONAL INFORMATION REGARDING SOFT ORGONE IRRADIATION, ORGONE ENERGY ACCUMULATOR ITS SCIENTIFIC AND MEDICAL USE, ORGONE ENERGY BULLETIN, ORGONE ENERGY EMERGENCY BULLETIN, INTERNATIONAL JOURNAL OF SEX-ECONOMY AND ORGONE RESEARCH, INTERNATIONALE ZEITSCHRIFT FUR ORGONOMIE, EMOTIONAL PLAGUE VERSUS ORGONE BIOPHYSICS, ANNALS OF THE ORGONE INSTITUTE, and ORANUR EXPERIMENT, but not limited to those enumerated, shall be destroyed; and

(7) That the directives and provisions contained in paragraphs (1) to (6) inclusive, above, shall be performed under the supervision of employees of the Food and Drug Administration, authorized representatives of the Secretary of Health, Education and Welfare; and

(8) That for the purposes of supervision and securing compliance with this decree the defendants shall permit said employees of the Food and Drug Administration, at reasonable times, to have access to and to copy from, all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of said defendants, including all affiliated persons, corporations, associations, and organizations, at Rangley, Maine, or elsewhere, relating to any matters contained in

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Decree of Injunction

this decree. Any such authorized representative of the Secretary shall be permitted to interview officers or employees of any defendant, or any affiliate, regarding any such matters subject to the reasonable convenience of any of said officers or employees of said defendants, or affiliates, but without restraint or interference from any one of said defendants; and

(9) That the defendants refrain from, either directly or indirectly, in violation of said Act, disseminating information pertaining to the assembly, construction, or composition of orgone energy accumulator devices to be employed for therapeutic or prophylactic uses by man or for other animals.

March 19, 1954.
2:45 P.M.

/s/ John D. Clifford, Jr.
United States District Judge
for the District of Maine.

A true copy of original filed at 2:45 P.M. on March 19, 1954.

ATTEST:

/s/ Morris Cox
Clerk, United States District Court

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Clerk's Certificate Dated August 30, 1956
Criminal Action No. 5,003

I, Morris Cox, Clerk of the United States District Court for the District of Maine, hereby certify that the following described and indexed documents constitute the original papers filed in the above entitled proceeding and forwarded pursuant to Rule 22(2) of the United States Court of Appeals for the First Circuit and Notice of Appeal filed in this action:

- VOL. I
- | | |
|-------|---|
| No. A | Clerk's Certificate dated August 30, 1956, with index. |
| No. 1 | Information and Application in criminal contempt w/Order to Show Cause in Criminal Contempt, Clifford, J. |
| No. 2 | Motion of the Wilhelm Reich Foundation to Discharge Order to Show Cause. |
| No. 3 | Motion of Wilhelm Reich to Discharge Order to Show Cause. |
| No. 4 | Demand for Jury Trial of Defendant the Wilhelm Reich Foundation. |
| No. 5 | Demand for Jury Trial of Defendant Wilhelm Reich. |
| No. 6 | Motion to Amend the Information w/Affidavit of Service. |
| No. 7 | Motion to Quash w/Cert of Service. |
| No. 8 | Motion to vacate and dismiss the Information and for stay. |

Clerk's Certificate Dated August 30, 1956

- No. 9 Amended Information and Application.
- No. 10 Transcript of hearing on Oct 10, 1955.
- No. 11 Order, Clifford, J., Granting Motion to Amend Information.
- No. 12 Motions Pertaining to Subpoenas Duces Tecum w/Affidavit of Service.
- No. 13 Motion to Dismiss Amended Information on the Ground of Illegal Procedural Tactics to Misrepresent Factual Truth in Court w/Affidavit of Service.
- No. 14 Motion to Dismiss the Case Against Orgonomy Completely and to Replace the Contempt of Court Charge by the Recommendation to Establish "Boards on Social Pathology" in the Court of the USA.
- No. 15 Motion to Show and Correct Several Logical Errors in Procedural Formulations, w/three Exhibits.
- No. 16 Motion to Dismiss Amended Information on the Ground of Illegal Misrepresentation of Facts.
- No. 17 Motion for subpoenas w/Affidavit of Service of Motions.
- No. 18 Motions Pertaining to Subpoenas Duces Tecum w/Affidavit of Service.
- No. 19 Motion to Vacate Subpoenas Duces Tecum Supporting Pending Identical Motion to Vacate Submitted by Former Counsel Haydon, w/Affidavit of Service.

Clerk's Certificate Dated August 30, 1956

- No. 20 Waiver of Counsel by Defendant, Michael Silvert.
- No. 21 Waiver of Counsel by Defendant, Wilhelm Reich.
- No. 22 Transcript of proceedings on Oct 18, 1955.
- No. 23 Transcript of proceedings on Nov. 4, 1955.
- No. 24 Motion by Counsel for the Discovery of the Life Energy to Deny Motion by Peter Mills, US Attorney, to be made November 16, 1955 to inspect subpoenaed material.
- No. 25 Motion to Quash Subpoena w/Affidavit of Service.
- No. 26 Motion by Counsel for Discovery of Life Energy to inspect all material subpoenaed from the Food and Drug Administration which are to be delivered to the Court on or before the 28th of November, 1955, w/Cert. of Service.
- No. 27 Answer of Dr. Reich in opposition to Plaintiff's Motion to Quash Subpoena w/Cert. of Service.
- No. 28 Notice of Motion for an order removing the limitations imposed upon the inspection of documents heretofore submitted pursuant to subpoenas duces tecum.

Clerk's Certificate Dated August 30, 1956

- No. 29 Copy of designation of Hon. George C. Sweeney, Chief Judge, U. S. District Court for the District of Massachusetts, to hold a district court in the District of Maine in the above entitled case now pending in said district court.
- No. 30 Order on Motion, Clifford, J.
- No. 31 Request for instruction to the jury by Wilhelm Reich. Denied by Judge Sweeney in margin thereof.
- No. 32 Judgment and Imposition of Fine as to The Wilhelm Reich Foundation.
- No. 33 Judgment and Imposition of Fine as to Wilhelm Reich.
- No. 34 Judgment and Imposition of Sentence as to Michael Silvert.
- No. 35 Written statement to the Court signed by Wilhelm Reich, dated May 25, 1956.
- No. 36 Notice of Appeal of The Wilhelm Reich Foundation, Wilhelm Reich and Michael Silvert, to the U. S. Court of Appeals for the First Circuit.
- No. 37 Motion for Order Extending Time to File Record and Docket Cause in Appellate Court w/Cert. of service, by The Wilhelm Reich Foundation by William Moise, Clerk.
- No. 38 Motion for Order Extending Time to File Record and Docket Cause in Appellate Court w/Cert. of service, by Wilhelm Reich.

Clerk's Certificate Dated August 30, 1956

- No. 39 Motion for Order Extending Time to File Record and Docket Cause in Appellate Court w/Cert. of service, by Michael Silvert.
- Vol. II No. 40 Transcript of hearing on May 3, 4, 5, and 7, 1956.
- Vol. III No. 41 Motion for Order Extending Time to File Record and Docket Cause in Appellate Court by The Wilhelm Reich Foundation w/Cert. of service, thereon, and Order, Sweeney, J., extending the time to and including the 2nd day of September, 1956.
- No. 42 Motion for Order Extending Time to File Record and Docket Cause in Appellate Court by Wilhelm Reich w/Cert. of service thereon and Order, Sweeney, J., extending the time to and including the 2nd day of September, 1956.
- No. 43 Motion for Order Extending Time to File Record and Docket Cause in Appellate Court by Michael Silvert w/Cert. of Service thereon and Order, Sweeney, J., extending the time to and including the 2nd day of September, 1956.
- No. 44 Attested copy of docket entries.

In testimony whereof, I hereunto set my hand and affix the seal of said District Court at Portland, Maine, this thirtieth day of August, 1956.

Morris Cox, Clerk
By: George F. Feeney
Chief Deputy Clerk

[SEAL]

Criminal Contempt Action, Information and Application

Comes now Peter Mills, United States Attorney for the District of Maine, and in behalf of the United States of America, respectfully files this information and application for an order to show cause, if any, why the defendants, The Wilhelm Reich Foundation, a Maine corporation, Wilhelm Reich, and Michael Silvert should not be adjudged to be in criminal contempt of this Honorable Court and punished therefor, and represents to the Court:

I.

That this proceeding is brought under 18 U. S. C. 401 and 21 U. S. C. 332(b), conferring upon the said District Court the power to punish contempts of its authority and disobedience of its lawful writs, processes, orders, rules, decrees, or commands.

II.

That the defendant, The Wilhelm Reich Foundation, a Maine corporation, has its principal place of business at Rangeley, Maine. The defendant, Wilhelm Reich, resides at Rangeley, Maine. The defendant, Michael Silvert, is in New York, New York, in the Southern District of New York.

III.

That in the cause of United States of America v. The Wilhelm Reich Foundation, a Maine corporation, Wilhelm Reich, and Ilse Ollendorff, Civil Action No. 1056 in this Court, this Court, on the 19th day of March 1954, by its lawful decree of said date, duly entered and recorded in the Docket of this Court under Civil No. 1050, ordered and decreed that The Wilhelm Reich Foundation, a Maine cor-

Criminal Contempt Action, Information and Application

poration, Wilhelm Reich, and Ilse Ollendorff, their officers, agents, servants, employees, attorneys, all corporations, associations and organizations and all persons in active concert or participation with them or any of them, be perpetually enjoined and restrained from directly or indirectly introducing or causing to be introduced, or delivering or causing to be delivered for introduction into interstate commerce any orgone energy accumulator, an article of device within the meaning of the Federal Food, Drug, and Cosmetic Act, which was misbranded or adulterated within the meaning of said Act and further were so enjoined and restrained from doing any act or acts with respect to any orgone energy accumulator, accessories, components, or parts thereof, or similar device, and any device purported or represented to collect and accumulate orgone energy, which act or acts would result in said device becoming misbranded or adulterated within the meaning of said Act while held for sale after shipment in interstate commerce. In addition to such restraints, the said decree ordered the defendants and each of them, as follows:

IT IS FURTHER ORDERED:

(1) That all orgone energy accumulator devices, and their labeling, which were shipped in interstate commerce and which (a) are on a rental basis, or (b) otherwise owned or controlled by any one of the defendants, or by the defendants, be recalled by the defendants to their place of business at Rangeley, Maine; and

(2) That the devices referred to in (1) immediately above, and their parts, be destroyed by the defendants or, they may be dismantled and the materials from which they were made salvaged after dismantling; and

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(3) That the labeling referred to in paragraph (1), just above, except those items for which a specific purchase price was paid by their owners, be destroyed by the defendants; and

(4) That all parts or portions of orgone accumulator devices shipped in interstate commerce and returned to Rangeley, Maine, or elsewhere, and awaiting repair or re-shipment be destroyed by the defendants, or, they may be dismantled and the materials from which they were made salvaged after dismantling; and

(5) That all copies of the following items of written, printed, or graphic matter, and their covers, if any which items have constituted labeling of the article of device, and which contain statements and representations pertaining to the existence of orgone energy, its collection by, and accumulation in, orgone energy accumulators, and the use of such alleged orgone energy by employing said accumulators in the cure, mitigation, treatment, and prevention of disease, symptoms, and conditions:

The Discovery of the Orgone by Wilhelm Reich

Vol. I —The Function of the Orgasm

Vol. II—The Cancer Biopathy

The Sexual Revolution by Wilhelm Reich

Ether, God and Devil by Wilhelm Reich

Cosmic Superimposition by Wilhelm Reich

Listen, Little Man by Wilhelm Reich

The Mass Psychology of Fascism

by Wilhelm Reich

Character Analysis by Wilhelm Reich

The Murder of Christ by Wilhelm Reich

People in Trouble by Wilhelm Reich

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shall be withheld by the defendants and not again employed as labeling; in the event, however, such statements and representations, and any other allied material, are deleted, such publications may be used by the defendants; and

(6) That all written, printed, and graphic matter containing instructions for the use of any orgone energy accumulator device, instructions for the assembly thereof, all printed, and other announcements and other blanks for the items listed in the paragraph immediately above, all documents, bulletins, pamphlets, journals, and booklets entitled in part, as follows: CATALOGUE SHEET, PHYSICIAN'S REPORT, APPLICATION FOR THE USE OF THE ORGONE ENERGY ACCUMULATOR, ADDITIONAL INFORMATION REGARDING SOFT ORGONE IRRADIATION, ORGONE ENERGY ACCUMULATOR ITS SCIENTIFIC AND MEDICAL USE, ORGONE ENERGY BULLETIN, ORGONE ENERGY EMERGENCY BULLETIN, INTERNATIONAL JOURNAL OF SEX-ECONOMY AND ORGONE RESEARCH, INTERNATIONALE ZEITSCHRIFT FUR ORGONOMIE, EMOTIONAL PLAGUE VERSUS ORGONE BIOPHYSICS, ANNALS OF THE ORGONE INSTITUTE, and ORANUR EXPERIMENT, but not limited to those enumerated, shall be destroyed; and

(7) That the directives and provisions contained in paragraphs (1) to (6), inclusive, above, shall be performed under the supervision of employees of the Food and Drug Administration authorized representatives of the Secretary of Health, Education, and Welfare; and

Criminal Contempt Action, Information and Application

(8) That for the purposes of supervision and securing compliance with this decree the defendants shall permit said employees of the Food and Drug Administration, at reasonable times, to have access to and to copy from, all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of said defendants, including all affiliated persons, corporations, associations, and organizations, at Rangeley, Maine, or elsewhere, relating to any matters contained in this decree. Any such authorized representative of the Secretary shall be permitted to interview officers or employees of any defendant, or any affiliate, regarding any such matters subject to the reasonable convenience of any of said officers or employees of said defendants, or affiliates, but without restraint or interference from any one of said defendants; and

(9) That the defendants refrain from, either directly or indirectly, in violation of said Act, disseminating information pertaining to the assembly, construction, or composition of orgone energy accumulator devices as to be employed for therapeutic or prophylactic uses by man or for other animals.

