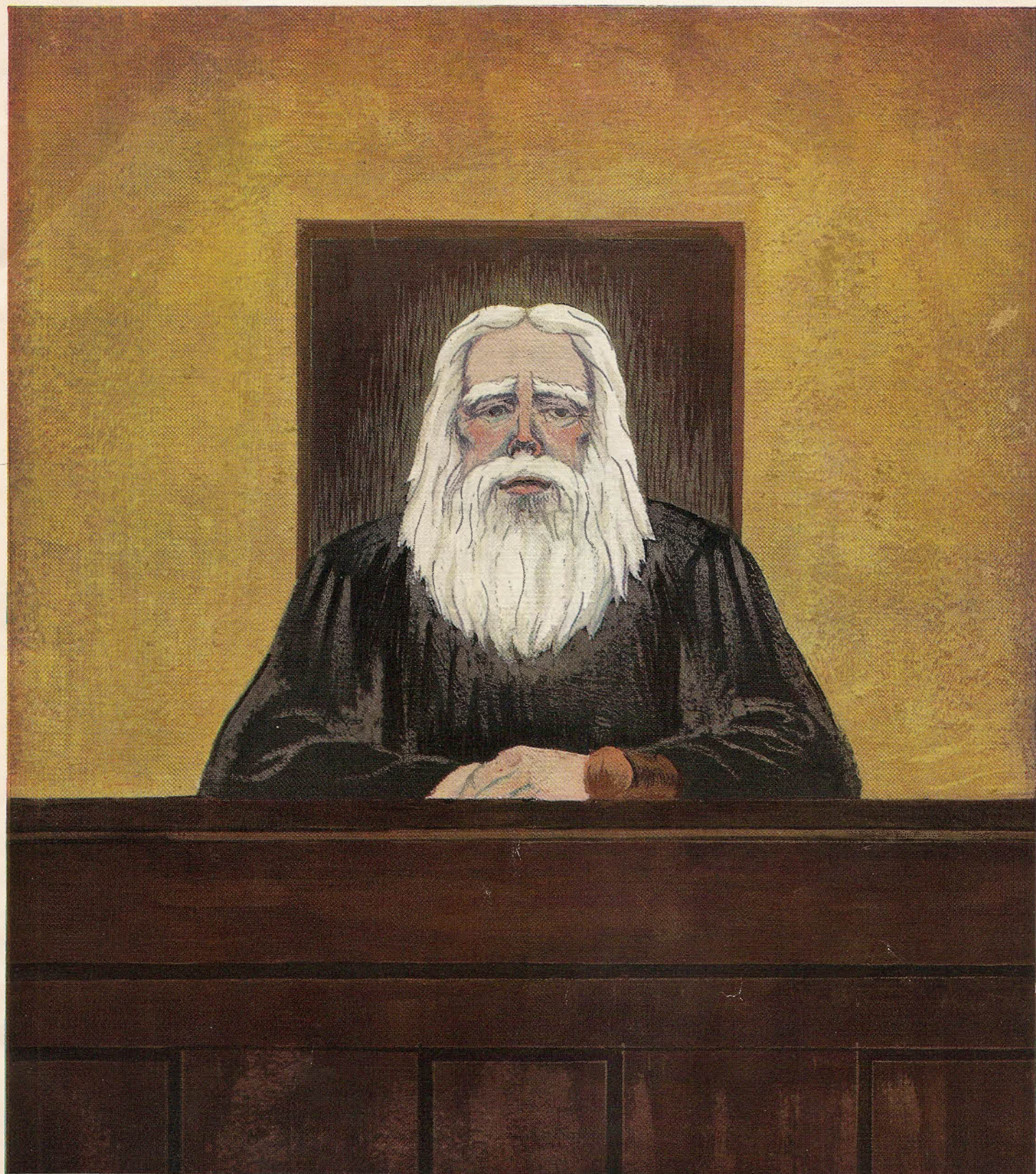


# THE FINDINGS

ON THE U.S. FOOD AND DRUG AGENCY



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THE DEPARTMENT OF PUBLICATIONS WORLD WIDE

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*Introduction*

# THE FINDINGS

## ON THE U.S. FOOD AND DRUG AGENCY

The U.S. Food and Drug Administration is a relatively minor Federal agency within the Department of Health, Education and Welfare. It originated as an office within the Department of Agriculture. The job of FDA is defined by the Federal Food, Drug and Cosmetic Act.

The agency has in fact done little of the duty there defined by Congress but has grown to outsized physical and financial proportions.

The FDA has become, progressively since the 1930s, a source of disturbance to Americans, the presidency, the courts and Congress. It is today regrettably described as an agency behaving as a sort of cult, with an almost fanatical urge—to save the world. What FDA seems to feel it must “save the world” *from* is simply the ordinary freedoms and pursuits of the society, and from the protection and authority of the Constitution of the United States.

The problems of a government which begins to discover that it has within it an agency gone so very awry, but discovering it somewhat late, are enormous. FDA errors have disturbed many functions and areas of national life in an extremely miscellaneous, random, or apparently random, pattern.

Perhaps it can be corrected. This Finding treats only of one aspect of FDA errors. Here detailed is just one of the agency’s excursions into world-saving by its incredible “applications” of the Food, Drug and Cosmetic Act.

This is the instance of FDA invasion by force of the premises, and the disruption of the normal activities of a duly constituted American Church, The Founding Church of Scientology of Washington, D.C. There are Churches of Scientology in all the major areas of America and on all the continents of Earth. The Washington Church is one of Scientology’s best known and is greatly respected.

In this publication are reviewed briefly the facts which regrettably but unmistakably did lead to the Finding of FDA guilty.

The potential further liability to the society of an agency gone as wild as has gone FDA is too great for such luxuries as “forgetting the whole thing” or hoping it will all come out all right.

When FDA finds out who it really is, what its duties are, and whether it is willing to do them, it can then cease taking upon itself such peculiar roles as religious or anti-religious agitator world-saver, and do its job, or go.

There really is, under the Constitution of the United States, no other set of choices.

Here, then, are the findings in fact regarding the unauthorized behaviour of the U.S. Food and Drug agency toward the Founding Church of Scientology of Washington, D.C., its members, students, its Church officials and its American public.

“WE FIND THE AGENCY ENGAGED IN BIZARRE AND JUVENILE GAMES OF COPS AND ROBBERS. INSTEAD OF GUARDING THE NATIONAL HEALTH, WE FIND AN AGENCY THAT IS POLICE ORIENTED, CHIEFLY CONCERNED WITH PROSECUTIONS AND CONVICTIONS, TOTALLY INDIFFERENT TO THE INDIVIDUAL’S RIGHTS, AND BENT ON USING SNOOPING GEAR TO PRY AND INVADE THE CITIZEN’S RIGHT OF PRIVACY.”

— Senator Edward V. Long of Missouri in his closing statement on April 29, 1965 as Chairman of the Senate Subcommittee investigating practices of the Food and Drug Administration.

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# THE SEQUENCE OF EVENTS

## A Brief Summary

**1930—**

At George Washington University in the first course ever given in the United States on nuclear physics, one student, L. Ron Hubbard, saw in this new subject clues to the answers to thought and the role of Man in the universe. His classmates developed a super bomb. L. Ron Hubbard set out on his own quite different search—a philosopher-scientist seeking the laws of life energy.

**1938—**

The Soviet government offered L. Ron Hubbard Pavlov's laboratories and large sums to complete his work under their auspices.

**1940—**

His investigations interrupted by World War II, he served with distinction as a commander of combat vessels in the United States Navy. At war's end L. Ron Hubbard completed the technology of Dianetics in a very little over three years.

Here was a major breakthrough in applied philosophy, and in the subject of the human mind Dianetics was its most advanced study and application.

**1942—**

Copy of first manuscript of L. Ron Hubbard's findings stolen in Miami, Florida.

**1949—**

As L. Ron Hubbard's work was attracting intense interest in scientific circles even while his findings had not yet been published, the volume of mail, cables, telegrams and personal visits of philosophers and scientists to his home made it obvious that Dianetics was going to have to be published or its discoverer would have no time for further research and development. The technology was ready.

**1950—**

Remaining copy of L. Ron Hubbard's first manuscript stolen, in Los Angeles. These thefts apparently connected with 1938 Russian offer.

May, 1950, DIANETICS: The Modern Science of Mental Health by L. Ron Hubbard was published.

Startling in its discoveries, comprehensive in theory and application, Dianetics unexpectedly became a national best seller, went straight to the top of the *New York Times* best seller list and stayed there for weeks then months and was read by millions.

**1952—**

The exactness of application of Dianetic technology brought answers to the oldest questions of religious philosophy.

The basic discoveries of Scientology were made. Here began Applied Philosophy (the basis of all religion) and a new technology with the exactness of mathematics and the essential depth of the oldest religious traditions.

Scientology is a totally new look at and application of the confessional and religious instruction. Its balance of theory with immediate practical use in daily living was precise and far-reaching.

In 1952 the first religious Society of Scientology was incorporated—The Hubbard Association of Scientologists, International. Today the HASI is the international professional and lay membership organization of many thousands of active Scientologists on five continents.

#### 1954—

*The Creation of Human Ability* by L. Ron Hubbard was published, summarizing research theory and technology in the total field of fully developed, codified practical religion—*making the able more able* by the single address of Scientology ministry, in auditing technology, to the spirit.

#### 1955—

The Founding Church of Scientology was incorporated in Washington, D.C., on the 21st day of July.

#### 1956—

Advanced (Post Graduate) Courses resumed in Washington at the Founding Church. Ministers and students of Scientology Ministry from all over the world attend.

#### 1957—

From this point on, contact with the White House increases as it occasionally requests and is given further information on data ranging outside ordinary areas of religious practice but which had resulted from years of Scientology educational and Pastoral Counseling discoveries within the researches of the Founding Church.

#### 1958—

The E-Meter has come into full use, is extremely successful in assisting speed of auditor communication efficiency in applying exact religious confessional and Pastoral counseling technology.

#### 1959—

In March FDA hires spy Taylor Quinn to enroll as a pretended student of the Academy of the Founding Church of Scientology.

#### 1962—

L. Ron Hubbard writes to President John F. Kennedy.

President Kennedy:

- (1) Having an intense interest in anything which might give America and the free world "an edge" in the space development race with the Soviets,
- (2) Having a personal as well as presidential interest in anything which might help in mental and educational areas, and
- (3) Knowing that university and government subsidized researches had not found the answers or any workable methodology in mental factors, requested on his regular channels information on Scientology as a new possibility.



The President's request fell into the hands of Health, Education and Welfare's U.S. Food and Drug Administration, itself in trouble with Congress for its investigative tactics described in the U.S. Senate as police-state methods.

Within forty-eight hours of L. Ron Hubbard's again offering a president technical help in the race against Communism and a peaceful means of detecting and preventing infiltration of our space science efforts by destructive interests, and of raising intelligence and learning-rate level in space ventures, the Food and Drug Administration went into every Scientology Church in America demanding "evidence" on the E-Meter. A subject which will not clear on an E-Meter is a subject about which a person is withholding the truth. The FDA feared this "truth detector". They seemed to be withholding something.

### 1963—

The FDA made a sudden armed raid on the Founding Church of Scientology on January 4, 1963, in Washington, D.C.

The purpose of this booklet is to give some clarification to the events and to the significances involved in a totally un-constitutional attack by an agency of the United States Government on American religious freedom and upon a Church chartered in the District of Columbia and located only a few blocks from the White House itself.

# FDA RAIDS CHURCH



**U.S. MARSHALS SEIZING E-METERS AND PUBLICATIONS FROM CHURCH**

# FDA RAIDS CHURCH

On a snowy January 4th in 1963 in Washington the United States Food and Drug Administration of the Department of Health, Education and Welfare issued a press release to the Washington newspapers reporting FDA had raided Scientology and describing Scientology in terms which concealed the fact that it is a church and that FDA had no charges to bring against the church and were taking the action on no legal basis whatever. Terms of contempt were used exclusively in the press release.

Washington newspapers printed the story, although the event had not taken place.

The FDA, coming from a Baltimore office with several armed U.S. Marshals and a dozen apparently Baltimore longshoremen's union members specially deputized with two large vans and with armed motorcycle policemen, blockaded the streets surrounding the neighbourhood of the Founding Church of Scientology and began to move in on the Church buildings. What was going on in the Church was the usual quietly busy activity of its Academy for ministerial training and its Guidance Center where confessionals and pastoral counseling were in progress, and the many important everyday administrative activities especially vital to a senior Church having duties regarding all its members and junior Churches throughout the nation. It was much like any weekday in a busy national Church with ministerial training facilities.

The FDA agents burst into the Church offices with their armed Marshals and loudly if incoherently demanded and threatened all in sight, observed absolutely no courtesies except for not actually shooting the guns they carried and denied to the Church administrators any opportunity to arrange that students and Church members not be disturbed, upset or terrorized.

Showing no legal warrant the agents and heavy deputies pounded their way up stairways bursting into confessional and pastoral counseling sessions causing disruption and violently preventing the quiet pursuit of the normal practice of religious philosophy. They broke into classrooms. They broke up all Church lessons and studies in progress.

They seized all the publications and all the confessional aids called E-Meters they could find in desks, in ladies' handbags, in students' briefcases and in the session rooms of the confessionals.

Swarming through the neighbourhood, causing disreputable circumstances and an atmosphere of Mafia, the agents and "deputies" broke into student and staff homes, yelling, threatening and seizing, and denying all possible sanctuary to the Church itself or sanctity of private dwelling.

No charge had been made, no warrant sworn, no accounting was given by the agents of property taken, actually and in fact stolen, by the agents.

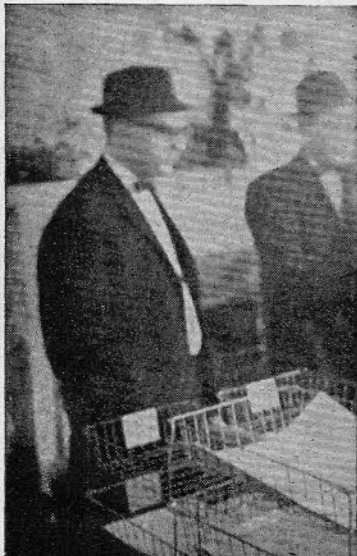
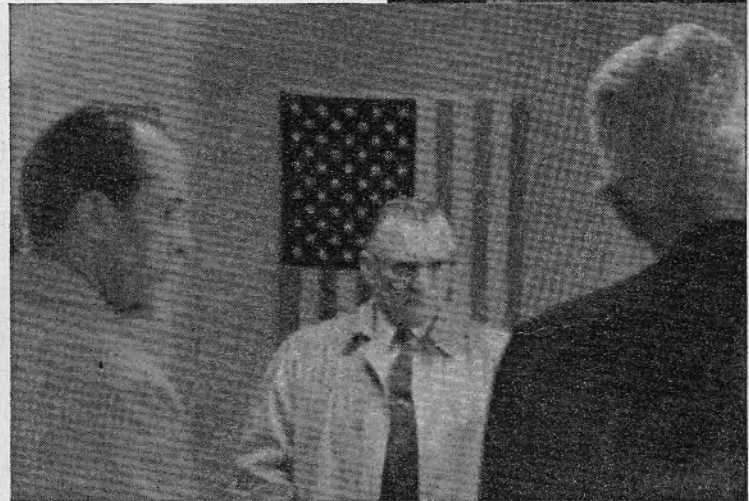
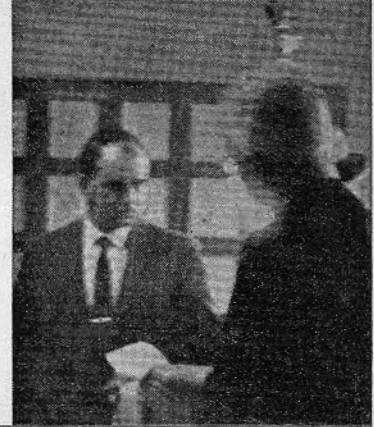
From the publications section and bookstore of the Church the agents removed to the waiting vans some tens of thousands of copies of over twenty Church books and Church publications, comprising the total stock of these items. Books were seized and dumped in such a way as to damage most of the stock. When requested to handle decently, the "deputies" from Baltimore gave only sneering illiteracies for answer. Filling two trucks FDA sent for more trucks, boasted to the press that they had gotten three tons of the Church's publications and equipment.

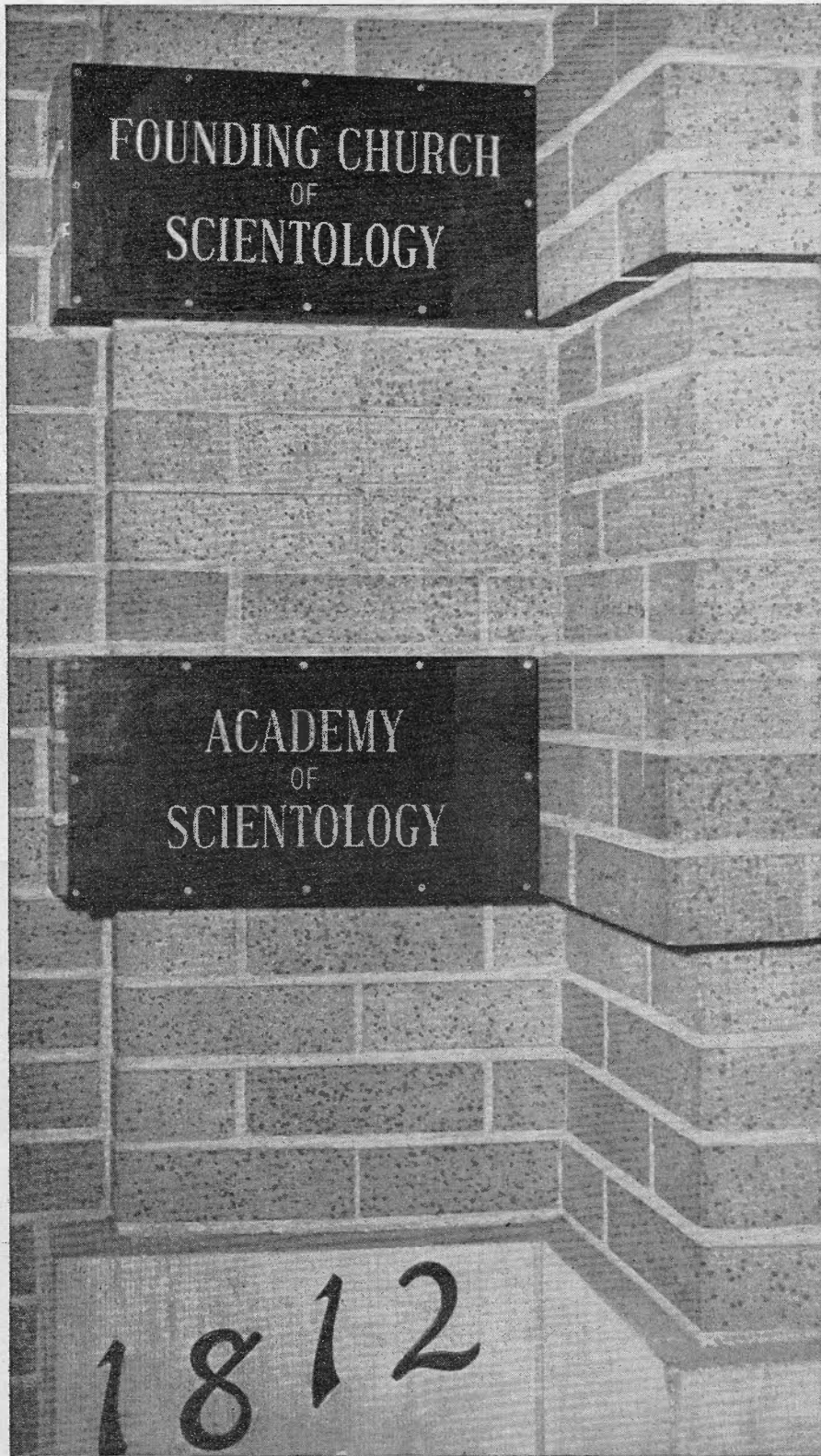
The sensitive electronic E-Meters were handled with arrogant carelessness, dumped and stacked in the trucks with the finesse of a Department of Sanitation detail.