IV.

Your petitioner represents to the Court and alleges that since the entry of said decree and with knowledge thereof and in defiance of the terms of said decree, the said Wilhelm Reich Foundation and Wilhelm Reich, defendants herein, have failed:

Criminal Contempt Action, Information and Application

(1) to recall to defendants' place of business at Rangeley, Maine, all orgone energy accumulator devices, and their labeling, which were shipped in interstate commerce and which (a) were on a rental basis, or (b) otherwise owned or controlled by the defendants or anyone of them, as directed and ordered in said decree;

(2) to dismantle for salvage or destroy the devices referred to in paragraph (1) immediately above, and their parts, as directed and ordered in said decree;

(3) to destroy the labeling referred to in paragraph (1) just above, as directed and ordered in said decree;

(4) to dismantle for salvage or destroy all orgone energy accumulators, accessories, components, and parts thereof which had been shipped in interstate commerce and had been returned to Rangeley, Maine, where they were awaiting repair, reshipment, or other disposition, as directed and ordered in said decree;

(5) to withhold and not again employ as labeling as directed and ordered in the said decree, items of written, printed, and graphic matter, and their covers, if any, which have constituted labeling of the article of device, and which contain statements and representations pertaining to the existence of Orgone energy, its collection by, and accumulation in, orgone energy accumulators, and the use of such alleged orgone energy by employing said accumulators in the cure, mitigation, treatment, and prevention of disease, symptoms, and conditions, all of which are specifically enumerated in said decree;

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(6) to destroy, as directed and ordered in said decree, all written, printed, and graphic matter containing instructions for the use of orgone energy accumulator devices, instructions for the assembly thereof, all printed, and other announcements and order blanks for the items listed in the paragraph immediately above, all documents, bulletins, pamphlets, journals, and booklets as specifically enumerated in said decree.

V.

Your petitioner represents to the Court and alleges that the following telegram was dispatched on March 30, 1954:

1954 March 30

Rangeley, Me

Peter Mills—

District Attorney Federal Court House
Portland Me

The Wilhelm Reich Foundation is far advanced in preparing full compliance with injunction of March 19 1954 Stop An exact account of measures taken and still in progress will be sent to your office for your information.

The Wilhelm Reich Foundation Ilse Ollendorff Clerk

that despite said telegram and in defiance of said decree, defendant Wilhelm Reich, has refused at any time to comply with the terms of said decree and, specifically, on December 30, 1954, at Tucson, Arizona, and again on June 6, 1955, at Rangeley, Maine, at which time he refused to talk to, be interviewed by, and furnish information to inspectors of the Food and Drug Administration, United

Criminal Contempt Action, Information and Application

States Department of Health, Education, and Welfare upon whom said decree imposes the duty of acquiring information for the purpose of adequately supervising and assuring compliance with the terms of said decree, and has, by said refusal, refused to furnish any information pertaining to the books, ledgers, accounts, correspondence, memoranda and other matter and material referred to in said decree.

VI.

Your petitioner represents to the Court and alleges that The Wilhelm Reich Foundation, a Maine Corporation, defendant, by and through its officers and employees, in defiance of said decree has refused at all times to comply with the terms of said decree.

VII.

That by reason of the aforesaid refusals to comply with the stated provisions of said decree, The Wilhelm Reich Foundation and Wilhelm Reich, defendants, are in criminal contempt of the aforesaid decree of permanent injunction.

VIII.

Your petitioner further represents to the Court and alleges that:

(1) Michael Silvert of New York, New York, was, on or about April 1, 1954, served with a copy of the Decree of Injunction herein. On May 5, 1954, said Michael Silvert, and others, applied to this Court to set aside the Decree of Injunction, for permission to intervene in the action and to file an answer. The motion was denied by order entered on November 17, 1954. Said Silvert, and his asso-

Criminal Contempt Action, Information and Application

ciates, filed a notice of appeal therefrom, dated, November 30, 1954. On or about December 23, 1954, said Silvert and his associates made a motion in this Court, which was argued at length on January 4, 1955, to stay the United States of America from enforcing or taking any steps to enforce the provisions of said Decree of Injunction. On January 18, 1955, this Court denied the motion for stay in all respects except "that so much of the Decree of Injunction filed March 10, 1954 as directs the destruction of books and apparatus, is hereby STAYED pending final determination of the appeal * * *".

(2) Within four days after the order denying said motion for a stay had been filed, said Silvert did arrange with Hemingway Bros. Interstate Trucking Co. and did ship in a trailer truck of said firm from the Reich establishment at Rangeley, Maine, for delivery to himself at New York, New York, a number of orgone energy accumulators, accessories, components, and parts thereof and various items of written, printed, or graphic matter named in said decree of injunction. That said material, so shipped, was invoiced as follows:

"4 Bdle Wooden Cabinets KD, 1 Cabinet Wooden Open Set up, 338 Cartons Books, 361 Loose Pieces Cabinets-Wooden KD, and 3 Crates Books". That said accumulators, accessories, components, and parts thereof, so shipped, were, by this Court, ordered either dismantled for salvage or destroyed. That stated items of said literature, so shipped, were ordered by this Court, to be destroyed and other stated items were ordered not again to be used as labeling of orgone energy accumulators. That this Court did, as more fully stated hereinabove and in said Decree of Injunction, enjoin the

Criminal Contempt Action, Information and Application

defendants and any person in active concert or participation with any of them from shipping in interstate commerce any orgone energy accumulators, accessories, components, and parts accompanied by items of written, printed or graphic matter enumerated in said Decree of Injunction.

(3) Said Silvert with knowledge of the terms of the Decree of Injunction did in defiance thereof and contrary to its terms make the aforesaid shipment of orgone energy accumulators, accessories, components and parts thereof accompanied by said items of written, printed, and graphic matter enumerated in said decree which act was done in active concert or participation with one or more of said defendants and which is a criminal contempt of the aforesaid decree of injunction.

WHEREFORE, it is respectfully prayed that orders to show cause be issued for Wilhelm Reich, Michael Silvert, and The Wilhelm Reich Foundation that they be directed to appear personally before this Court and show cause, if any, why they should not be held and adjudged to be in criminal contempt of this Court and punished therefor as the law provides, and that Michael Silvert be ordered and directed forthwith to return to Rangeley, the place from which he shipped the orgone energy accumulators, all such accumulators, their accessories, components, and parts and the items of written, printed, and graphic matter shipped with them or otherwise accompanying them, and for any other and further relief as to the Court may seem just and proper.

Peter Mills
United States Attorney

Order to Show Cause in Criminal Contempt

Upon the information and application for orders to show cause why The Wilhelm Reich Foundation, a Maine Corporation, Wilhelm Reich, and Michael Silvert, should not be punished for criminal contempt filed in this case by the United States Attorney for this District, it is this 15th day of July, 1955, by the United States District Court for the District of Maine,

ORDERED that the defendants, The Wilhelm Reich Foundation, a Maine Corporation, Wilhelm Reich, and Michael Silvert, appear personally before this Court at the United States Courthouse in the Post Office Building in Portland, Maine, on the twenty-sixth day of July, 1955, at 1.30 P.M. E.S.T. to show cause why they should not be punished for criminal contempt of the decree of injunction issued by this Court on March 19, 1954, arising out of disobedience of this injunction as charged in the aforesaid information and application and it is further

ORDERED that if said defendants appear at the aforesaid time and deny that they have disobeyed said injunction as charged, a trial date will thereupon be set by this Court.

Dated: July 15, 1955.

/s/ John D. Clifford, Jr.
United States District Judge

A true copy of original filed July 15, 1955

Attest:

Morris Cox, Clerk.

Motion of the Wilhelm Reich Foundation to Discharge Order to Show Cause

Respondent The Wilhelm Reich Foundation hereby moves the Court to discharge Order to Show Cause issued on July 15, 1955 and served on the Respondent on the grounds that:

1. The injunction issued in the case United States of America v. The Wilhelm Reich Foundation, a Maine corporation, Wilhelm Reich, and Ilse Ollendorff, Civil Action No. 1056, the 19th day of March, 1954 is void in that it is not authorized by 21 U. S. C. 332 (a) and (b) and is beyond the jurisdiction of this Court.

2. The allegations set out in the petition of Peter Mills, United States Attorney for the District of Maine, are based wholly upon hearsay, information and belief and do not allege facts in sufficient detail to sustain the Order to Show Cause.

By Its Attorney,
Frederick G. Fisher, Jr.
Hale and Dorr
60 State Street
Boston, Massachusetts

**Motion of Wilhelm Reich to Discharge
Order to Show Cause**

Respondent Wilhelm Reich hereby moves the Court to discharge Order to Show Cause issued on July 15, 1955 and served on the Respondent on the grounds that:

1. The injunction issued in the case United States of America v. The Wilhelm Reich Foundation, a Maine corporation, Wilhelm Reich, and Ise Ollendorff, Civil Action No. 1056, the 19th day of March, 1954 is void in that it is not authorized by 21 U. S. C. 332 (a) and (b) and is beyond the jurisdiction of this Court.

2. The allegations set out in the petition of Peter Mills, United States Attorney for the District of Maine, are based wholly upon hearsay, information and belief and do not allege facts in sufficient detail to sustain the Order to Show Cause.

By His Attorney,
Frederick G. Fisher, Jr.
Hale and Dorr
60 State Street
Boston, Massachusetts

Motion to Amend the Information

Now comes the United States of America by Peter Mills, United States Attorney for the District of Maine, and pursuant to Rule 7 (e) of the Federal Rules of Criminal Procedure moves this Honorable Court for leave to amend the Information filed herein, in the following respects:

1. Add at the end of paragraph IV the following:

"(7) to permit employees of the Food and Drug Administration, at reasonable times, to have access to and to copy from all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession of or under the control of the defendants or affiliated persons, corporations, associations, and organizations, relating to matters contained in the Decree of Injunction."

2. Add at the end of paragraph V the following:

"; and further, has ordered employees, persons, and affiliates of said Reich and The Wilhelm Reich Foundation to refuse to furnish any such information to said inspectors or to grant them access to and permission to copy from the records of said defendants or affiliates thereof, as directed by the Decree of Injunction."

3. Add at the end of paragraph VIII the following:

"(4) That said Silvert, with knowledge of the terms of the Decree of Injunction, in defiance thereof, contrary to its terms, and in concert or participation with the aforesaid defendants, Wilhelm Reich and The Wilhelm Reich Foundation, did

Motion to Amend the Information

(a) continue to carry on business transactions and the affairs of the defendants Wilhelm Reich and The Wilhelm Reich Foundation which transactions and affairs were the subject of the complaint upon which the Decree of Injunction was based;

(b) offer for sale and sell various items of written, printed and graphic matter which fell within the prescriptions of the Decree of Injunction;

(c) did collect rentals for orgone energy accumulators which were owned or controlled by the said defendants;

(d) order the return to said Silvert at New York, New York, of orgone energy accumulators which were owned or controlled by said defendants and were subject, pursuant to the terms of the Decree of Injunction, to recall to Rangeley, Maine, and did thereafter continue their distribution; and

(e) refuse to furnish, upon requests made at reasonable times, by inspectors of the Food and Drug Administration, information, access to and permission to copy from the books, ledgers, accounts, correspondence, memoranda, other records and documents of the said defendants and affiliated persons, corporations, associations, and organizations, relating to matters contained in the Decree of Injunction and further did direct employees thereof similarly to refuse;"

4. Add the following new paragraph:

Motion to Amend the Information

IX

That by reason of the acts alleged in paragraph VIII which acts were done in concert or participation with the defendants Wilhelm Reich and The Wilhelm Reich Foundation, the defendants herein, Michael Silvert, Wilhelm Reich, and The Wilhelm Reich Foundation are in criminal contempt of the aforesaid Decree of Injunction.

Peter Mills,
United States Attorney

Motion granted, Oct. 11, 1955.

**Motion to Vacate and Dismiss the Information
and for Stay**

NOW COMES the defendant Michael Silvert, by his attorneys, Dublirer & Haydon, Charles Haydon, of counsel, pursuant to Rule 12(b) of the Federal Rules of Criminal Procedure, upon all of the pleadings and proceedings heretofore had herein and in the matter in this Court entitled United States of America, Plaintiff, against The Wilhelm Reich Foundation, a Maine Corporation, Wilhelm Reich and Ilse Ollendorff, Defendants, Civil Action File No. 1056, and all the papers, affidavits and proceedings used on the motion to intervene filed and made in that cause by Elsworth F. Baker, et als., and moves this Honorable Court for an order vacating and dismissing the information herein, as filed and amended, and all proceedings and pleadings upon which it is based, including the decree of injunction made and entered in the aforesaid Civil Action, File No. 1056, upon the ground that the Court lacked and lacks jurisdiction of the subject matter, and upon the further ground that the prosecution in the aforesaid action had and has evidence and testimony in its possession which it has suppressed, which evidence and testimony would show and would have shown to this Court that it lacked such jurisdiction; and further,

MOVES THIS HONORABLE COURT, for an order setting the trial of the issues raised on this motion for hearing before pleading pursuant to Rule 12 (b) (3) and (4) of the Federal Rules of Criminal Procedure; and further

MOVES THIS HONORABLE COURT, for an order staying the plaintiff from taking any and all steps to enforce or further the said decree of injunction and the provisions there-

*Motion to Vacate and Dismiss the Information
and for Stay*

of, pending the hearing and determination of the above motion.

Dated: October 10, 1955.