The U.S. Marshals, who themselves had apparently not been told they were raiding a



**FDA RAIDERS STAND NERVOUSLY  
AROUND AFTER BREAKING INTO  
THE EXECUTIVE OFFICES OF THE  
FOUNDING CHURCH**





**THIS IS THE DOOR THE FDA RAIDERS ENTERED FIRST**

Church, behaved with the peculiar guilty air of men caught in a position of compromise of their own pretended principles.

Had the Church invaded been their own they could not have been more guilty.

As America has no tradition for such an incident, it is then some question as to what the source of an attack on an American Church would have been.

The conclusion to that, not the concern of this booklet, could be anything perhaps, but the source is not what we usually think of as American, or as civilized, or as from any good authority.

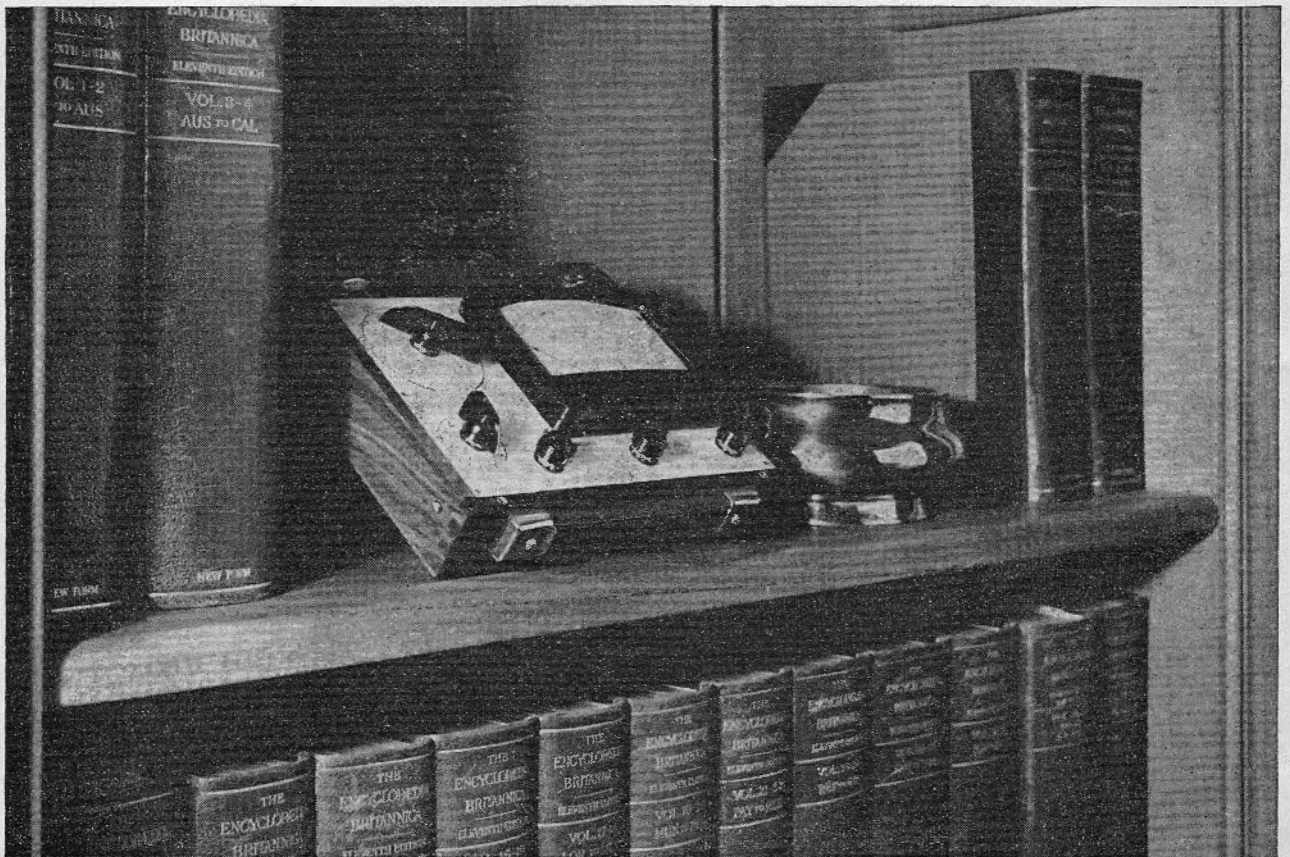
The FDA is trying to save the world, under the Food, Drug, and Cosmetic Act.

## NOTE

It was not until four years after the illegal FDA raid on the Church that "the case", in which there were still no charges against the Church, was brought to trial in U.S. District Court. Only the E-Meter was "charged".

The FDA was refused in an astonishing offer to the Church of a pre-trial settlement.

The E-Meter itself was brought to trial April 3, 1967, under the continued pretense (because FDA was violating the First and Fourth Amendment) that no action was being taken against any Church.



# FACTS vs. FDA PRETENCE

Facts that must be kept in mind to understand the FDA situation at all:

- (1) No Scientologist or official of, or member of the Church of Scientology or the Founding Church of Scientology has ever thought that or considered a notion that an E-Meter could treat "cure" anything or anyone, or so claimed.

There is no evidence ever that misrepresentations to such effect have been made to the FDA or their associates from sources even outside Scientology.

- (2) The E-Meter is a well-made instrument in a polished wood case used by simply having the person pick up a common tin can (because it is a reliable conductor) in each hand, connected to the two lead wires.

There is a simple meter face with dial and needle. There is a needle-adjustment lever called the Tone Arm.

Using the Tone Arm to keep the needle adjustable into the active range of the meter dial, the auditor applies by exact procedure the confessional technology of Scientology to the clearing of (freeing the person of) subjects mentioned or offered by the person. The needle registers on the dial changes in a tiny current passing through the person's skin. The basic Scientology discovery at work here is the correlation between thought (action of the individual himself, the spirit) and its impingements on the body. A fully trained auditor can see by correlation of subject and needle behaviour the state of the person's ability to confront or handle, to be truthful with himself and others on the given subject.

For one example, there are areas of a person's life which contain emotional (but more precisely, spiritual) pain. They are things too painful, the person thinks, to know about, let alone talk about.

*Sin* is composed, according to Scientology, of lies and hidden actions and is therefore Untruth. The Electrometer is used in Scientology Confessional and Pastoral Counseling to disclose truth to the individual and thus free him spiritually. Only in this way can Man's spiritual self be regained.

All religions seek truth. Freedom of the spirit is only to be found on the road to Truth. Religions in the 1960s use modern aids. The Electrometer, used in Confessionals, is a valid religious aid. It is not intended or effective for the diagnosis, treatment or prevention of any disease and has never been so used.

The Electrometer makes possible the clearing of conscience in a swift, objective procedure and without accusation, and without the liability of further burdening a person spiritually by inaccuracies and failing to help the person find out the truth about his own role in what has been done, and where there was sin, to free him spiritually and in conscience.

- (3) The E-Meter does not do something *to* the person, just as a barometer does not do something to the weather. The E-Meter aids confessional technology in speed and precision of application only.
- (4) The Founding Church of Scientology is not in the field of medicine, sends people to physicians of their own choice when any question of physical condition is thought to exist, before they are accepted for Scientology processing, does not accept for processing people with a history of mental illness or under the care of a "therapist" of any kind or "psychiatrist", these being church policies of long standing as it has been found that people under or requiring treatment or in communication with these



are generally unstable whilst the contact is maintained and thus not easily able to learn or benefit spiritually as their environment is itself threatening.

- (5) The FDA takes the position of pretending that Scientologists claim the E-Meter is a device for medical diagnosis, treatment or cure. The FDA pretends this only and has no evidence supporting.
- (6) The FDA pretended not to be attacking a Church while doing so in order not to place their violation under the Constitution of the United States, and in order to obtain something resembling a warrant, for deception in gaining entry to church and neighbouring property and homes.
- (7) The FDA is linked closely by personnel to large drug firms and occasionally under investigation as to these links and associations. The "two-way street" between the FDA and the drug industry has drawn frequent official criticism.
- (8) The FDA is increasingly, since inception in the unstable leftist atmosphere of the 1930s behaving as if it is trying to save the world by "saving Americans from themselves", or "save the world by outlawing vitamins", going, in other words, into a long list of matters outside their proper concern and within the ordinary right of choice of individuals. The attack on freedom of religion may be a new phase of their main trend in this direction and could be a most serious one in consequences to millions of people and ultimately all Americans. Americans do not consider it the job of any government agency to "save them".
- (9) The FDA has shirked its important routine job of keeping a vast national food industry free of contamination. An over-proliferated minor bureaucracy, it has missed totally on the handling of drug-traffic safety. It has missed totally on, and indications are that it has aided, the spread of LSD usage into our society. In its duty the FDA is a renowned failure in government circles and now under higher scrutiny but rather late for correction unless congressional measures are swift and thorough.
- (10) The FDA had apparently thought Scientology a smaller religion than they soon found to be the case. Having expected easily to destroy a Church and failing, the FDA attempted to settle before trial and were refused by the Church.
- (11) "Saving the world" by government agency is an invalid enterprise at best. An agency charged with the duty to serve the society, which perverts that duty into an attack on the freedoms within the society, is an agency proceeding on the reactive (unknowing, guilty) notion that freedom is dangerous and people must lose it to be saved.
- (12) Only a free people doing the ordinary actions that make things go right in a society can have or create a safe environment or a *better* society. Americans simply want to get on with their jobs.

such processing would be around 250 hours per man. No "beliefs" or faith are needed. Hypnotism and drugs are not used. The number of persons who could be so processed is limited only by the availability of practitioners. Those particularly skilled in this work are few, less than fifty in the whole world. But the number is increasing at the rate of about two per week. Lesser skilled practitioners in the world number around fifty thousand and increase at about fifty per week.

Scientology is very easy to put into effect. The government only need turn over to us anyone it desires to condition to space flight or flight or anyone whose I.Q. it desires to have raised and we will take it from there. No lengthy discussions or investigations need be undertaken by the government beyond testing the end results in the person after processing is complete. The cost to the government would be maintenance expenses for the person so detailed and \$25 per hour for processing received. Special arrangements for large numbers would have to be made but would be more or less on the same basis. All Scientology processing would be done in our own quarters due to the proximity to our communication lines. We cannot detail practitioners to the government or train government personnel. We cannot guarantee any result outside our own supervision.

Scientology is therefore very easy for the government to put into effect. Many large corporations have similar arrangements with us to create executives. We reserve the right to reject any applicant for processing. These arrangements are standard. In the case of a government person we would however use technology suitably advanced and adapted to scientific endeavour or space flight. No technology so used is experimental but is already well tested, safe and proven.

No other activity on this planet is comparable to this programme and no results of this nature are obtainable in other fields. These results, in view of existing parity, could decide the space race—or the next war—in the hands of America.

This is a duty letter. I am an American and feel bound to periodically place this matter before the government. I urge nothing. I require nothing. I do not wish to seem the cause of denying my own government this technology. Man will not successfully get into space without us. It is only a question of when.

I find myself in an odd position in that I collect letters, one every few years, from the government saying that they have no need of actual mental technology. And yet I still write, amongst other activities, pointing out that a ten pound diamond lies on the White House lawn. I feel that someday somebody will not hand the letter to the "experts" and that one will be read by somebody who cares more for his country than his association and hand it on to the President.

I will be in Washington in early September giving some lectures. I can be contacted at my personal office there at 1827—19th St., N.W. Adams 2-4410. Or I can be reached at any time through my own communication network contacted at that address.

Such an office as yours receives a flood of letters from fakes, crackpots and would-be wonder-workers. This is not such a letter. We have been delivering for a dozen years and have survived and come out on top in a highly competitive world. We were new once. The world has marched on and we have risen with it. We do not wish the United States to lose either the space race or the next war. The deciding factor in that race or that war may very well be lying in your hands at this moment, and may depend on what is done with this letter.

If that earlier letter from Einstein had been filed away, we would have lost our all in the following twenty years. Is this such a letter?

Courteously,  
L. RON HUBBARD.

*As nearly as can be discovered the President did receive and read this letter and then request on his own lines that Scientology capabilities be looked into and reported to him.*

*What happened next is an example of the needless complexities and interior intrigues with which the President himself was continually faced in carrying on the work of his office. Receiving the request of the President, the most undependable agency of the United States Government, unknown to the President had apparently other business and other programs for Americans than his. The letter and proposal was not looked into as requested but within forty-eight hours the FDA descended upon all the offices of the Churches of Scientology in America in what Senator Edward V. Long of Missouri later described as a police oriented, juvenile game of cops and robbers.*

*FDA and associates had motivations and interest contrary to American authority and normal interests.*

*Two days after the raid by the Food and Drug Administration on the Founding Church of Scientology L. Ron Hubbard made these comments from his office in England:*

January 6, 1963

Toward the end of August 1962 I offered President Kennedy my assistance and the help of Scientology in narrowing the gap in the space race.

Twice in recent years the White House has specifically requested from us a presentation of Scientology to see what it could do to help the general effort. We responded with a mass of information.

As Scientology can raise man's ability through the Church's processing procedures it could be of benefit in improving American scientists in their work on technical problems. However, as Scientology fell within the realm of the spirit and refused to consider Man an animal sprung from mud, the help was not accepted.

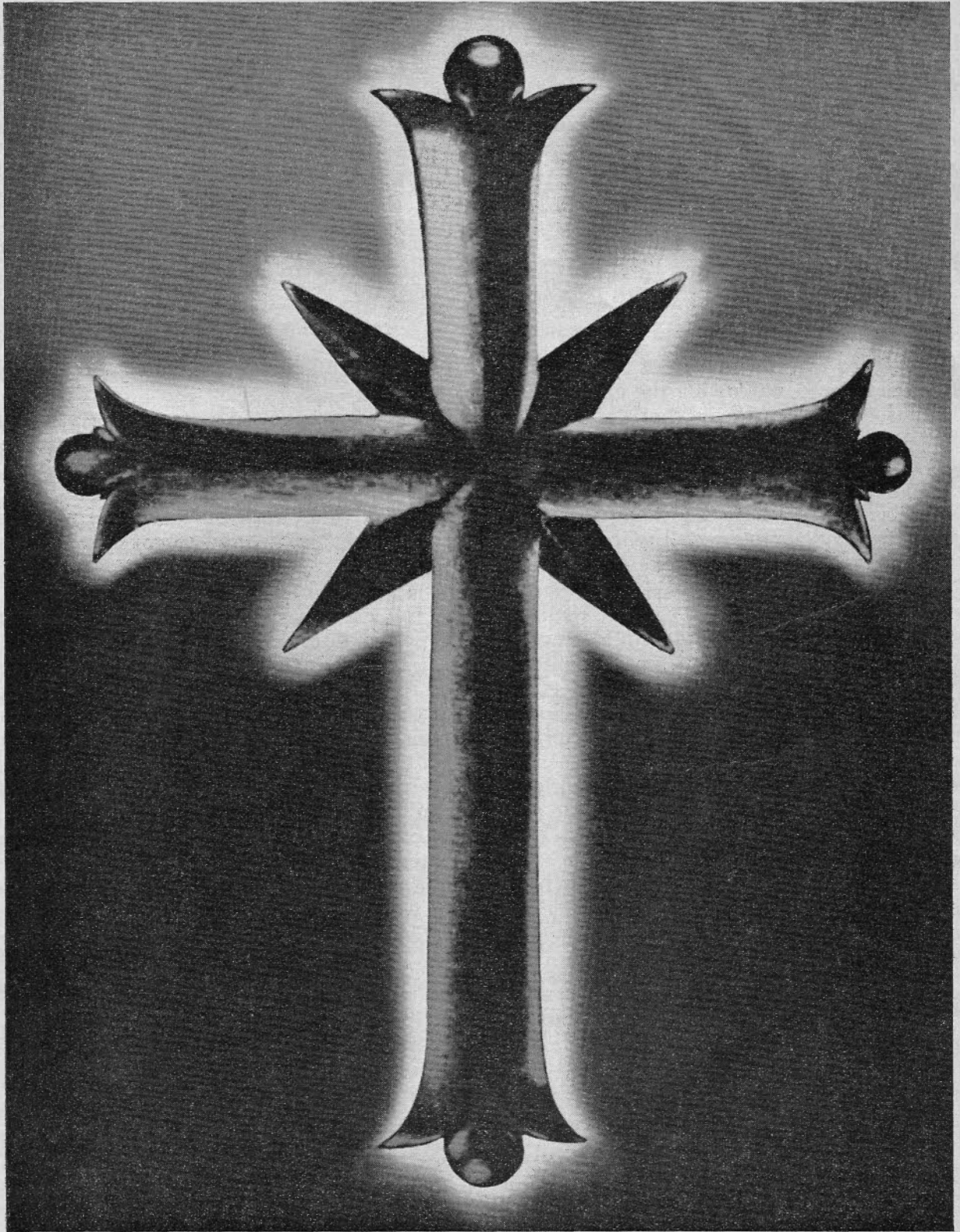
In August when Kennedy had been President awhile I thought it only courteous to make the gesture again. I did not realize that there were lesser officials of the government who were evidently imbued with ideas of religious persecution.