Yours, etc.,

DUBLIRER & HAYDON
Attorneys for Defendant Silvert
52 Broadway
New York 4, New York

To:

Hon. PETER MILLS, Esq.
United States District Attorney
U. S. District Courthouse
Portland 6, Maine

Motion denied, Oct. 18, 1955.

Criminal Contempt Action, Amended Information and Application

Comes now Peter Mills, United States Attorney for the District of Maine, and in behalf of the United States of America, respectfully files this amended information and application for an order to show cause, if any, why the defendants, The Wilhelm Reich Foundation, a Maine corporation, Wilhelm Reich, and Michael Silvert should not be adjudged to be in criminal contempt of this Honorable Court and punished therefor, and represents to the Court:

I.

That this proceeding is brought under 18 U. S. C. 401 and 21 U. S. C. 332(b), conferring upon the said District Court the power to punish contempts of its authority and disobedience of its lawful writs, processes, orders, rules, decrees, or commands.

II.

That the defendant, The Wilhelm Reich Foundation, a Maine corporation, has its principal place of business at Rangeley, Maine. The defendant, Wilhelm Reich, resides at Rangeley, Maine. The defendant, Michael Silvert, is in New York, New York, in the Southern District of New York.

III.

That in the cause of United States of America v. The Wilhelm Reich Foundation, a Maine corporation, Wilhelm Reich, Ilse Ollendorff, Civil Action No. 1056 in this Court, this Court, on the 19th day of March, 1954, by its lawful

Criminal Contempt Action, Amended Information and Application

decree of said date, duly entered and recorded in the Docket of this Court under Civil No. 1056, ordered and decreed that The Wilhelm Reich Foundation, a Maine corporation, Wilhelm Reich, and Ilse Ollendorff, their officers, agents, servants, employees, attorneys, all corporations, associations, and organizations and all persons in active concert or participation with them or any of them, be perpetually enjoined and restrained from directly or indirectly introducing or causing to be introduced, or delivering or causing to be delivered for introduction into interstate commerce any orgone energy accumulator, an article of device within the meaning of the Federal Food, Drug, and Cosmetic Act, which was misbranded or adulterated within the meaning of said Act and further were so enjoined and restrained from doing any act or acts with respect to any orgone energy accumulator, accessories, components, or parts thereof, or similar device, and any device purported or represented to collect and accumulate orgone energy, which act or acts would result in said device becoming misbranded or adulterated within the meaning of said Act while held for sale after shipment in interstate commerce. In addition to such restraints, the said decree ordered the defendants and each of them, as follows:

IT IS FURTHER ORDERED:

(1) That all orgone energy accumulator devices, and their labeling, which were shipped in interstate commerce and which (a) are on a rental basis, or (b) otherwise owned or controlled by any one of the defendants, or by the defendants, be recalled by the defendants to their place of business at Rangeley, Maine; and

(2) That the devices referred to in (1) immediately above, and their parts, be destroyed by the defendants or, they may be dismantled and the ma-

*Criminal Contempt Action, Amended Information
and Application*

terials from which they were made salvaged after dismantling; and

(3) That the labeling referred to in paragraph (1), just above, except those items for which a specific purchase price was paid by their owners, be destroyed by the defendants; and

(4) That all parts or portions of orgone accumulator devices shipped in interstate commerce and returned to Rangeley, Maine, or elsewhere, and awaiting repair or re-shipment be destroyed by the defendants, or, they may be dismantled and the materials from which they were made salvaged after dismantling; and

(5) That all copies of the following items of written, printed, or graphic matter, and their covers, if any, which items have constituted labeling of the article of device, and which contain statements and representations pertaining to the existence of orgone energy, its collection by, and accumulation in, orgone energy accumulators, and the use of such alleged orgone energy by employing said accumulators in the cure, mitigation, treatment, and prevention of disease, symptoms, and conditions:

The Discovery of the Orgone by Wilhelm Reich

Vol. I —The Function of the Orgasm

Vol. II—The Cancer Diopathy

The Sexual Revolution by Wilhelm Reich

Ether, God and Devil by Wilhelm Reich

Cosmic Superimposition by Wilhelm Reich

Listen, Little Man by Wilhelm Reich

The Mass Psychology of Fascism

by Wilhelm Reich

Character Analysis by Wilhelm Reich

The Murder of Christ by Wilhelm Reich

People in Trouble by Wilhelm Reich

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shall be withheld by the defendants and not again employed as labeling; in the event, however, such statements and representations, and any other allied material, are deleted, such publications may be used by the defendants; and

(6) That all written, printed, and graphic matter containing instructions for the use of any orgone energy accumulator device, instructions for the assembly thereof, all printed, and other announcements and other blanks for the items listed in the paragraph immediately above, all documents, bulletins, pamphlets, journals, and booklets entitled in part, as follows: CATALOGUE SHEET, PHYSICIAN'S REPORT, APPLICATION FOR THE USE OF THE ORGONE ENERGY ACCUMULATOR, ADDITIONAL INFORMATION REGARDING SOFT ORGONE IRRADIATION, ORGONE ENERGY ACCUMULATOR ITS SCIENTIFIC AND MEDICAL USE, ORGONE ENERGY BULLETIN, ORGONE ENERGY EMERGENCY BULLETIN, INTERNATIONAL JOURNAL OF SEX ECONOMY AND ORGONE RESEARCH, INTERNATIONALE ZEITSCHRIFT FUR ORGONOMIE, EMOTIONAL PLAGUE VERSUS ORGONE BIOPHYSICS, ANNALS OF THE ORGONE INSTITUTE, and ORANUR EXPERIMENT, but not limited to those enumerated, shall be destroyed; and

(7) That the directives and provisions contained in paragraphs (1) to (6), inclusive, above, shall be performed under the supervision of employees of the Food and Drug Administration, authorized representatives of the Secretary of Health, Education, and Welfare; and

*Criminal Contempt Action, Amended Information
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(8) That for the purposes of supervision and securing compliance with this decree the defendants shall permit said employees of the Food and Drug Administration, at reasonable times, to have access to and to copy from, all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of said defendants, including all affiliated persons, corporations, associations, and organizations, at Rangeley, Maine, or elsewhere, relating to any matters contained in this decree. Any such authorized representative of the Secretary shall be permitted to interview officers or employees of any defendant, or any affiliate, regarding any such matters subject to the reasonable convenience of any of said officers or employees of said defendants, or affiliates, but without restraint or interference from any one of said defendants; and

(9) That the defendants refrain from, either directly or indirectly, in violation of said Act, disseminating information pertaining to the assembly, construction, or composition of orgone energy accumulator devices as to be employed for therapeutic or prophylactic uses by man or for other animals.

IV.

Your petitioner represents to the Court and alleges that since the entry of said decree and with knowledge thereof and in defiance of the terms of said decree, the said The Wilhelm Reich Foundation and Wilhelm Reich, defendants herein, have failed:

(1) to recall to defendants' place of business at Rangeley, Maine, all orgone energy accumulator de-

*Criminal Contempt Action, Amended Information
and Application*

vices, and their labeling, which were shipped in interstate commerce and which (a) were on a rental basis, or (b) otherwise owned or controlled by the defendants or any one of them, as directed and ordered in said decree;

(2) to dismantle for salvage or destroy the devices referred to in paragraph (1) immediately above, and their parts, as directed and ordered in said decree;

(3) to destroy the labeling referred to in paragraph (1) just above, as directed and ordered in said decree;

(4) to dismantle for salvage or destroy all orgone energy accumulators, accessories, components, and parts thereof which had been shipped in interstate commerce and had been returned to Rangeley, Maine, where they were awaiting repair, re-shipment, or other disposition, as directed and ordered in said decree;

(5) to withhold and not again employ as labeling as directed and ordered in the said decree, items of written, printed, and graphic matter, and their covers, if any, which have constituted labeling of the article of device, and which contain statements and representations pertaining to the existence of Orgone energy, its collection by, and accumulation in, orgone energy accumulators, and the use of such alleged orgone energy by employing said accumulators in the cure, mitigation, treatment, and prevention of disease, symptoms, and conditions, all of which are specifically enumerated in said decree:

(6) to destroy, as directed and ordered in said decree, all written, printed, and graphic matter con-

*Criminal Contempt Action, Amended Information
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taining instructions for the use of orgone energy accumulator devices, instructions for the assembly thereof, all printed, and other announcements and order blanks for the items listed in the paragraph immediately above, all documents, bulletins, pamphlets, journals, and booklets as specifically enumerated in said decree; and

(7) to permit employees of the Food and Drug Administration, at reasonable times, to have access to and to copy from all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession of or under the control of the defendants or affiliated persons, corporations, associations, and organizations, relating to matters contained in the Decree of Injunction.

V.

Your petitioner represents to the Court and alleges that the following telegram was dispatched on March 30, 1954:

1954 March 30

Rangeley, Me

Peter Mills—

District Attorney Federal Court House
Portland Me

The Wilhelm Reich Foundation is far advanced in preparing full compliance with injunction of March 19 1954 Stop An exact account of measures taken and still in progress will be sent to your office for your information.

The Wilhelm Reich Foundation
Ilse Ollendorff Clerk

*Criminal Contempt Action, Amended Information
and Application*

that despite said telegram and in defiance of said decree, defendant Wilhelm Reich, has refused at any time to comply with the terms of said decree and, specifically, on December 30, 1954, at Tucson, Arizona, and again on June 6, 1955, at Rangeley, Maine, at which times he refused to talk to, be interviewed by, and furnish information to inspectors of the Food and Drug Administration, United States Department of Health, Education, and Welfare upon whom said decree imposes the duty of acquiring information for the purpose of adequately supervising and assuring compliance with the terms of said decree, and has, by said refusal, refused to furnish any information pertaining to the books, ledgers, accounts, correspondence, memoranda and other matter and material referred to in said decree; and further, has ordered employees, persons, and affiliates of said Reich and The Wilhelm Reich Foundation to refuse to furnish any such information to said inspectors or to grant them access to and permission to copy from the records of said defendants or affiliates thereof, as directed by the Decree of Injunction.

VI.

Your petitioner represents to the Court and alleges that The Wilhelm Reich Foundation, a Maine corporation, defendant, by and through its officers and employees, in defiance of said decree has refused at all times to comply with the terms of said decree.

*Criminal Contempt Action, Amended Information
and Application*

VII.

That by reason of the aforesaid refusals to comply with the stated provisions of said decree, The Wilhelm Reich Foundation and Wilhelm Reich, defendants, are in criminal contempt of the aforesaid decree of permanent injunction.

VIII.

Your petitioner further represents to the Court and alleges that:

(1) Michael Silvert of New York, New York, was, on or about April 1, 1954, served with a copy of the Decree of Injunction herein. On May 5, 1954, said Michael Silvert, and others, applied to this Court to set aside the Decree of Injunction, for permission to intervene in the action and to file an answer. The motion was denied by order entered on November 17, 1954. Said Silvert, and his associates, filed a notice of appeal therefrom, dated, November 30, 1954. On or about December 23, 1954, said Silvert and his associates made a motion in this Court, which was argued at length on January 4, 1955, to stay the United States of America from enforcing or taking any steps to enforce the provisions of said Decree of Injunction. On January 18, 1955, this Court denied the motion for stay in all respects except "that so much of the Decree of Injunction filed March 10, 1954 as directs the destruction of books and apparatus, is hereby STAYED pending final determination of the appeal * * *".

*Criminal Contempt Action, Amended Information
and Application*

(2) Within four days after the order denying said motion for a stay had been filed, said Silvert did arrange with Hemingway Bros. Interstate Trucking Co. and did ship in a trailer truck of said firm from the Reich establishment at Rangeley, Maine, for delivery to himself at New York, New York, a number of orgone energy accumulators, accessories, components, and parts thereof and various items of written, printed, or graphic matter named in said decree of injunction. That said material, so shipped, was invoiced as follows: "4 Bdls Wooden Cabinets KD, 1 Cabinet Wooden Open Set up, 338 Cartons Books, 361 Loose Pieces Cabinets-Wooden KD, and 3 Crates Books". That said accumulators, accessories, components, and parts thereof, so shipped, were, by this Court, ordered either dismantled for salvage or destroyed. That stated items of said literature, so shipped, were ordered by this Court, to be destroyed and other stated items were ordered not again to be used as labeling of orgone energy accumulators. That this Court did, as more fully stated hereinabove and in said Decree of Injunction, enjoin the defendants and any person in active concert or participation with any of them from shipping in interstate commerce any orgone energy accumulators, accessories, components, and parts thereof accompanied by items of written, printed, or graphic matter enumerated in said Decree of Injunction.

(3) Said Silvert with knowledge of the terms of the Decree of Injunction did in defiance thereof and contrary to its terms make the aforesaid ship-

*Criminal Contempt Action, Amended Information
and Application*

ment of orgone energy accumulators, accessories, components and parts thereof accompanied by said items of written, printed, and graphic matter enumerated in said decree which act was done in active concert or participation with one or more of said defendants and which is a criminal contempt of the aforesaid Decree of Injunction.

(4) That said Silvert, with knowledge of the terms of the Decree of Injunction, in defiance thereof, contrary to its terms, and in concert or participation with the aforesaid defendants, Wilhelm Reich and The Wilhelm Reich Foundation, did

(a) continue to carry on business transactions and the affairs of the defendants Wilhelm Reich and The Wilhelm Reich Foundation which transactions and affairs were the subject of the complaint upon which the Decree of Injunction was based;

(b) offer for sale and sell various items of written, printed and graphic matter which fell within the proscriptions of the Decree of Injunction;

(c) did collect rentals for orgone energy accumulators which were owned or controlled by the said defendants;

(d) order the return to said Silvert at New York, New York, of orgone energy accumulators which were owned or controlled by said defendants and were subject, pursuant to the terms of the Decree of Injunction, to recall to Rangeley,

*Criminal Contempt Action, Amended Information
and Application*

Maine, and did thereafter continue their distribution; and

(e) refuse to furnish, upon requests made at reasonable times, by inspectors of the Food and Drug Administration, information, access to and permission to copy from the books, ledgers, accounts, correspondence, memoranda, other records and documents of the said defendants and affiliated persons, corporations, associations, and organizations, relating to matters contained in the Decree of Injunction and further did direct employees thereof similarly to refuse.