I would greatly like to have a conference with Mr. Kennedy on this subject. I am sure we could come to some amicable understanding on religious matters. Extreme measures such as attacking Churches and burning philosophical texts are not going to solve anything. It puts America no further ahead in the space race. Religion should not be a factor in these matters.

If Scientology can make smarter scientists I don't think we should forego this national victory just because of some point of religious difference. If we can make the better pilots and astronauts without injuring their faith, I don't see why we can't forego the idea that Man is an animal for a bit. The matter should not rise to the heights of religious persecution. Religious bigotry has no place in national victory. Unless we do something to give America an edge over her enemies she will continue to be bled white by the tax collectors to support some stupid and costly science. If by making smarter scientists (and we have many cases that say we can) we can save America money and give her victory, religious persecution should not be used to keep us from doing it.

As all of my books have been seized for burning, it looks as though I will have to get busy and write another book.

L. RON HUBBARD



**THE EIGHT-POINT SYMBOL OF SCIENTOLOGY**

# THE CHURCH

The Founding Church of Scientology was incorporated in Washington, D.C., in 1955.

By Articles of Incorporation, the Founding Church of Scientology is authorized to improve the health of its people through prayer or spiritual means. It is authorized to cause spiritual healing under the laws of the District of Columbia, which guarantees that Churches of whatever faith may give spiritual counseling in concerns of the spirit or the body.

The Church does not, however, exercise this right to the degree that some attempt to do, and by firm and longstanding Church policy, does not accept for counseling (or processing or auditing) people who seek the healing of bodily ills but routes them to their family or other medical doctors of their own choice for these things to be handled.

The Creed of the Church states that the only truly therapeutic agent is the spirit itself. But the Church does not deny the medical practitioner his role.

As one's spiritual awareness and freedom increases, as one becomes free of the upsets and antagonisms continually experienced by those less free, people of good faith have known for centuries that physical ills often fall away never to return. One could then say that the religions of the world were engaged in healing and that it was their realm only, yet the fact is that such healing occurs most often when one's spiritual awareness and the cleansing of conscience is sought rather than when the body and its ills are addressed. Nowhere is this better known than in Scientology and nowhere is it more clearly stated and exactly followed in the policy of any Church.

The Church is not cold to the bodily sufferings of people, but knows that these are never the root of the problem and that greater sufferings exist than any physical ones.

Where the thousands of cases of physical relief have occurred over the years in Scientology, Scientology itself views this not as a purpose that reached success, but as an indicator that something is now more right with the spirit and knows what it is.

The degree to which various forces in our societies have placed emphasis and attention on the human body to the negligence of the spirit has created a difficulty in making this principle known to some, as they have been given the body as the all of existence and are silent and numb on the subject of senior importance which, as they are spiritual beings, is themselves.

The Church trains its Ministers, and has done so on a nationwide basis, in the Academy of Scientology in Washington. The success of its teaching methods, as developed by L. Ron Hubbard, Founder of Scientology, has in itself created an advanced subject, attracting world attention.

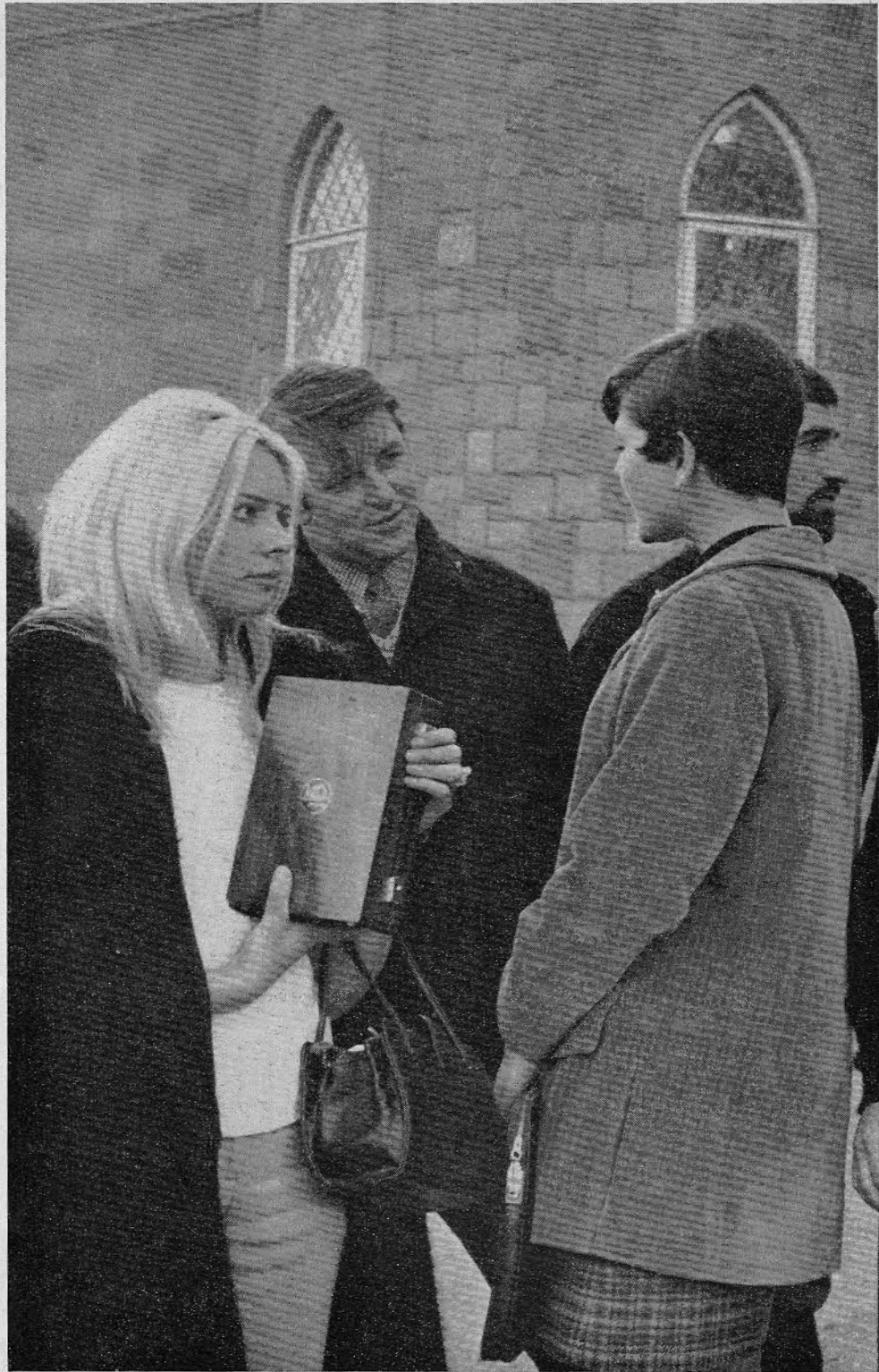
Possessing a technology of spiritual counseling and religious education of an advanced nature, the Church does a great amount of spiritual counseling in which this technology is the exact guide for the Minister. This procedure is called auditing, or processing.

Basically a Scientology Minister is an auditor. This descriptive name is given because a Scientology Minister *listens*.

An auditor is bound by the ethical and technical codes of Scientology and thus to the exact application of authorized procedure in spiritual counseling.

The Founding Church maintains as a public service and service to members a Hubbard Guidance Center, offering the help of the Scientology Ministry to individuals desiring the assistance of an auditor.

The Office of the Chaplain of the Founding Church is open at any time to those who wish to talk to someone in a ministerial capacity. It is an office of intense importance as people who at any time feel there is "no-one to talk to anywhere" can see the Chaplain.



**Students of Scientology Ministry from England, Ireland and the United States at Hubbard College of Scientology, Saint Hill Manor, East Grinstead, Sussex, England. In advanced student's hands at left is a Hubbard Electrometer.**

National and area meetings for Scientologists and Scientology Ministers are held frequently by the Church in Washington. At these events Scientologists receive important information and instruction and visiting ministers are able to get whatever help and advancement they need in order to serve their home areas better.

The Church sends its own ministers and graduate Academy students on to the Hubbard College of Scientology in England for advanced training in Church and ministerial work and administration.

The Church offers free introductory courses both days and evenings, open to all.

The Sunday Evening Service is attended by the public, students, members and Church staff. A sermon on the basics of religions philosophy or any important aspect of Scientology is given.

A basic introductory course gives one an acceptable, simple description of primary Scientology data in quite every day language. Such courses are given by all Scientology Church organizations as well as by individual Scientologists who have had some training and are qualified to give Introductory level.

These courses have been the key beginning step for the majority of Scientologists who are now fully trained and successful auditors and ministers.