IX.

That by reason of the acts alleged in paragraph VIII which acts were done in concert or participation with the defendants Wilhelm Reich and The Wilhelm Reich Foundation, the defendants herein, Michael Silvert, Wilhelm Reich, and The Wilhelm Reich Foundation are in criminal contempt of the aforesaid Decree of Injunction.

WHEREFORE, it is respectfully prayed that orders to show cause be issued for Wilhelm Reich, Michael Silvert, and The Wilhelm Reich Foundation that they be directed to appear personally before this Court and show cause, if any, why they should not be held and adjudged to be in criminal contempt of this Court and punished therefor as the law provides, and that said Michael Silvert be ordered and directed forthwith to return to Rangeley, Maine, the place from which he shipped the orgone energy accumulators, all such accumulators, their accessories, components,

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*Criminal Contempt Action, Amended Information
and Application*

and parts and the items of written, printed, and graphic
matter shipped with them or otherwise accompanying them,
and for any other and further relief as to the Court may
seem just and proper.

/s/ Peter Mills

United States Attorney

A true copy of original filed October 10, 1955

Attest:

Morris Cox, Clerk

[SEAL]

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Transcript of Hearing on October 10, 1955

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE
(Southern Division)

Crim. No. 5003
Portland, Maine, October 10, 1955
U. S. Courts, Portland, Maine

UNITED STATES OF AMERICA

vs.

THE WILHELM REICH FOUNDATION,
a Maine Corporation,
WILHELM REICH AND MICHAEL SILVERT

Before—The Honorable John D. Clifford, Jr., Judge,
United States District Court, District of Maine.
Hearing on motion to amend information.
Hearing on motions to quash subpoenas duces tecum.

Appearances:

For the Government

Hon. Peter Mills, U. S. Attorney
Joseph L. Maguire, Acting Asst. General Counsel
Div. Food & Drug, Dep't of Health, Education &
Welfare, Washington, D. C.

For the Defendants

Charles Haydon, Esq., 52 Broadway,
New York, N. Y.

Transcript of Hearing on October 10, 1955

(2) The Clerk: May it please the Court, in the matter of United States of America vs. The Wilhelm Reich Foundation; Wilhelm Reich; and Michael Silvert, being No. 5003 on the criminal docket of this Court, the counsel for the United States have filed a motion to amend the information. Does counsel desire to be heard at this time on said motion?

Mr. Maguire: Your Honor, as you know, a written motion was filed, and it is before the Court for decision at this time.

Mr. Haydon: The Court knows that I appear for the defendant Michael Silvert. I learned on Friday that Mr. Frederick Fisher, who had appeared for the Wilhelm Reich Foundation and the defendant Wilhelm Reich, was no longer appearing for them. I spoke to Dr. Wilhelm Reich, and he asked me if I would handle the procedural matters for him, and I told him, with the Court's approval, I would, and since I believe that the motion now before this Court is a procedural matter, we oppose it on behalf of all the defendants on the ground that it adds new and different offenses and is not properly an amendment.

The Court: I will allow the amendment to be filed.

The Clerk: Do I understand that, in view of the amendments or motions for amendments having been allowed, counsel have agreed that the new information containing the allegations, as in the original information and in the proposed amendments, shall be substituted for the original?

(3) Mr. Haydon: The defendants agree to that.

The Court: You will agree to that?

Mr. Maguire: That's right, and such a document has been prepared and is entitled, "Criminal Contempt Action Amended Information and Application".

The Court: That may be filed.

Transcript of Hearing on October 10, 1955

The Clerk: And now I would advise counsel that the Court has set the time for arraignment at 2:00 P. M., on Tuesday, October 18, 1955.

Mr. Haydon: May I request the Court, at this time, to direct the United States Attorney to serve the new information, as amended, on Wilhelm Reich and the Wilhelm Reich Foundation, directly since I do not believe that that is a procedural but rather a fundamental question.

The Court: That will be done.

Mr. Maguire: We understand, Your Honor, that the service need not necessarily be in hand, but it may be left at his premises if he is not there. That would be service on the corporation and on Wilhelm Reich as an individual.

The Court: That is all right.

The Clerk: May it please the Court, in connection with the original information, counsel for the defendant Dr. Michael Silvert has filed a motion to quash subpoenas, which had been issued. Do you wish to be heard at this time?

(4) Mr. Haydon: We had filed written motions to quash subpoenas which had originally been issued and since then I have learned that additional subpoenas have been issued and I would like, with Your Honor's permission, to broaden that motion to include all subpoenas that have been issued under the original information, or since the pleading of the defendants. Now, that is our motion and all the grounds are the same grounds which we alleged and I respectfully submit, Your Honor, that we be heard at a later time.

The Court: That would be the subpoenas served on Mangravite; Chemical Corn Exchange Bank; the Western Union of New York; Michael Silvert; the Orgone Institute Research Laboratory, Inc., Michael Silvert as Treasurer; Camille Thurston of New York; William Moise, Clerk of

Transcript of Hearing on October 10, 1955

the Wilhelm Reich Foundation; the New England Telephone and Telegraph Company of Rumford. Are there any others?

Mr. Maguire: I think that that is the complete list. What the Government would like to do now is to make a motion to inspect the material that is returned in pursuance of the subpoenas duces tecum. Since the motions to quash the subpoenas are before the Court, we will have no objection to a withholding, on your part, of any order on these motions until such time as the motions to quash are decided. It is my understanding that some of the material, in pursuance of the subpoenas duces tecum, are now with the Court, and in the custody of the Clerk of the Court. One of the subpoenas is not returnable until, I believe, Monday the 17th, and I would assume that the material that is submitted under that subpoena will rest with the Clerk of the Court until the decision.

The Court: Remain in status quo.

Mr. Maguire: That's right.

Mr. Haydon: Would Your Honor direct that all of the material that does arrive with the Clerk of the Court be impounded pending the ultimate disposition of these motions?

The Court: That may be done.

Mr. Maguire: We can assure Mr. Haydon that we will not inspect those documents until we get an order of the Court.

The Court: I appreciate that.

Mr. Haydon: I appreciate that, too, Mr. Maguire. Now, may it please the Court, on behalf of the defendant Michael Silvert, I move this Court for an order vacating the original decree of injunction that was entered here in this Court, I believe, on March 19, 1954, on the docket No. Civil 1050, in the case of United States of America vs. the

Transcript of Hearing on October 10, 1955

Wilhelm Reich Foundation, a Maine Corporation; Wilhelm Reich, and Elsa Olendorff on the ground that the decree was entered without jurisdiction, on the part of the Court, and I respectfully request that a hearing date be set for that, and I also would like to inform the Court that on Tuesday, October 18th, as the time of the plea, I will be prepared with a written motion for a discovery and inspection in aid of the position of the defendant on that motion.

(6) The Court: What date have you in mind? Are you in agreement as to the date of the arguments on the motion to vacate?

Mr. Maguire: I understand that Mr. Hayden is requesting that it be made returnable on the arraignment date, which is October 18th.

Mr. Haydon: Yes.

The Court: That's right. And I will expect briefs from both parties on that point.

Mr. Maguire: Your Honor, may we have an opportunity to inspect the moving brief before we submit our brief in opposition?

The Court: That is all right. I can see no objection to that.

Mr. Maguire: That would be particularly on the motion for discovery and inspection.

Mr. Haydon: Well, Judge, on Tuesday, October 18th, I certainly will be prepared with a brief in support of our application to strike the decree for lack of jurisdiction, and, at the same time it seems to me, I can be prepared with moving papers in support of an application for discovery and inspection. If (7) Your Honor entertains the motion for dismissal and sets it down for hearing, I will try to be prepared with both complete at that time. Is that satisfactory?

Transcript of Hearing on October 10, 1955

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The Court: Remain in status quo.

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**Motion to Dismiss Amended Information on the
Ground of Illegal Procedural Tactics to Misrep-
resent Factual Truth in Court**

EPPO, Case No. 1

Case 5003 before First District Court, Portland, Maine,
1955

I respectfully request to submit to this court at the
hearing November 4th, 1955 evidence that the complainants
have used illegal procedural manoeuvring with misrep-
resentation of facts in charging me with contempt of court.

Michael Silvert, M.D.
Counsel for Defense
(EPPO)

50 Grove Street
New York 14, N.Y.
October 25, 1955

Motion denied, Nov. 4, 1955.

Transcript of Hearing on October 10, 1955

Mr. Magnire: Yes.
The Clerk: Anything further at this time, gentlemen?
Mr. Magnire: No.
Mr. Haydon: No.
The Court: We will stand in recess.

(Certificate)

I certify that the foregoing is a correct transcript of
my shorthand notes taken at the time and place and in the
matter therein referred to.

Joseph B. Johnston,
Official Reporter
U. S. Courts
District of Maine

Motion to Dismiss the Case Against Orgonomy Completely and to Replace the Contempt of Court Charge by the Recommendation to Establish "Boards on Social Pathology" in the Court of the U. S. A.

I. MOTION:

To dismiss the amended information on charge of Contempt of Court No. 5003, presented by Wilhelm Reich as counsel for defense representing EPPO (Emotional Plague Prevention Office), The Wilhelm Reich Foundation at the hearing before the District Court of Portland, Maine, November 4th, 1955.

I respectfully submit to this Court my first motion to dismiss the amended information regarding the contempt of court charge and to replace it by the following recommendation by EPPO, the Emotional Plague Prevention Office of the recently formed *Citizen's Professional Committee*.

Careful study of the nature of the legal procedures of the complainant reveals the fact that the FDA achieved success so far on an *empty factual basis*, by using skillfully most elaborate procedural techniques. Should they further succeed in this manner, I would as a consequence land in jail innocently for contempt of court, due to the fact that procedural maneuvering won the case, based on no facts at all.

On the other hand, should I succeed in bringing my factual evidence into court and onto official protocol, there can be little doubt that those would land in jail who have, as I have charged in open hearing, perpetrated illegal misrepresentation of facts upon this Court.

Motion to Dismiss the Case Against Orgonomy, etc.

As a responsible professional citizen I firmly believe that the truth must at all cost see the light of day, unmarred by procedural rigamarole.

As a physician at the sickbed of society, and as a scientist, I am not interested in getting anyone into jail, even if guilty of crime. I am convinced that jail is an antiquated institution inept to solve social problems, except in keeping criminals (or what the established law adjudges as criminal today) out of social circulation. Although the FDA and those behind it who have conspired to kill the discovery of Life Energy, are out to kill me "*ad personam*" too, I feel no such ambitions regarding my enemies. Not because I pity them, but because it would not accomplish anything useful for society and a better handling of human affairs in the future upon this suffering planet.

I therefore submit that the available evidence in the hands of both FDA and Orgone Institute be opened up for inspection in public hearings; furthermore, that the total legal issue involved be handled publicly, as a *master example of Social Pathology*.

It would be most interesting to see how the formal, conventional legalistic procedures would meet with the new attempts in Social Biopsychiatry to study and settle human affairs in open court hearings. Dr. Silvert and I would then work in our professional capacity as scientific workers representing the EPPO, the "EMOTIONAL PLAGUE PREVENTION OFFICE."

EPPO has been established some time ago to cope with the pathological activities on the social scene of emotionally sick individuals, and to find ways to counteract efficiently on a medical and educational basis, what has been termed the "*Emotional Plague*", as reported in a brief statement to Congress in 1952. The Emotional Plague is the same social disease, which is being called "Juvenile Delinquency", "Crime", etc., in the parlance of the law.

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Motion to Dismiss the Case Against Orgonomy, etc.

I firmly believe that this would be to the great advantage of everybody and everything concerned; and that our society would lead once more in the struggle for clarification of matters of social pathology.

I hope this Court will agree with this procedure; otherwise, I am afraid we would face only more of the legalistic, formalistic entanglement of factual Truth as practised by the opponent, a practise which I believe the Court dislikes and finds barren as much as everybody else.

Wilhelm Reich, M.D.
Counsel for the Defense
EPPO

Orgonon
Rangeley, Maine, USA
October 24, 1955

Motion denied, Nov. 4, 1955, Court having no jurisdiction.

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**Motion to Show and Correct Several Logical Errors
in Procedural Formulations**

EPPO, Case No. 1

Case #1056 and 5003 before First District Court, Portland, Maine, 1954-1955

1. Logical meaning of legal provision to "show cause."

The obvious logical meaning of the provision in the relevant statute is to give the one accused of contempt of court the opportunity to clear himself of the charge and not to be prosecuted any further if he *succeeds* "to show cause why (the defendant) should NOT be punished for criminal contempt".

It requires a decision whether to dismiss the charge OR to put the defendant before a jury. The defendant, if *successful* in showing cause by factual evidence why he should *not* be held in contempt of court, is freed. If *unsuccessful*, he is put before the jury.

2. The error from formulation "Dismissal AND Trial."

A seemingly insignificant word "AND" was interpolated between the provision of the opportunity for the defendant to FREE HIMSELF of the charge of contempt of court OR (NOT "AND") the further legal privilege to present his evidence to a jury.

To order that the defendant should be BOTH, freed by dismissal of charge AND suffer a trial is a serious error of legal formulation, if not unlawful. The writs and orders are required to be "lawful"; i.e., true and logically correct to be legally enforceable. (Exhibit 1)

*Motion to Show and Correct Several Logical Errors
in Procedural Formulations*

3. The Consequence of the Error.

The consequence of this error was serious. It entangled and paralyzed the whole procedure and several lawyers. Mr. St. Clair, the prospective counsel for Wilhelm Reich admitted to Wilhelm Reich that the following formulation in his letter of October 3, 1955, was erroneous:

(Quote:) "WE SHALL AT THAT TIME ALSO PRESENT FURTHER MOTIONS TO DISMISS AND ARRANGE FOR A TRIAL DATE." (Exhibit 2)

The unfortunate "AND" nearly entangled the defendant further. Another error followed with the logic following the illogical premise:

The law clerk of Judge Clifford had informed Mr. St. Clair that "YOU (WILHELM REICH) ARE TO BE ARRAIGNED * * * on October 10th at 1:00 pm."

The Judge himself, according to Mr. Haydon, knew nothing about this order. He had not given the order yet. The correct word "OR" between "dismissal"—"trial" instead of "AND" would have opened the way for the Judge to dismiss the case entirely upon due evidence presented.

This basic error of formulation was to be found again in the letter by the clerk of the court, Mr. Cox, to Wilhelm Reich of October 20th, 1955, informing of the hearing on November 4, 1955, with a trial to follow automatically. (Exhibit 3)

4. Correction of Error.

I, therefore, move to replace in the formulation of the order the word "AND", which has in the past procedures misleadingly connected the words "DISMISSAL" with

*Motion to Show and Correct Several Logical Errors
in Procedural Formulations*

the word "TRIAL", by the word "OR", in order to fulfill the true meaning of the statutory opportunity offered to the one accused of contempt of court to show cause by factual evidence why the case should be dismissed.

Wilhelm Reich, M.D.
Counsel for Defense
EPPO

Orgonon
Rangeley, Maine, USA
October 24, 1955

Motion denied, Nov. 4, 1955.

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Exhibit 1, Annexed to the Foregoing Paper

**ORDER TO SHOW CAUSE
IN CRIMINAL CONTEMPT.**

Upon the information and application for orders to show cause why The Wilhelm Reich Foundation, a Maine Corporation, Wilhelm Reich, and Michael Silvert, should not be punished for criminal contempt filed in this case by the United States Attorney for this District, it is this 15th day of July 1955, by the United States District Court for the District of Maine.

ORDERED that the defendants, The Wilhelm Reich Foundation, a Maine corporation, Wilhelm Reich, and Michael Silvert, appear personally before this Court at the United States Courthouse in the Post Office Building in Portland, Maine, on the twenty-sixth day of July, 1955, at 1.30 P.M. E.S.T. to show cause why they should not be punished for criminal contempt of the decree of injunction issued by this Court on March 19, 1954, arising out of disobedience of this injunction as charged in the aforesaid information and application and it is further

ORDERED that if said defendants appear at the aforesaid time and deny that they have disobeyed said injunction as charged, a trial date will thereupon be set by this Court.

Dated: July 15, 1955

/s/ John D. Clifford, Jr.
United States District Judge

A true copy of original filed July 15, 1955

Attest:

/s/ Morris Cox
Morris Cox, Clerk

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Exhibit 2, Annexed to the Foregoing Paper

[LETTERHEAD OF]

HALE AND DORR
Counsellors at Law

James D. St. Clair

60 State Street, Boston 9

October 3, 1955

Dr. Wilhelm Reich
Argone Institute
Rangeley, Maine

Dear Dr. Reich:

Thank you for your letter of September 29th.

I am informed by Judge Clifford's Law Clerk that you are to be re-arraigned under the amended indictment and that you, together with ourselves, should be in Court on Monday, October 10th at 1:00 p.m. We will, at that time, also present further motions to dismiss and arrange for a trial date.

We could also use this opportunity to discuss with the Court your thoughts relative to your conducting a portion of your defense.

Very truly yours,

James D. St. Clair

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Exhibit 2, Annexed to the Foregoing Paper

[LETTERHEAD OF]

HALE AND DORR
Counsellors at law
60 State Street
Boston 9, Mass.

October 26, 1955

Wilhelm Reich M.D.
The Wilhelm Reich Foundation
Orgonon
Rangeley Maine

Dear Dr. Reich:

In reference to your inquiry concerning the meaning of my letter of October 3, 1955, I am afraid I do not see clearly the point of your inquiry.

As I understand it, you took the word "and" to mean "or", to which I agreed.

I trust this meets with your satisfaction.

Very truly yours,

(Signed) James D. St. Clair

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Exhibit 3, Annexed to the Foregoing Paper

[LETTERHEAD OF]

UNITED STATES DISTRICT COURT
For The District of Maine
Office of the Clerk
Portland 6, Maine

October 20, 1955

Dr. Wilhelm Reich
Rangeley
Maine

Dear Dr. Reich:

Re: U. S. A. vs. The Wilhelm Reich Foundation,
Wilhelm Reich and Michael Silvert—Criminal
No. 5003

This is to advise you that the date set by the Court for hearing on the Motion to Dismiss the Information, and on all other motions which counsel desire to file has been changed from October 25 to November 4, 1955, at 1:30 P.M.

Judge Clifford made it clear in open court that he expected the parties to file and be prepared to proceed with hearing on any and all motions which they intended to file, since he did not desire to delay trial because of motions filed from time to time, which required hearings.

He has also requested me to advise you that all motions should be in writing and should be filed at least five days before November 4, 1955.

Very truly yours,

Morris Cox, Clerk

MC/es

**Motion to Dismiss Amended Information on the
Ground of Illegal Misrepresentation of Facts**

EPPO, Case No. 1

Case 1056 and 5003 before First District Court, Portland,
Maine, 1954-1955

I respectfully request and move to be heard on factual
evidence at the hearing to be held November 4th, 1955, and
to show that:

1. *Illegal misrepresentation* in court of pertinent facts;
2. *Illegal concealment* from court of pertinent facts;
3. *Illegal procedural maneuvering* contrary to fact, truth
and justice have been perpetrated upon your court,

in both Civil Action 1056 and the following Criminal
Charge 5003.

Wilhelm Reich, M.D.
Counsel for Defense
EPPO

Orgonon
Rangeley, Maine, USA
October 24, 1955

Motion denied, Nov. 4, 1955.

Excerpts of Hearing—October 18, 1955

. . .

(20) Dr. Reich: Your Honor, I am not a lawyer and I know nothing about law or law procedures. I know very well that you must not drive on the wrong side of the road. I know nothing about procedures. I have asked my lawyer to step out of the case for one basic reason, not because I think he is a bad lawyer, or doesn't know law and so on, but for one reason only—and that is, the procedure, itself, in this case, seems to have killed the truth and my whole endeavor from the very beginning of 1954 was only to get the truth to this Court. I shall try to do that again. You (21) remember, Your Honor, I had sent you a response when I received the complaint. When I saw that complaint I knew from my factual point of view that illegal methods had been used to get that complaint in. I had two basic points made in my response. One was lack of jurisdiction over basic natural science. As a natural scientist, I denied the right to decide what is true or what is not true in basic natural science to both Court and Government and I think I am here in my good right. If we were to permit lawyers or politically-minded people to decide what is true in basic research or not, then I think that the future research of knowledge would be gone to the dogs if I may express myself that way. Now, I have quite clearly in my speech of July 26th explained why that is so—

Mr. Mills: If the gentleman wishes to make a speech let him hire a hall. If he wants to address the Court, I suggest that he address the Court.

The Court: I think that that was an involuntary movement turning away from the Court.

Dr. Reich: I understand. Thank you. I would appreciate very much—I was never in Court before July 26th. Now, the second point I had raised in the response was the

Excerpts of Hearing—October 18, 1955

effect of a conspiracy. I don't want to talk here about the political conspiracy, the background. I would like to bring in here one point, with your permission, and that is, as I understand from the documents that have been submitted to me (22) in this case, that misrepresentation has been perpetrated upon this Court—misrepresentation of facts. This is a very serious charge, I know—

The Court: At this time, Doctor, we can't go into that. If you care to have a written motion prepared and filed, we will consider it.

Dr. Reich: It is all prepared.

The Court: You can't go into that now unless a written motion is prepared and filed.

Dr. Reich: Your Honor, am I permitted just to indicate closely what is meant by that?

The Court: At the proper time you may do that but at this time, I will have to rule it out.

Dr. Reich: Mr. Haydon has just said that there may be a legal ground to bring in this matter here if it is important or crucial to the decision of whether the jurisdiction was in the Court or not.

The Court: I will rule it out for the time being.

Dr. Reich: For the time being. I would appreciate it very much if you would permit me to ask a question as to whether or not a matter can be brought in later.

The Court: I won't be able to advise you. You will have to go to your attorney about that.

Dr. Reich: I understand that. Your Honor, with the exclusion of misrepresentation of facts perpetrated upon this Court, I don't think I have much more to say. I have only to add (23) a few words which go beyond that. I have been presented to this Court as a crook and as a swindler—

The Court: I wouldn't quite say that.

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Dr. Reich: I would like to stress the point that I am a very experienced and well-acknowledged man of standing.

The Court: I think they have already stated that to the Court, themselves, that you are a very well-known, qualified psychiatrist and honored in your profession. So you have no worry on that point.

Dr. Reich: Then I don't understand how this whole thing came about.

The Court: Well, that is beside the point. Anything further, Doctor?

Dr. Reich: Thank you, no.

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Excerpts of Hearing—November 4, 1955

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(5) Dr. Reich: Your Honor, I would suggest a ruling on the following problem.

The Court: All right.

Dr. Reich: I am appearing here in my own name.

The Court: That is right.

Dr. Reich: But also I sign all the papers in the name of EPPO, or Emotional Plague Prevention Office. All the motions were sent so, in the name of Emotional Plague Prevention Office, and this is part of the Foundation. If I may ask your permission to enter here EPPO as representing The Wilhelm Reich Foundation, if that is possible.

Mr. Maguire: If the Court please, we of course absolutely oppose that. We have no idea what this EPPO is—this Emotional Plague—sometimes I think it is written "Prevention" and sometimes "Profession." It has no standing in this court whatever.

The Court: It is connected with the Foundation and I shall have to deny your motion to appear as counsel for that agency. But for yourselves it is perfectly all right.

(6) Mr. Maguire: If the Court please, may I interrupt at this point. I am not sure that I am sure just what the position of the defendant The Wilhelm Reich Foundation in this proceeding is.

The Court: They are not represented by counsel, but they have pleaded "Not Guilty." It stands there. We will consider all of these motions as coming from you, Dr. Reich, and from you, Dr. Silvert, and divorced from the foundation.

The first motion, filed by Dr. Reich, is: Motion to dismiss case against orgonomy completely in this Court and establish "Board on Social Pathology" to hear and determine matter.

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This Court, Dr. Reich, has no such power to create any boards. Therefore, that motion is denied. It is not lodged in the Court to take any such action.

Dr. Reich: I would like to state only one fact, and that is that this was a pacifying motion to prevent the same motion to appear in the same wording again. There is a second, alternative motion which charges—

The Court: We will come now to the second motion. Well, if you want to argue that motion which I have already indicated my decision on, or opinion—that is, the Motion to dismiss case against orgonomy completely in this Court and establish "Board on Social Pathology" to hear and (7) determine matter—I think I have already stated my decision, but if you desire to argue I would be very happy to hear you.

Dr. Reich: I am afraid I didn't make myself quite clear about it.

The Court: Step up here on it.

Dr. Reich: I am speaking here as a physician. I am trying to pacify and help along and remove matters which would develop in a very dangerous way for me if I would bring this motion. The first one, which your Honor has mentioned as the first one, has a charge of—shall I call it?—illegal misrepresentation of facts perpetrated on this Court. It has the same wording, only in one case it is a pacifying motion. That means it is my recommendation to establish a Board on Social Pathology—only a recommendation—not the establishment itself—in this Court to try out how it works. Then we all could be frank—our opponent, I, and everybody. It would be a medical and educational approach to the matter. It would entail opening of the records. Our Institute would open all the records for inspection, without any word, without any argument, and you could go ahead and look at them. But the opponent would have to do the same thing at the same time—open

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up, let us look at them. Have a board established that looks into these matters. (8) Only a word of explanation why I recommended that. The whole matter the last time was restricted somehow to the problem of a box here. It is not a question of a box, of an accumulator. The background, the meaning of it, is very complicated, very deep. It has to do with the orgonic energy question. It has to do with three orgonic energy questions I don't bring up now. I just bring them up in order to sketch the background of it. Now, I believe that such a positive motion, such a positive move, to establish such a Board on Social Pathology would help in a positive way to qualify one as a chemical opponent, or a chemically-minded opponent, if I may say so, and give him an orgonic decision in a peaceful manner as to what could be done to settle that problem. If such was not established, then I feared this thing would go very far. It is not a threat, may it please the Court, but just a fact as I see it. Because then the whole problem would shift from the medical, from the educational, from the pacifying, to the criminal, and that is exactly what I am trying to prevent.

If this first motion is denied, then I am bound, I am obliged, to bring in the same thing—I hope my opponent understands what I am saying right now—the same thing on a matter of law, by way of law, by way of charge, or, let's call it mildly, illegal misrepresentation of facts, illegal concealment of facts from this Court, and illegal manipulation. (9) No, I wouldn't call it manipulation; excuse me, but maneuvering or procedural skill was employed to win the case, and not truth and fact. That is all so far.

The Court: Do you care to make any comment?

Mr. Maguire: If the Court please, I must confess I was not listening to Dr. Reich while he was talking.

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The Court: I shall have to renew what I have already said, that I have no such power to appoint any such board.

Now, the second motion is: Motion for correction of illogical errors in procedural formulation—the “and-or” situation.

If you desire to be heard too, Dr. Silvert, I will afford you that opportunity.