The books of Scientology are of extreme importance to anyone who has been introduced to them. The books alone have helped to make lives better and to give individuals the hope and immediate grasp of the situation they are in and to go forward in Scientology to more desirable states than they have ever experienced or thought possible. The books are those of L. Ron Hubbard, Founder of Scientology, and cover all aspects of applied philosophy and the guides to application as well as research notes and articles of its development.

Further important materials are contained in the tape recorded training lectures of L. Ron Hubbard.

Professional Auditor Bulletins by L. Ron Hubbard have been regularly published since 1950, are issued to members.

All these materials are drawn from in the actual training course curriculum of Academies of Scientology, Hubbard College of Scientology in England and advanced post-graduate ministerial training.

The training given in Scientology courses is uniformly applicable to individuals in spiritual counseling technology and equally so to everyday living, as all the material relates to the role of the spirit in this universe and among one's fellow beings.

A Church of Scientology is something of value. Its people are doing service to mankind which is not to be interrupted.

# THE CHARTER

*An excerpt from the Certificate of Incorporation  
of the Founding Church of Scientology under the  
laws of the District of Columbia, 21 July 1955.*

## **From Article Three**

*THIRD*, The particular objects, purpose, and non-profit business of such society and corporation shall be as follows:

To act as a parent Church for the propagation of the religious faith known as "Scientology", and to act as a Church for the religious worship of that Faith.

In furtherance of such objects and purpose, the Society and corporation shall conduct religious services for men, women, and children of its congregations, and engage in other activities of a religious and educational nature for the propagation of its Faith. The purpose of such activities shall be to foster the spiritual welfare of its members, recognizing the vital and divinely appointed inter-relationship of mind, body and spirit of mankind.

In the belief that Man's best evidence of God is the God he finds within himself, and trusting with enduring Faith that the Author of this Universe intended Life to thrive within it, [THE FOUNDING CHURCH OF SCIENTOLOGY aims to] bring a greater tranquility to the State and better order and survival to Man upon this planet.

In pursuance of its objective, [THE FOUNDING CHURCH OF SCIENTOLOGY] shall propagate and disseminate this creed: That God works within Man his wonders to perform; that Man is his own soul, basically free and immortal, but deluded by the flesh; that Man has a God-given right to his own life; that Man has a God-given right to his own reason; that Man has a God-given right to free and open communication; that the Human Spirit is the only truly effective therapeutic agent available to Man; that a civilization can endure only so long as both spiritual and material needs find place within its structure; that a civilization is lost when God and the Spirit are forgotten by its leaders and its peoples; and that Man and the Nations of Man carry with them their own Salvation, and that teachings exist sufficient to effect that Salvation.

The further objective of [THE FOUNDING CHURCH OF SCIENTOLOGY] is to practice its teachings and beliefs and to propogate, in accordance with its tenets, healing of the sick and suffering by prayer or other spiritual means without the use of drugs or material remedy.

In further pursuance of and not in limitation of the general powers conferred or permitted by law, and to promote the objectives and principles herein set forth, it is provided that this corporation shall also have the following powers:

- (1) To do all such acts as are necessary or convenient to attain the objects and purposes herein set forth, to the same extent and as fully as any natural person could or might do and as are not forbidden by law or by this certificate of incorporation or by the bylaws of the corporation; and to establish, maintain, assist, conduct, and terminate affiliated, subsidiary, and supplementary organizations whether incorporated or unincorporated.
- (2) To charter, establish, assist, or conduct churches and congregations, religious schools, educational and guidance centers, and orders and societies.
- (3) To teach, train personnel, and publish books, pictures, pamphlets, documents, tracts, and periodicals, in furtherance of the Creed and Faith described herein.
- (4) To engage in social welfare work and charitable undertakings; to accept fees and donations for the furtherance of its religious, educational, and missionary objectives and work, and generally to minister to the spiritual and interrelated needs of humanity.



- (5) To maintain, promote, and carry on such activities, and to have facilities therefor, within or outside the District of Columbia, and within or outside the United States of America.
- (6) To take, receive, hold, alter, improve, and convey real estate and personal property necessary for the purposes of the corporation, and other real and personal property the income from which shall be applied to the purposes of the corporation; and, in accordance with Law, to lease, mortgage, execute deeds of trust on, or sell or convey property of the corporation. This corporation has no capital stock.
- (7) To engage in all other activities authorized or permitted under the laws made and provided for the government of such corporations or societies incorporated in the District of Columbia, and to enjoy and exercise all the general powers conferred upon such corporations.

**INVASIONS OF PRIVACY  
(GOVERNMENT AGENCIES)**

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**HEARINGS**

BEFORE THE

**SUBCOMMITTEE ON ADMINISTRATIVE  
PRACTICE AND PROCEDURE**

OF THE

**COMMITTEE ON THE JUDICIARY**

**UNITED STATES SENATE**

EIGHTY-NINTH CONGRESS

FIRST SESSION

PURSUANT TO

**S. Res. 39**

**PART 2**

APRIL 13, 27, 28, 29; MAY 5, 6; AND JUNE 7, 1965

Printed for the use of the Committee on the Judiciary



**Where FDA began to be looked into by the United States Senate**

## BIG BROTHER: FDA

Mr. Long of Missouri: Mr. President, recent hearings before the Subcommittee on Administrative Practice and Procedure exposed certain activities of the Food and Drug Administration to be disgraceful and completely contrary to the protective guarantees of our Constitution.

Perhaps the most shocking of these exposures involved the raiding of a premises here in the Nation's Capital.

This raid was reminiscent of a bygone era when large numbers of Federal and local law enforcement officials set upon centers of gangland activity. True to form, this recent raid was preceded by intelligence from an FDA spy planted on the premises. In authentic Hollywood style, FDA agents and marshals descended on private property while local police roped off the street and held back the crowds. Press reporters and photographers accompanied the agents while they ran through the premises, banged on doors, shouted and seized what they viewed as incriminating evidence.

Three particular aspects of this episode were especially shocking to the subcommittee. First, the incursion took place on Church property. Second, the agents had no valid search warrant. Third, the particular objects sought and seized were devices used in the Churches confessional procedure.

Now I have no objection to the use of forceful tactics when the circumstances warrant them. These are necessary when bootlegging, gambling and other forms of organized vice pose a real threat.

However, it is difficult, if not impossible, to justify such offensive behaviour by FDA agents on the property of the Founding Church of Scientology.

This senseless example of bureaucratic bungling is completely contrary to the letter and the spirit of the constitutional guarantees of this Nation and those of other democracies. The whole disgraceful affair is offensive to the sensibilities of all freedom loving men, wherever they might live.

## CONGRESSIONAL RECORD JULY 30, 1965

### PROGRESS IN CURBING INVASIONS OF PRIVACY BY FEDERAL GOVERNMENT

Mr. Long of Missouri. Mr. President, a little over a year and a half ago, the subcommittee over which I preside, the Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary, began a small, limited investigation into the use of electronic snooping devices by the Federal Government. At that time my small staff and I were deep in the woods not knowing where the small path we had found would lead or what we would find along the way. Today we are still not out of the woods; in fact, we are in a woods darker and more sinister than where we began. For today, the subcommittee is deeply involved in a most important and long-overdue investigation.

Initial probes revealed that there had been substantial purchases of electronic gear by Government agencies. If the agencies had them they must put them to some use.

As the investigation proceeded a little further, the staff and I became increasingly aware of the sophistication of this gear and the potential dangers it posed for the right to privacy.

After further study and reflection we decided that use of electronic gear was only one method or weapon used to invade privacy. Because of the overall concern for infringements upon any aspect of this right, the subcommittee decided to attempt to take a hard look at all kinds of invasions of privacy by Federal agencies. Pursuant to this decision, a comprehensive questionnaire was prepared and sent to over 30 agencies of our Government.

The questionnaire while concentrating on the possession, cost, and use of electronic gear, also inquired into the use of security forces, mail covers, psychological testing, desk checking and other activities that might possibly step on the individual's privacy without sufficient public need for doing so.

The results of this questionnaire have only partially been analyzed. Lack of cooperation in answering the questionnaire, evasive answers when given, and checking the accuracy of the responses are some of the roadblocks to a complete and accurate, even if preliminary, report of the facts disclosed by the questionnaire. The tally continues. It may be some time before all the truth is revealed.

The questionnaire did serve a very important function. As the first public and official step of the investigation, it gave the subcommittee a foundation upon which to build a detailed and thorough inquiry. In addition, the press reports of this initial step made the public aware of our interest in the privacy area. The public then began to relate their experiences with the Government and their losses of privacy because of those experiences.

Marshalling the facts gained from the questionnaire and from the independent investigations of citizens' complaints, and researching the legal posture of the Congress, the Executive and the courts in regard to these facts, the subcommittee was ready to begin building an official record documenting what we knew or had suspicion of for some time. I might add, that many times, disclosures were made that were unheard of until revealed at the actual hearings.

Hearings began February 18, 1965, in order to demonstrate to the public, to the press, and to the Congress the insidious and intrusive character of modern electrical devices. This first day was devoted to a demonstration of the workings and use of various "bugging" gadgets. Experts in the field testified as to the use and effectiveness of the "bugs," and also to their potential danger to a free society. Indeed one manufacturer of such devices stated his belief that these "bugs" were dangerous enough to warrant congressional control through legislation.