Dr. Reich: I certainly hope that my opponent will listen to what I am saying. I hope that my opponent will listen to what I have to say so that we can communicate somehow.

The Court: That is very fair comment.

Dr. Reich: This second motion rests on an identity of principles in science and in jurisprudence to arrive at truth, to arrive at factual truths. I don't want to teach here; I am just trying to clarify a few points, but that which is called in jurisprudence “procedure” is called in science “methods.” I have not studied American law, but I know enough about it—and I have looked through some books lately—to be quite certain that procedures which are (10) not based on factual evidence, on facts, are opinions, and, just as a natural science cannot and must now draw an opinion which is not based on facts, in the same way it is impossible or unlawful to proceed toward conclusions if the factual evidence or the factual truth has not been ascertained by way of procedure. And this is one of the elements of the charge which I am bringing right now, not ad personam, but generally on principle. If we are permitted that opinion, everyone would express an idea, an opinion, a private opinion or idea, and judicial processes would proceed or scientific processes, for that matter, would proceed on the basis of opinion, and there would be only chaos. And I am afraid that the predicament in which we find ourselves here came about by such an error in thinking,

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by such an error in procedure. That means—I don't know but I can bring in my first evidence now. May I be permitted or would I be permitted to bring in my first evidential fact? Not yet?

The Court: No, not yet.

Dr. Reich: Thank you. If my opponent or any scientist anywhere develops the opinion, his private personal opinion, to which he is entitled, to the effect that orgone energy does not exist, that cosmic energy does not exist, that is his privilege, but he has no right on this basis to do what my opponent has done, namely, establish a complaint and from (11) this erroneous basis to develop a whole process which ends now with the criminal contempt charge. I do not believe that is law or lawful. I don't believe that is legal. I don't believe that this is supported by any law or any legal opinion. I may stop now. There is much more to be said.

The Court: Go ahead, Doctor.

Dr. Reich: I shall try to be as brief as possible.

The Court: Take all the time you desire.

Dr. Reich: Thank you very much. Now, I would like to show here a few errors which you have committed, and that is my second motion, I believe, to show and correct several illogical errors, which are at the same time judicial errors. Must be. An illogical error must be a judicial error. The logical meaning of the legal provision to show cause why a defendant should not be punished, the obvious logical meaning of this provision, is to give the one accused of contempt the opportunity to clear himself of the charge and not to be prosecuted any further. If he succeeds to show cause, why, he, the defendant, should not be punished for criminal contempt. It requires a decision of logical thinking and of legal thinking to my mind—a decision whether to dismiss the charge or to put the defendant

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before a jury, if I am correct in my logical deduction here. The defendant, if successful in showing cause by factual evidence, and I underscore this point "by factual evidence," which is (12) ample here, he should not be held in contempt of court, but freed. That is a chance he has. The law provides him with the right to free himself from the charge. If unsuccessful, he is put before the jury. The practice may be different, but the meaning of the law cannot be otherwise to my mind.

There was an error in formulation in many documents I received. There was always "dismissal and trial," instead of "dismissal or trial." Now, this seems to me a very critical error. I don't know how we could investigate and show how that came in, but it came into the procedure. But it did one thing automatically. It didn't free the defendant automatically, but it bound him up for a trial. That order that the defendant should be both, at the same time, freed by dismissal of the charge and suffer trial seems to me serious error and therefore not lawful, if my interpretation of lawfulness is correct. I am certain that the lawyer was entirely innocent in that. I assume that. I quote. In a letter received on October 3, 1955, the lawyer, my own lawyer, wrote, "We shall at that time also present further motions to dismiss and arrange for trial." "Dismiss and."

The Court: Only in the event, Doctor, that you did not prevail in your motion to dismiss would trial be set, or the date. In the event your motion was granted, that was the end of it, like a red light in the road. Does that clarify it?

(13) Dr. Reich: It clarifies it completely. I am in full agreement with that. It is quite logical. It went as far as that, that my lawyer, again innocently, had me arraigned on the 10th when you, Judge, had not given any sign, or go-ahead sign. I think these are quite serious things. It

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points at least to something. I don't know what. I would not even say what it is or I wouldn't presume to offer any opinion on it, but it seems very peculiar. My motion is now the following: I shall read it to have it as a guide.

May I please ask the Court to admonish my opponents not to make fun of me?

The Court: I am certain they are not. Perhaps you are over-sensitive. I don't believe that Counsel for the Government has any desire to do anything that will embarrass you and I of course would not tolerate that if it was so attempted.

Mr. Reich: Thank you again. But the remark before was quite clear: he didn't even listen. (Reading) "I therefore move to replace in the formulation of the order the word 'and', which has in the past procedures misleadingly connected the word 'dismissal' with the word 'trial', by the word 'or', in order to fulfill the true meaning of the statutory opportunity offered to the one accused of contempt of court to show cause by factual evidence why the case should be dismissed." And my plea is to dismiss it. (14) In addition to this, one remark—that is, I believe according to the law here it is said as follows: "If the contempt consists in the refusal of a party to do something he is ordered to do for the benefit or advantage of the opposite party"—that is my opponent—"the process is civil and he stands committed until he complies with the order." I found that just a week ago. I had no idea about it. On that rule may I quote *Phillips v. Welch*, 11 Nev.—I can give it over to you gentlemen later. I don't think that in the meaning of the law either I, Dr. Silvert, or the Foundation if it were represented, would be in criminal contempt, but in civil contempt. That is in addition to my motion.

The Court: You raise the point that the proceedings are improperly based, that it should be a civil rather than a criminal contempt action?

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Dr. Reich: That is right. Here is only one more logical point, that once we make an error, be it in jurisprudence or in science, a basic error, then whatever we do afterwards is based on that error and is therefore wrong. It is impossible to arrive at a proper judgment, at a proper theory, at a clear-cut lawful judgment, if the first premise is wrong. I have more to say about that a while later. That is all I have to say about my second motion. Thank you.

(15) The Court: Dr. Silvert, do you wish to be heard?

Dr. Silvert: Not at this time. I confirm what my fellow defendant just said.

The Court (To Mr. Maguire): He stresses the point that these proceedings should be civil contempt rather than criminal contempt. What is your comment on that?

Mr. Maguire: If the Court please, I did listen on this occasion to Dr. Reich, and I would like for the Court to inform both defendants, if you will, that Mr. Mills and I have the privilege of conferring with one another here at the counsel table.

The Court: I think that is understood, just the same as it is there (indicating defendants' table).

Mr. Maguire: Certainly, when we confer, we are not poking fun at anyone.

The Court: I knew that you were not and I assured the Doctor to that effect.

Mr. Maguire: In listening to what Dr. Reich said I gathered that fundamentally his complaint is either to the Federal Law or to the rules, the Federal Rules of Criminal Procedure, and certainly any alteration of the rules of criminal procedure or any alteration of the fundamental law may not be effected by your Honor. It is a statute that has set up this violation as criminal contempt of court, and not you and the rules. Of course we (16) oppose his motion, whatever it may be.

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Dr. Reich: May I add one word? It doesn't really matter much whether we are in criminal or civil contempt.

Mr. Maguire: Do I gather from that, your Honor, that the defendant withdraws his motion?

Dr. Reich: No.

The Court: I will rule on it. I have sent for the Rules of Procedure, Criminal Procedure. Doctor, in this matter that you raise in regard to the procedure, whether it should be properly brought as a civil contempt or a criminal contempt, before this was issued I made a very careful survey and I concluded that this was the proper procedure, criminal contempt, and I so rule. Then, in regard to the other matter that you speak of, the "and-or" phase of that communication, as I stated while you were at the rostrum, if you prevail in these motions to dismiss, that is the end of the case.

Dr. Reich: Thank you.

Mr. Maguire: May I inquire of Dr. Reich, through you, what the citation was he didn't complete?

The Court: He is satisfied with this ruling. There is no need of that now. Now, the third motion: Motion to Dismiss Information on ground of illegal misrepresentation of facts. And the same motion is filed by Dr. Silvert. (17) I will hear both at the same time. Then I will make the one ruling because it will apply to both.

Dr. Reich: Your Honor, I would like to repeat—

The Court: Go right ahead, Doctor.

Dr. Reich: —the three charges: First, illegal misrepresentation of pertinent facts; second, illegal concealment from the Court of pertinent facts, and, third, illegal procedural maneuvering contrary to fact, truth, and justice have been perpetrated upon your court, your Honor. I am fully aware of the seriousness of this charge. It does not matter, of course, whether that was done from ignor-

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ance or from arbitrary deceitfulness, since it suffices to constitute fraud and has induced the Court to act upon wrong premises in issuing the injunction. This is a very important point. I don't know whether, your Honor, you have one of these (indicating document).

The Court: I have it.

Dr. Reich: In connection with this charge, I would request you to consider my motion that all the records pertaining to proper course of experiments conducted by and through the Administration of Foods and Drugs concerning orgonic energy or cosmic primordial energy and, second, the names and addresses of the scientists who made these experiments should be presented here. I see it was too late, I am afraid, so the motion stands still for a later (18) date. I shall proceed now with an enumeration of the misrepresentations of pertinent facts. Your Honor, may I ask now a procedural question. There is an awful lot of material here. There are ten thousands of pages or folios to prove—I prefer to assume out of ignorance or out of innocence—that these things have been done. I couldn't bring all the items here. I have brought just a few pertinent things. I don't know in what manner now your Honor would wish to proceed with evidence.

The Court: Do you wish to undertake, Doctor, to establish the fact that orgonomy is not a pseudo-science?

Dr. Reich: No. I would like to have that quite clear. I have refused in the beginning and I refuse now to prove that orgonomy is a science, since it deals with primordial cosmic energy and it is not such as to be in the domain of food and drugs. I have said that several times. But in charging by this word which implicitly was fraud, I was charged with being a fraudulent person and having deceived the public for gain, etc., etc. I am going to prove by way of factual evidence that these were misrepresentations, not by way of opinion, but by way of factual evidence, and here it is.

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The Court: The only trouble is, Doctor, that I am afraid we are getting far afield from the real issue with which we are confronted.

(19) Dr. Reich: The real issue here to my mind is not whether orgonomy is true or not. The real issue here, as I see it, is whether the injunction has been issued on wrong premises, on opinions and not on facts, because I can prove that the facts are against those opinions.

The Court: The only trouble with that is this, Doctor, that you had the opportunity to come in and defend and you chose not to do so. You will remember that in your letter addressed to me—

Dr. Reich: I remember. My response had mentioned two things, if I may answer this question right here. I appreciate very much the opportunity to get these things out. There were two points. One was the lack of jurisdiction on basic natural science. The second point was conspiracy. This is a serious point now, the conspiracy which is really behind these things, and I could not possibly come then to be crushed here without having prepared anything, within twenty days. I said then, on July 26, I could not possibly have done that.

The Court: You would have been afforded the opportunity to come in later, to have a continuance until later.

Dr. Reich: When?

The Court: At the time the original proceedings were filed. You could have come into court.

Dr. Reich: I could not.

(20) The Court: You could have come into court.

Dr. Reich: Yes, I could have come, but the reasons for not coming go very deep and if all this evidence—

The Court: I can't consider the motive. The only thing that I know is that you defaulted and there was no recourse left for the Court but to proceed accordingly.

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Dr. Reich: May I be permitted to show now that the original complaint, 1056, the civil complaint—

The Court: I am afraid I can't grant that request, Doctor, as much as I would like to do so.

Dr. Reich: —was not based on fact?

The Court: I cannot open that case now because it has already been passed upon. It was taken to the Court of Appeals, and on a separate action, to save a fundamental issue which was involved in a way.

Dr. Reich: May I ask this question: If such fraud has been perpetrated on this Court, can that be resumed?

The Court: Not now. You see, apparently, Doctor, you have been proceeding—you and Dr. Silvert—upon the theory that this Court has determined, by the issuance of the Decree of Injunction, that "orgonomy" is merely a pseudo-science; that "orgonomy" does not exist or is not valid. This Court has not at any time made any determination regarding the existence or validity of orgonomy. So far as this Court was concerned in the original proceeding leading (21) to the Decree of Injunction, the existence or validity of orgonomy was collateral to the main issue. As this Court stated in its opinion regarding the application for intervention, the original proceeding was an in personam action brought solely against three specifically designated persons for the purpose of enjoining them from manufacturing and distributing in interstate commerce orgone energy accumulators which were adulterated and misbranded within the meaning of the Food and Drug Act. The very purpose of the Act is to keep interstate commerce free from deleterious, adulterated and misbranded articles of specified types to the end that the public health and safety might be advanced. And the prohibition of the stated activity of the named defendants was the sole object which the Government sought to accomplish by its

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action. To stop the shipping in interstate commerce of these accumulators and the books which contained the labels was what the Government sought to establish by its action.

Now, had you defended, instead of having defaulted in the original proceeding, I would have excluded any evidence tending to prove or disprove the existence or validity of orgonomy because that evidence would have been regarded by this Court as being immaterial and irrelevant to the main issue.

(22) As you may recall, this was one of the reasons, among others, why the applicants for intervention were denied the right to intervene in the original proceeding—because, and I quote from the report of the case in 17 Federal Rules Decisions at Page 101—you are familiar with that—"the only purpose for their application for intervention is to establish the existence and validity of orgonomy"—that was what was frankly stated by the group who tried to intervene—"a matter which was collateral to the main issue in the original proceeding."

I have already indicated to you my ruling, but you go right ahead. I want to afford to you full opportunity.

Dr. Reich: Thank you very much. Exactly here the basic issue appears—I have indicated it before, and I think that the law and the basic legal principles are on my side in this case—and that is, first, that jurisdiction was denied, to the Court as well as of the Administration of Food and Drugs, to take any steps. Now, our lawyers have moved correctly to establish first the jurisdictional question, and that was not done.

The Court: I held that I had jurisdiction.

Dr. Reich: May I ask now: Did you, Judge, ever pass on that jurisdictional question then at that time?

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The Court: Oh, yes. The mere fact that I accepted it (23) and proceeded would indicate that I had passed upon the question of jurisdiction, and that same question was raised before the United States Court of Appeals by Mr. Haydon when he argued and they adopted the view of this Court that this Court had jurisdiction.

Dr. Reich: Now may I raise this very same basic question again?

The Court: Go ahead. I am not going to prevent you from talking and presenting your issues.

Dr. Reich: I wouldn't like to talk nonsense. I don't understand how a legal decree can be legal if its premises are wrong. Starting by mere procedure, because I didn't appear in court the accumulator is wrong. Would that be the conclusion—that merely because I did not appear it was fraudulent?

The Court: No; this Court had jurisdiction of the cause whether you appeared or did not appear, in the opinion of the Court.

Dr. Reich: Are they facts which prove that this is fraudulent? It is an opinion.

The Court: You had your opportunity to come in. What this was directed at, Doctor, was and these proceedings were to prevent the shipment in interstate commerce of the accumulators and the labeling which went with the accumulators. That was the only object.

(24) Dr. Reich: It was not based on facts. It was not proven.

The Court: You couldn't come into court.

Dr. Reich: I didn't dare to. May I still have the privilege to talk to you privately and tell you why?

The Court: No.

Dr. Reich: May I then ask the privilege to appear before a jury if necessary?

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The Court: That will be up to the United States Attorney, whether you have got any facts that warrant investigation. Have you made any attempt to talk with those in Washington, the Department of Justice or the F.B.I.?

Dr. Reich: It goes much further, much deeper, very deep, in a manner which cannot be handled here. I am afraid. It is very serious, what I am saying right now.

The Court: We will try to handle everything that comes before this Court.

Dr. Reich: I understand your position, Judge, fully, but I appreciate it if you understand my position fully.

The Court: Yes, absolutely. There is no question in the mind of the Court or any of the officials that you are absolutely sincere and honest in your contention.

Dr. Reich: If the Court considers me as being a true scientist in this and having done something important, then I would request the privilege of believing me that I could (25) not possibly at the present moment—at the present moment I say—bring forth certain facts, certain situations, because of certain involvements of national importance and interests which were quoted by Mr. Maguire here the other day. As I said on July 26th, I would have to refuse at the risk of going to jail or whatever sentence you, Judge, would impose on me. I would have to refuse in open court. I would have to take it upon me. And I spoke to Dr. Silvert. He is in agreement. There are situations in which we have to take that risk. Others take more.

The Court: Of course that is up to you, Doctor.

Dr. Reich: That is just what I wanted to make clear. There are certain things I could not do now. I can only indicate what it is.

The Court: Well, I don't think we will go into that any further, Doctor.

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Dr. Reich: Thank you.

The Court: Of course, Doctor, if you fail to defend, the facts alleged in the complaint are taken by the Court as being true, but are limited. Although it was alleged in the complaint that orgonomy was a pseudo-science, I considered that collateral and having nothing to do with the real issue, which was the shipping of these accumulators in interstate commerce.

(26) Dr. Reich: Does that mean this is a fraud in a legal sense? Does that mean that this is considered by law to be a fraudulent device?

The Court: That meant it was in their opinion. They alleged that it was an adulterated article, that it was a device that did not do the things that it was claimed to do.

Dr. Reich: This is why I request the subpoena of the records, to see what facts underlie it.

The Court: Doctor, you had the opportunity to come in and defend and establish the fact that this was not the type of device that the complainants alleged it was, but you didn't.

Dr. Reich: I explained why I didn't. I have to.

Mr. Maguire: If the Court please, you just propounded a question to Dr. Reich. He may not have known the full and complete answer to the question; he may not have understood the question fully, but you asked him about reporting to the F.B.I. and so forth. I am reliably informed that he or someone right at his elbow has reported and continuously reports to the F.B.I. in writing, and, further, I am reliably informed that his associates have attempted a Grand Jury investigation in the Southern District of New York County.

Dr. Reich: Mr. Maguire had this conspiracy—that was (27) sent to the Court outside of the action—had this volume (indicating) in his hands on July 26th and quoted

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from it. Is that right? Well, now, the volume which was in the hands of Mr. Maguire on July 26th contains material pointing to the very serious situation which prevents me from talking fully at the present moment about the F.B.I. affair, and a man by the name of William Washington was here, and that indicates in which direction the whole thing lies.

Mr. Maguire: Well, if the Court please, he is talking about motives or something. We are concerned with orgone accumulators, not with the matter of William Washington.

Dr. Reich: It is illogical to think, irrational to think, that energy which works, which is claimed to be universal, is true in the cloud-buster and not concerned in a matter that is wrong and that in this device it cannot be the same. It is either there or not there according to the facts. It is either there or not there. It is either a fraud in my hands and not a fraud in the hands of the physicians, as alleged, yes, which just cannot be if the accumulator is true and not in the hands of the physicians. If there is anything they can do with it, they may commit by way of the decree, the very decree, they may do it.

The Court: Those are issues that could have been brought up in the original hearing and weren't brought up, and I had (28) to take what the complaint alleged as true and proceed on that basis.

Dr. Reich: That means I cannot bring forth the fraudulent implications indicated?

The Court: That is right. So that Motion No. 3 is denied for the reason stated.

Dr. Silvert, do you desire to make any comment?

The motion which you filed, Dr. Reich, was likewise the motion filed by Dr. Silvert. I understood we would hear them together, and if Dr. Silvert has anything to say, I would be very happy to hear it.

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Dr. Silvert: I would like to read the motion I sent to you, the motion to support the petition duces tecum sustaining the identical motion to vacate submitted by former counsel Haydon: (Reading) "This motion supports a motion already pending in court to vacate the subpoenas. It is procedurally illogical to grant subpoenas to inspect records and workshops to a party charged with illegal representation of facts before this Court and which, in addition, keeps its only factual evidence, if any, secret. The facts underlying the above charge should be heard first. With espionage possibly involved the motion should be denied."

Now, the Food and Drug Administration, in answer to intervention by Dr. Baker et al., exempted Dr. Silvert (29) with all other physicians from the terms of the injunction. (Reading) "Nevertheless, since they, the intervening physicians, were not parties to the original proceeding, their activity in the field of orgonomy remains unrestricted, even with regard to matters barred by the decree. The applicants do not have absolute right to intervene because the default decree is not and cannot be res adjudicata as to them." This procedural maneuver enabled the F.D.A. to get at Wilhelm Reich in personam. The original proceeding was the in personam action. Having got what they wanted—that is, the isolation of Wilhelm Reich by this procedure of blocking the intervention of fifteen physicians—they then turned around and charged Silvert, one of these physicians, with contempt of court, criminal contempt, for removing books and orgone accumulators from Orgonon, Rangeley, Maine, to New York. In this I acted with full right as a physician specifically exempted from the terms of the injunction and without the knowledge or consent of Wilhelm Reich, who was at that time in Arizona busy with desert research.

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The Court: That would be a matter of proof, Doctor, whether or not you acted in concert with Dr. Reich. That is a matter of proof. Your mere assertion in the motion is something which you can raise later. They have to prove that you acted in concert in the event you have to stand trial.

(30) Dr. Silvert: Let me continue this with that understanding. With this illegal procedural maneuver they had accomplished their end, or Reich's isolation. We are sure they would never stop with EPPO, that is, the Emotional Plague Prevention Office. We are pretty nigh what would mean the obstruction of truth. Not the truth itself—it is the obstruction of truth we are at now. What prevents it from coming to their turning against the physicians again once they proceed against Reich and Silvert? How can any decision here in court say this is or is not valid because the original complaint was not answered? How am I to use this now? Am I to simply say, Well, this has been decided to be a criminal thing to prescribe, to use?

The Court: Not that. This injunction prohibited the shipment of that instrument and the labeling accompanying it in interstate commerce.

Dr. Silvert: If I can use it, if I can prescribe it to a patient, can I not prescribe it in New Jersey or California?

The Court: That has no concern with these proceedings. That is up to you, to take that gamble or chance if you wish. That is outside of this particular case. This case ruled that under the decision in this case Dr. Reich was prohibited from shipping in interstate commerce—

Dr. Silvert: One remark. I never shipped any.

(31) The Court: —in interstate commerce these devices, known as the accumulators, and the labeling that accompanied them. That was the prohibition under the mandate in this injunction.

Excerpts of Hearing—November 4, 1955

Dr. Silvert: I as a physician who uses these, who has prescribed them, and the other physicians, some of them who are here, can I ask at this point on what ground shall I not ship these or prescribe them for anyone in another state?

The Court: I am not going to attempt to answer.

Dr. Silvert: You just said I must not.

The Court: I said you should not act in concert with Dr. Reich under the mandate—maybe you didn't—in shipping those accumulators in interstate commerce.

Mr. Silvert: May I ask again: If these are valid, if we use them and prescribe them, why cannot we use them or ship them or prescribe them for anyone under consultation, if they are valid?

The Court: Doctor, you have read that decision?

Dr. Silvert: I have read it.

The Court: You have consulted with Mr. Haydon. You can be guided by your attorney's advice and take whatever advice he gives you, if you so desire. I am not here to give advice to you or to Dr. Reich or to anyone else in that regard. I am here simply to hear these motions today that were filed (32) by you and Dr. Reich. Anything further, Dr. Silvert?

Dr. Silvert: Perhaps not now. I have a lot to say.

Mr. Maguire: Now, if the Court please, of course the Food and Drug Administration never exempted Dr. Silver or any other doctor from the order decreed in the United States District Court. The Food and Drug Administration haven't that power. So that argument falls by the way. What Dr. Silvert is charged with is being in active concert or participation with Dr. Reich or The Wilhelm Reich Foundation in the shipment of orgone energy accumulators and literature that were banned by the decree of this Court. We didn't exempt them. We couldn't ex-

Excerpts of Hearing—November 4, 1955

empt them. But our charge is that he went up there in the middle of the winter and shipped it all right down into New York, and that is what we are ready to prove when this case goes to trial.

The Court: The next or fourth motion is Motion for subpoenas duces tecum to obtain material from the Government.

Now, as I understand it, this motion is merely for the purpose of proving your allegations under the Motion to Dismiss. Is that right?

Dr. Reich: No. This motion was made in order to get behind the scenes of the Food and Drug Administration.

The Court: You mean in regard to the first complaint?

(33) Dr. Reich: In regard to espionage. It is a very serious charge. I am very sorry.

The Court: I will give my decision on this question of subpoenas duces tecum to obtain material from the Government. In the opinion of the Court that motion is merely for the purpose of proving your allegations under the Motion to Dismiss. I have denied that Motion to Dismiss and this Motion for Subpoenas Duces Tecum necessarily must also be denied.

Now, I think you have the two motions for postponement of hearing on subpoenas duces tecum filed by the Government?

Dr. Reich: Yes, sir. May I ask permission to consult those?

The Court: Yes, surely. Doctor, to make certain that the record is clear I want to make this statement, that your motion to dismiss and the motion to dismiss by Dr. Silvert were denied. Now, do you care to say anything further, Doctor, on the motions filed by the Government, the two motions for postponement of hearing on subpoenas duces tecum filed by the Government.

Excerpts of Hearing—November 4, 1955

Dr. Reich: By the Food and Drug Administration.

The Court: We refer to these prosecutions by the Government.

Dr. Reich: I never heard any information from F.B.I., (34) never. I do not know what to do now. I inform this Court the background is complicated, dangerous, and has to be revealed. The background of the Food and Drug Administration has to be revealed, must be and will be.

The Court: Now, have you any objections, Doctor, to those motions for the subpoenas duces tecum?

Dr. Reich: Yes.

The Court: I would like to hear the objections.

Dr. Reich: These objections arise exactly from what I tried to bring forth in this court today for my opinion, the factual basis not admitted by the Court today, but the evidence is here for my allegation, for my opinion, that we are dealing with a complicated, dangerous espionage case. I say it officially and would like to have it on the record, please, if I may. If this is so, then I do not believe that the Court should, in the interest of the U. S. A., grant permission to an agency which is under serious doubt and serious suspicion—I repeat it again—which is under serious suspicion—to go into workshops of United States citizens and to get what they want. It is in their conspiracy and I regret that the Court did not through formal reasons grant my second motion. But it does not alter the factual situation, namely, that to grant this permission to get into our workshop, with this suspicion uttered by us in court officially and entered on the records, I don't (35) believe is factual. Of course I may be wrong, and I don't know what I as a citizen of the United States will do or have to do if such an order should come through. I don't know. I am talking here in full responsibility, and I think I shall be joined by the attorneys for the Government in that it is a duty by law of the attorney for the Government

Excerpts of Hearing—November 4, 1955

not to convict anyone, but to help to find the truth, to help to find the factual evidence and the truth, and there is evidence that we are dealing with espionage, and I have nothing more to say as far as that point.

The Court: I am going to take a half an hour recess. We will recess here until 3:30. I want to look over those subpoenas.

(The hearing was then, at 3:00 P. M., suspended until 4:05 P. M., at which time it was resumed.)

The Court: Anything further?

Mr. Maguire: If the Court please, in connection with what the defendant Reich said, and also defendant Silvert, there was some statement made in connection with workshops and subpoenas duces tecum. In the first place, the Government has not subpoenaed duces tecum any workshop. We have no interest in workshops. I would like just to say this, that there has been much loose talk today in regard to defendants Reich and Silvert. In one of defendants' motions defendant Silvert has this to say, and this is the (36) last sentence in the motion: "With espionage possibly involved this motion should be denied." Now, if the Court will remember, some time back the Court accorded Mr. Moise, who was the clerk of The Wilhelm Reich Foundation, an opportunity to come into the chambers and discuss certain phases of the overall picture of this case, and the Court will also remember that Mr. Moise on that occasion leveled some very definite accusations with respect to treason, espionage, and whatever else you will. Rather pointedly at the time, the Court will remember, I asked Mr. Moise if he was a citizen of the United States. His answer was in the affirmative, and I further asked him if he had the good of this country at heart, and he again answered in the affirmative. And I told him at that time, and I now make the statement to Dr.