The devices included innocent looking flower vases and cigarette lighters cleverly concealing miniature microphones, a Dick Tracy wrist watch transmitter, a transmitter concealed in a martini olive, telephone attachments that could surreptitiously intercept and record either telephonic communications or normal conversations within an entire room.

One such device, when placed on a telephone line, could be activated by merely dialing the phone number of the line to which the device was attached. The eavesdropper could dial the number from just about anywhere in the world—that is, Hawaii to Washington, D.C.—as long as he could dial directly and the "bug" would be activated. The microphone of the phone would then be turned into a transmitter which would transmit over the phone line all sounds in the room in which the rigged phone was located. I might add, that the rigged phone would not ring when dialed, and if the person who was being bugged used his phone, the device would automatically deactivate. In short, there was absolutely no way to discover this bug other than by physical search.

Other devices of clever concealment were shown. There were desk pen mikes, attaché cases that were in reality small, compact and efficient broadcasting and recording studios, lapel mikes, mikes disguised as cigarette packs, as desk staplers, desk calendars, and picture frames.

The subcommittee was convinced, due to the efficiency and size of these bugs, that there is just about no way in which they cannot be concealed in an everyday object that we all have in our homes or offices; and that there was no home or office that did not contain ample locations for such bugs that would provide a perfect place of concealment. In short, this first day of hearings proved beyond doubt the Orwellian capabilities of these small electronic devices.

The next 4 days of hearings turned the subcommittee's attention to activities in the Post Office Department. While little information was developed as to the use of electronic bugs, the hearings did reveal widespread use of another type of investigative technique with which, I for one, have known and questioned for some years. This technique is the mail cover.

By now, most of us are aware that a mail cover consists of recording the information—the address, return address and postmark—on the outside of an envelope. A mail cover does not include opening first-class mail. The testimony at the 4 days of hearings revealed possible abuses of this investigative technique.

Mail covers are used to locate fugitives or aid in the securing of evidence of criminal acts involving the mails. This was asserted repeatedly by postal officials. However, it was admitted that mail of innocent citizens was often caught in the cover of a suspect's mail. The mail of an attorney and his client could be covered. The mail of a suspect's wife and children could be covered. Anyone corresponding with someone suspected of some improper conduct could have his mail covered.

The lack of safeguards against abusive use of mail covers also concerned the subcommittee. There is, barring mistake, no way to determine whose mail is covered at any one time. There were no records kept of mail covers after 2 years, yet there were around 1,000 mail covers placed each month. In addition, fearing improper disclosure, the Post Office requested to be released from their obligation to deliver a list of 24,000 names that were subjected to mail covers over the last 2 years.

The number, scope, and lack of records in regard

to mail covers prompted the subcommittee to take immediate steps to mitigate the chance for abusive use of mail covers. The staff of the subcommittee had several conferences with the postal authorities in regard to the corrective steps necessary to protect the mail of our citizens. The subcommittee was particularly gratified with the cooperation given by Postmaster General Gronouski.

Due to the candor and aid of the Postmaster General and the Office of General Counsel, a tentative record has been reached on one use of mail covers. On June 16, 1965, I placed into the CONGRESSIONAL RECORD, the new and more rigid regulations regarding mail covers issued by the Postmaster General.

I emphasize that this was a tentative agreement. If further abuses occur or these new regulations are ignored, the Postmaster General understands that I will renew my previous efforts to ban mail covers outright. To this purpose S. 973 was introduced some time ago, and is now, and has been pending before the Post Office and Civil Service Committee.

In addition to mail covers, the subject of the use of peepholes or observation galleries were examined during these 4 days of hearings. In the major post offices around the country a system of observation galleries had been established by which postal inspectors could spy on the postal employees while at work. These galleries extended throughout the work areas, the swing or locker rooms—men's and women's—and the men's toilets.

The postal officials at first claimed that these galleries were essential to securing inviolability of the mails. However, after questions concerning the propriety of such galleries and their actual effectiveness in protecting the mails, the Post Office Department issued new orders blacking out the peepholes in the men's toilet rooms and the women's shift rooms. While some galleries remain in operation, we have assurances of the Postmaster General that these remaining ones are absolutely necessary to protect the mails, and that no peeping at employees while engaged in purely personal activity will recur.

Throughout these 4 days of hearings, the postal officials adamantly adhered to their statement that no first-class mail was or could be opened unless pursuant to a search warrant or statutory directive to the employees of the dead letter office. However, one witness did testify that his mail was opened. The postal officials explained that this was an embarrassing mistake that was completely unintentional.

While preparing to inquire into another agency's activities, the subcommittee learned that the profession that the inviolability and sacredness of first-class mail rendered impossible the improper opening of it was not quite accurate.

On April 13, 1965, the subcommittee held hearings on what is now referred to as "mail levies". Under dubious, if not nonexistent, legal authority, a mail levy involved the handling of all classes of mail—including first class—over to the Internal Revenue Service. IRS then would levy on the contents of this mail in order to collect delinquent taxes owed by the addressee.

Thus, without search warrant as required by the Supreme Court decision in *Ex Parte Jackson*, in the face of three criminal statutes and the many protestations of the sacredness of the mail by postal officials in hearings concluded not 3 weeks before, the subcommittee documented 34 cases in which a mail levy—involving the opening of first-class mail—was employed to collect taxes.

The upshot of this hearing was the immediate passage of a law forbidding the IRS from levying on first-class mail. This law went into effect on June 21, 1965.

The next phase of this investigation revealed some of the worst aspects of bureaucratic excess and incompetent administration and law enforcement this Senator has seen in a long time.

On April 27, 28, 29, and June 7 the subcommittee took testimony concerning the Food and Drug Administration of the Department of Health, Education, and Welfare.

From the start, the FDA hierarchy chose to be evasive and uncooperative with the subcommittee. Requests to speak with various FDA officials often had to be repeated. When FDA finally acquiesced in the request, strict instructions were issued as to just what the employee or official could discuss with members of subcommittee staff. Requests for documents and other official papers of the agency were delayed or ignored. Most responses came from lower echelon officials instead of the Commissioner or Secretary of the Department.

In typical fashion, when the hearings opened, pious preachments were heard from the FDA officialdom about the serious and dangerous task that was being performed by FDA inspectors in preserving the health of the Nation. Also in typical fashion, after the hearings were concluded, some nameless official at FDA branded its critics as crackpots and quacks, and charged that the subcommittee chose to believe only one side of the story.

Between these two typical reactions of the FDA, the subcommittee documented the following astounding activities of the FDA. These are only some of those activities.

In the Kansas City, Mo., area the FDA inspectors conducted an investigation in the best traditions of the keystone cops. Because some milk substitute allegedly did not contain sufficient protein content, FDA sent seven inspectors, a female undercover operator, and an array of electronic snooping equipment that would shame James Bond to a suburban supermarket. The mission was to gather evidence of the illegal sale and distribution of this product, Allerjoy. While the bugging turned out to be a complete failure, the owner of the company distributing the product was in any event brought to trial. Thanks to a sterling defense by the former Governor of Georgia, Ellis Arnall, the owner was acquitted. However, he was forced to spend a huge sum of money in this groundless suit, or else go to jail for a farcical charge of violating the Food Drug, and Cosmetic Act.

In addition as if more was necessary, the distinguished trial judge, recently appointed to the Court of Appeals for the Eighth Circuit, expressed his dismay over the conduct of the FDA inspectors in the case. Indeed, having well founded belief that one of the inspectors prejured himself during the trial the judge recommended that the Justice Department look into a possible perjury charge. I am informed that the Justice Department has looked into the matter, and has taken no action.

Other witnesses testified of harassment by inspectors, bugging raids and other methods of investigatory practices. Charges were made of attempts to try citizens in the press prior to the obtaining of any judicial process or conducting a hearing. Regulations against the use of certain bugging devices were ignored or winked at. As will be shown later, this is not a custom limited to the Food and Drug Administration.

Finally, one of the most disgraceful instances to ever occur in this country was documented by the subcommittee. Under the guise of a technical, anachronistic legal process that finds its origin in admiralty law, libel of information, the FDA outdid its previous attempts to impersonate the Keystone Cops. In January 1963, they staged a "raid" of a church. This church was the Church of Scientology. While it is not one of the major faiths of this country, while its members have no wealth or political influence, and while the church can justly be described as a minority religion, it has been judicially and officially recognized as a valid church. Nevertheless FDA got 14 or so US marshals with one or two patrol trucks to raid and seize the property and literature of the church. This property was used in religious practices of the church.

Prior to the raid, a spy was planted in the church. During the raid, the Metropolitan Police of the District of Columbia roped off the street where the church was located. Press and photographers accompanied the marshals and the FDA agents while they ran through the premises of the church, banged on doors, shouted and seized the property of the church.

Why?

The reason for all of this elaborate law enforcement activity was that a device used in the confessional practices of the church allegedly misbranded under the Food, Drug and Cosmetic Act. Yet, I would point out to my colleagues, that only 2 days after this raid, the use of these devices was resumed and continues to this present day. When the subcommittee inquired into how this was possible; that is, how such activity—that warranted in the FDA officials' judgement, a raid similar to the type used in raiding gambling dens or bawdy houses—was allowed to resume operation only 2 days later, we received the perfunctory answer that the FDA had no knowledge that such activity had resumed.