Excerpts of Hearing—November 4, 1955

Reich and Dr. Silvert that if they have got any kind of information that they think is treason or if they think the action that is involved is treasonable or involves espionage, it is the duty of any one of them and every one of them to go immediately to the Federal Bureau of Investigation and report. I think right at the moment there is a special agent on duty on the floor below this courtroom, and I say this, that rather than continue these accusations of espionage, treason, or whatever you will, let them go to the arm of this government that takes care of any such accusations and lay the cards on the table.

(37) The Court: I believe that is a very good suggestion.

Dr. Reich: I agree fully with it. We did it long ago. Long ago we went to the authorities.

The Court: So that that agency has it?

Dr. Reich: Has everything, everything that we know of.

. . .

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Motion by Counsel for the Discovery of the Life Energy to Deny Motion by Peter Mills, U. S. Attorney, to be Made November 16, 1955 to Inspect Subpoenaed Material

EPPO Case No. 1

Case 1056 and 5003 before First District Court, Portland, Maine, 1954-1955

In obeying the court order to comply with subpoenas of records, we follow the pressure of law enforcement. To resist it would only pile up more contempt trouble. However, the responsibility involved, with conspiracy and espionage in the background, must be shared by all those who are pressing toward obedience of the court order. We transmit records to the court as requested only under severe protest against showing this material to agents of commercial and political groups.

Wilhelm Reich MD

Michael Silvert, M.D.

Counsel for the Discovery of
the Life Energy

Washington, D.C.
November 12, 1955

Motion denied, Nov. 4, 1955.

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Motion by Counsel for Discovery of Life Energy to Inspect All Material Subpoenaed from the Food and Drug Administration Which are to be Delivered to the Court on or before the 28th of November, 1955

EPPO. No. 1

Civil no. 1056, Criminal No. 5003 before the U. S. District Court, Southern Division, Portland Maine; Acting Judge John D. Clifford, Jr.

- 1.) All protocols of experiments conducted by and through the Food and Drug Administration concerning Orgone Energy.
- 2.) The names and addresses of the scientists who made these experiments.
- 3.) All correspondence of the Food and Drug Administration with the American Psychiatric Association concerning Orgone Energy.
- 4.) All correspondence of the Food and Drug Administration with the American Medical Association and the Council on Pharmacy and Chemistry concerning Orgone Energy.

Counsel for the
Discovery of Life Energy
Wilhelm Reich M.D.

November 17th, 1955
Washington, D.C.

(Certificate of Service verified by Wilhelm Reich, November 18, 1955.)

Motion denied, Nov. 4, 1955.

**Answer of Dr. Reich in Opposition to Plaintiff's
Motion to Quash Subpoena**

EPPO Case No. 1.

Civil No. 1056, Criminal No. 5003 before the U. S. District
Court, Southern Division, Portland Maine;

The motion by the opponent to quash the subpoena submitted by the Counsel for Discovery of Life Energy and served upon the Food and Drug Administration, should not be granted. To argue that the material subpoenaed is irrelevant to the guilt or innocence of the defendants is wrong. It is pertinent to the plea of "not guilty" to the charge of contempt of court to prove that case 5003 is based on unlawful procedures; that it is unlawful therefore in itself and that therefore the defendants are innocent. In order to prove the unlawful procedures underlying the criminal charge of contempt of court the subpoena was served on the agents of Foods and Drugs.

The motion of the Food and Drug agents should therefore not be granted if the pertinent, factual truth in this case is to appear in this court.

The Law is out to get factual truth into the open and not primarily to catch thieves. If thieves are around they will be caught if the factual truth sees the light of day, no matter who the thieves are. The representative of the department of justice is duty bound in his capacity as a law officer to help find the truth. He should therefore cancel his motion to quash the subpoena of the records of the Food and Drug Administration. Why does he hide records? We are ready to show to the court, not to the conspirators, *all our files*. We have made this offer at the first appearance in court; we do not hide. We wish to see

**Answer of Dr. Reich in Opposition to Plaintiff's
Motion to Quash Subpoena**

whether we are right in assuming that the charge of contempt is based on unlawful procedures, and is therefore unlawful in itself.

Counsel for Discovery
of Life Energy
Wilhelm Reich, M.D.

November 18th, 1955
Washington, D.C.

(Certificate of Service verified by Wilhelm Reich,
November 18, 1955.)

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**Request for Instruction to the Jury by
Wilhelm Reich**

May 4, 1956

The Honorable George C. Sweeney
Chief Judge, U. S. District Court
District of Massachusetts
Acting Judge for the District of Maine
Portland, Maine

Dear Judge Sweeney:

Re: Case #5003

I believe I understand the legal jam in which my case finds itself. I have given a great deal of thought to the basic nature of the tangle which is constituted on the one hand by the clear-cut fact that I am innocent and could not act differently from what I did. On the other hand, the merely legal procedural formulation binds the jury to find whether or not I have violated the injunction. This I certainly have done, and I am accordingly, legalistically, but not factually, guilty.

I have the impression that everybody concerned wishes to dissolve the tangle in a decent truthful way without committing a judicial injustice. Now I believe that this could easily be accomplished by the insertion of one word into the formulation to the jury. I suggest to formulate *had* the defendant to violate the injunction instead of *did* he violate the injunction. I deeply hope that in the interest of all and everything concerned you will agree to the amendment of the word "*did he*" by "*had he to*".

I am asking for this privilege on the basis of the fact that during pre-trial procedure I had been arraigned on the

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*Request for Instruction to the Jury by
Wilhelm Reich*

basis of an error when instead of dismissal *or* trial the formulation was dismissal *and* trial on October 10, 1955.

Respectfully yours,

Wilhelm Reich, M.D.
EPPO

Request denied, May 4, 1956.

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**Judgment and Imposition of Fine as to
The Wilhelm Reich Foundation**

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF MAINE—SOUTHERN DIVISION

No. 5003

UNITED STATES OF AMERICA

v.

THE WILHELM REICH FOUNDATION

On this 25th day of May, 1956 came the attorney for the government and the defendant appeared by its Clerk, thereunto duly authorized, without counsel

It Is ADJUDGED that the defendant has been convicted upon its plea of not guilty, and a verdict of guilty of criminal contempt for violation of the terms of a decree of injunction issued by this Court, as charged and the court having asked the defendant corporation, through its Clerk, whether it has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

It Is ADJUDGED that the defendant corporation is guilty as charged and convicted.

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*Judgment and Imposition of Fine as to
The Wilhelm Reich Foundation*

It Is ADJUDGED that the defendant corporation be punished by paying a fine of Ten Thousand Dollars (\$10,000.00). Sentence to pay fine stayed by order of Court pending Appeal.

P.M.

It Is ORDERED that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

/s/ George C. Sweeney,
United States District Judge.

A True Copy. Certified this 25th day of May, 1956

(Signed) Morris Cox
Clerk.

[SEAL]

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**Judgment and Imposition of Sentence as to
Wilhelm Reich**

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF MAINE—SOUTHERN DIVISION

No. 5003

UNITED STATES OF AMERICA

v.

WILHELM REICH

On this 25th day of May, 1956 came the attorney for the government and the defendant appeared in person and without counsel; the Court advised the defendant of his right to counsel and asked him whether he desired to have counsel appointed by the Court, and the defendant thereupon stated that he waived the right to assistance of counsel.

IT IS ADJUDGED that the defendant has been convicted upon his plea of not guilty, and a verdict of guilty of criminal contempt for violation of the terms of a decree of injunction issued by this Court, as charged and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

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**Judgment and Imposition of Sentence as to
Wilhelm Reich**

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of Two (2) YEARS, and that he stand committed in execution of said sentence. Sentence of imprisonment stayed by order of Court, pending Appeal, with bail previously furnished ordered to stand continued. Request for Stay granted with the distinct understanding that defendant will not engage in the activities of which he was found guilty.

P.M.

/s/ George C. Sweeney,
United States District Judge.

A True Copy. Certified this 25th day of May, 1956

(Signed) Morris Cox
Clerk.

[SEAL]

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**Judgment and Imposition of Sentence as to
Michael Silvert**

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF MAINE—SOUTHERN DIVISION

No. 5003

UNITED STATES OF AMERICA

v.

MICHAEL SILVERT

On this 25th day of May, 1956 came the attorney for the government and the defendant appeared in person and without counsel; the Court advised the defendant of his right to counsel and asked him whether he desired to have counsel appointed by the Court, and the defendant thereupon stated that he waived the right to assistance of counsel.

IT IS ADJUDGED that the defendant has been convicted upon his plea of not guilty, and a verdict of guilty of criminal contempt for violation of the terms of a decree of injunction issued by this Court, as charged and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

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Judgment and Imposition of Sentence as to Michael Silvert

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of ONE (1) YEAR and ONE (1) DAY, and that he stand committed in execution of said sentence. Sentence of imprisonment stayed by order of Court, pending Appeal, with bail previously furnished ordered to stand continued. Request for Stay granted with the distinct understanding that defendant will not engage in the activities of which he was found guilty.

P.M.

/s/ George C. Sweeney,
United States District Judge.

A True Copy. Certified this 25th day of May, 1956

(Signed) Morris Cox
Clerk.

[SEAL]

**Written Statement to the Court Signed by
Wilhelm Reich, Dated May 25, 1956**

Before Judge Sweeney

Your Honor:

We have lost, *technically only*, to an incomprehensible procedure treadmill. I and my fellow workers have, however, won our case in the true, historical sense. We may be destroyed physically tomorrow; we shall live in human memory as long as this planet is afloat in the endless Cosmic Energy Ocean as the Fathers of the cosmic, technological age.

Already today every decent soul knows that truth and wells of new knowledge are on my side. I have won the battle against evil.

One day the motives and legalistic maneuvers of the technical winner of today, the drug and cosmetic Hig, will emerge from the archives and see the clean light of day.

I certainly prefer to be in the place where I am instead of being in the shoes of the Hig. I may suffer physical disaster, but shame and dishonor are *not on my face*. It is on the face of the XXth Century Judas Iscariot, Peter Mills, who betrayed his former friends and clients when the Oranur experiment struck us in 1952, and when the Red Fascist Hig, under Moskau order, was out to get our experimental secrets while, at the same time, they spread poison and slander in our peaceful village about us. Judas hurriedly left the apparently sinking ship; in addition he covered up his tracks by accepting the role of prosecutor for the Moskau inspired drug Higs against his former friends and clients.

In a deep sense, too, we are all guilty, bar none. We were and still are all on trial, without exception, in one of the most crucial test crises in the history of man. This im-

**Written Statement to the Court Signed by
Wilhelm Reich, Dated May 25, 1956**

portant subject has been presented by me in 1953, during the grave planetary DOR Emergency, as if in anticipation of the Hig assault. Here, the Murder of Christ 2,000 years ago has been taken as an historical example of the method used by the Emotional Plague of Man to kill Life and Truth.

This time, however, Judas has betrayed and the Hig is killing the scientific hope to cope with the planetary disaster that is upon us.

I wish to thank you, Judge Sweeney, for the fairness shown us, within the given bounds. I know you know the truth. May your knowledge help to improve the American judicial system to secure factual truth.

WILHELM REICH, M.D.
MICHAEL SILVERT, M.D.

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**Notice of Appeal of the Wilhelm Reich Foundation,
Wilhelm Reich and Michael Silvert, to the U. S.
Court of Appeals for the First Circuit**

The Wilhelm Reich Foundation, a Maine corporation, Wilhelm Reich, and Michael Silvert, herewith take an appeal from the judgment of the United States District Court for the District of Maine, Southern Division.

The appellants were charged with criminal contempt for failure to comply with the terms of a decree of an injunction issued by said Court.

Trial having been had, and jury having found each of the defendants guilty as charged, the Court on May 25, 1956 entered judgments adjudging the defendants guilty as charged and convicted, and imposing sentences as follows:

1. Defendant, The Wilhelm Reich Foundation, sentenced to pay a fine of \$10,000.00;
2. Defendant Wilhelm Reich sentenced to imprisonment for a period of two (2) years; and committed in execution of sentence;
3. Defendant Michael Silvert sentenced to imprisonment for a period of one (1) year and one (1) day, and committed in execution of sentence.

A request for stay of execution of sentences was granted by the Court with the distinct understanding that defendants will not engage in the activities of which they have been found guilty.

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Notice of Appeal of the Wilhelm Reich Foundation, etc.

We, the above named appellants, hereby appeal to the United States Court of Appeals for the First Circuit from the above stated judgments.

[SEAL]

Dated June 4th, 1956

Mailed June 2, 1956, 9 A.M.

The Wilhelm Reich Foundation

By: William S. Moise
Its Clerk

Wilhelm Reich M.D.

Michael Silvert, M.D.

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Clerk's Statement Confirming Exhibits
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

Office of the Clerk
Portland 6, Maine

June 6, 1956

Mr. William Moise
Hancock, Maine

Dear Mr. Moise:

In reply to your letter of June 4, 1956, the publications admitted in the court proceedings, were as follows:

1. Documentary Supplement #2 "*The Red Thread of Conspiracy*".
2. Documentary Supplement #3 "*Atoms For Peace vs. The HIG*".

I have filed and docketed the authorization which you sent me for your appearance on behalf of the corporation.

Yours very truly,

Morris Cox, Clerk

MC:d

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