Intimidation, trial by press, groundless but expensive lawsuits, "bugging," raiding, and harassment were revealed. Has the FDA repented? Has it assured anyone it will at least investigate to determine if these facts are true and if so, who is responsible? Mr. President, the answer is no. Not one thing, to the knowledge of this subcommittee, has been done to investigate and correct any abuses. Complete disavowal of any wrong doing, has been FDA's only response.

I remind the Senate that all of these allegations against FDA were made in sworn testimony. I also submit that the witnesses are respectable lawyers and other professional men. It seems, however, that no criticism, no indictment or charge can prompt the FDA to even attempt to change their mode of operation. However, for the Senate's information, possible legislation is now under study to help FDA accomplish that which they seem to have no desire nor intention to do themselves.

Hearings were also conducted that sought to elicit the position of the Federal Communications Commission in this area of electronic snooping. New legislation could obviously help here.

To bring matters up-to-date, only this month, the subcommittee turned its attention to the Internal Revenue Service. To date these hearings have elicited no less than Federal agents frequently violating Federal and State laws and their own departments clear and unequivocal policy directives.

Since 1934 Federal law has forbidden wiretapping. Since 1938 the Treasury Department has issued written instructions banning the use of wiretaps. Since 1957, Pennsylvania has outlawed wiretaps. Yet, in the 1961-64 period various instances of wiretapping occurred in the Pittsburgh, Pa. and Boston, Mass. areas.

As if this were not enough, the Internal Revenue Service special agents have admitted illegal breaking and entering to place "bugs" for the purpose of eavesdropping. Another agent admitted his possession of burglar tools. Another agent admitted ordering a subordinate to disguise himself as an officer of the Coast Guard, knowing that it is a crime to impersonate an officer of the military.

Bugging conference rooms where tax-payers are interviewed often with their attorneys, is another trick employed by the Internal Revenue Service to catch suspected tax cheats. Sur-reptitious recorders, 2-way mirrors and snoopers scopes and sniper scopes to peer in the dark are found in the well-equipped Internal Revenue Service agents investigative pouch.

Intimidation and harassment along with all of the other abusive law enforcement techniques are also being documented.

As with the other agencies subjected to the subcommittee's scrutiny, the Internal Revenue Service has chosen to hedge its cooperation. Requests for documents are met with refusal or

delay. Witnesses refuse to answer questions before the committee on the thinnest excuse ever posed before a congressional committee.

Congress has often had witnesses refuse to testify due to their 5th amendment rights, or some valid exercise of executive privilege. However, never has Congress heard of paragraph 7 of the Commissioner of Internal Revenue authorization to testify used as an objection to a valadly constituted subcommittee of Congress.

Mr. President, need I remind my colleagues that this same agency, IRS, that has admitted wiretapping, breaking and entering, possession of burglar tools, impersonation of officers, bugging lawyers' offices and conference rooms, is the same agency that previously opened first-class mail to levy on delinquent taxpayers.

Mr. President, I would like, in fairness to the involved special agents of IRS, to state for the record that they are not entirely to blame for their activities. As I stated earlier, Treasury has banned use of wiretapping since 1938. But, which of us would not believe that that regulation was made purely for show, to be winked at, but not obeyed, when it was the national office of IRS, right here in Washington, that not only possessed and issued the wiretapping equipment, but also sent out the experts to install and remove that equipment?

Surely, we cannot expect subordinates to obey their department's directives when those who issue these directives show every intention to ignore them.

Another aspect that I wish to discuss, is the matter of whose prerogative it is to investigate the activities of our Federal agencies.

The Commissioner of IRS made repeated assertions that he and his staff would conduct a complete investigation of these matters, and then make a full report to Congress and to the people. I do not doubt the sincerity of this promise. I sincerely believe that the Commissioner deplors the conduct of his agents as revealed by this investigation. However, I do not believe, first, that it is the Commissioners' prerogative to dictate what, where, or when Congress may investigate in order to legislate, and second, that the Commissioner can get all the facts that an independent, open investigation as conducted by a committee of Congress can obtain. After all, the top echelon of IRS, from the Commissioner to District Director, repeatedly asserted that they had no knowledge of these activities until after the subcommittee made its probe.

This lack of knowledge persisted in spite of an elite corps of 200 agents in IRS's Inspection Service. The Inspection Service has as its sole function the job to investigate IRS employees' integrity and efficiency. Two hundred men could not find six wiretaps. One investigator for our subcommittee found them.

Lastly, I would like to say a few words on the organized crime drive conducted by the Justice Department with the aid of IRS. As I stated throughout the hearings, and specifically to the Attorney General, the subcommittee and its staff has absolutely no desire to hinder the organized crime drive program. I regret that some nameless, unidentified official of the Justice Department took it upon himself to judge our efforts as killing the organized crime drive program. Despite the obvious irrelevancy of such an objection to our investigation, since no one is authorized to violate constitutional rights to fight crime or commit a crime to stop a crime, it is mandatory that Congress investigate where it finds possible legislation as the remedy for an existing bad situation.

Testimony at the hearings showed the organized crime drive program, at least in Pittsburgh, may not have had the salutary effect that would be expected. Local gamblers were caught. However, the result of this, according to a distinguished reporter,

was to create a vacuum into which the larger, interstate criminal elements immediately stepped.

Today, gambling continues in the Pittsburgh area at about the same rate as before.

One other detail. The Justice Department deemed catching one bad policeman more important than putting five organized crime drive-type criminals behind bars. The reprehensible conduct of a public official taking bribes to protect local hoodlums was reprehensible conduct that deserved the swiftest and severest punitive action that could be brought to bear. Following this policy the US attorney in Pittsburgh promised the five organized crime drive criminals that if they testified against the officer they would recommend leniency in the gamblers' sentences.

Mr. President, the disclosures made during these hearings are truly a sad commentary upon the situation we find ourselves in today. Are we losing that stern stuff of our founders which created the principle that all men are innocent until proven guilty? It would seem so when flagrant disregard for actions in violation of our criminal laws is the means to put others behind bars, and then to criticize those of us who would stop such affrontery of our Constitution and democracy.

Mr. President, I would like to quote the late Mr. Justice Frankfurter, one of the outstanding jurists to grace the Supreme Court Bench. Mr. Justice Frankfurter was dissenting in *Harris v. United States*, 331 U.S. 145 (1947). He stated:

Stooping to questionable methods neither enhances that respect for law which is the most patent element in law enforcement, nor, in the long run, do such methods promote successful prosecution. In this country police testimony is often rejected by juries precisely because of a widely entertained belief that illegal methods are used to secure testimony. Thus, dubious police methods defeat the very ends of justice by which such methods are justified. Respect for law by law officers promotes respect generally, just as lawlessness by law officers sets a contagious and competitive example to others. Moreover, by compelling police officers to abstain from improper methods for securing evidence, pressure is expected upon them to bring the resources of intelligence and imagination into play in the detection and prosecution of crime.

The great Mr. Justice Brandeis also knew the danger of law officers that wink at the law. In his great dissent in *Olmstead v. United States*, 277 U.S. 479 (1928), he stated:

It is \* \* \* immaterial that the intrusion (by means of wiretap) was in aid of law enforcement. Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding.

Mr. President, do we realize the prophetic nature of these words? Does the American citizen understand that today, his freedom is threatened by smug, self-righteous bureaucrats who, through the mistaken belief that they are helping their Government, whittle away his constitutional rights and basic dignity?

Mr. President, the investigation my subcommittee is conducting continues. It will continue until the complete story is told. This may take some time, for, as can be expected, those agencies that have violated our citizens' rights are not about to cooperate in their own indictment. But, I can assure this body, that no

matter how long it takes, nor where the investigation leads, we shall fully and completely document all the facts for the people and Congress to study and act upon.

Mr. President, in the short time this investigation has been underway, significant results have already been accomplished.

This investigation has brought before the public the modern developments in electronics snooping, making it possible for rational and corrective steps to be taken to curb future misuse of such gear.

Peepholes in the Post Office Department have been closed out—at least in the areas where they were most offensive.

New rigid regulations have been issued to control the use of mail covers. In addition, it is publicly known that if these mail cover regulations are not strong enough to stop abusive use, that legislation will be pushed to abolish the practice in its entirety.

A new law has already been enacted which prohibits the opening of first class mail by IRS in order to levy on delinquent taxpayers.

Legislation is under study to correct the distressing situation that exists in the Food and Drug Administration.

A record has been built that shows the existing impotence of the Federal Communications Commission in their efforts to control and police the area of electronic snooping. Such a record can be considered the first step to further hearings on this topic, with a view toward drafting comprehensive regulatory legislation giving the FCC or another agency power to police the manufacture, sale, and use of all electronic snooping gadgets.

The recent disclosures of lawlessness in our law enforcement agencies has made the American public, the press, and Congress, more acutely aware of an insidious enemy of freedom within the very boundaries of our Nation—indeed, within the very walls of our Government.

The Commissioner of Internal Revenue Service has publicly promised a full investigation of his agency, and has promised a full and complete report to the public.

Recently the President has expressed his awareness of this investigation and has unqualifiedly endorsed its purpose. The President restated his long-standing policy against wiretapping and use of electronic eavesdropping gear. By such forthright and decisive action, the President has placed himself and thus the whole executive branch foursquare against further encroachments of the individual's rights. Indeed, all of us today can be thankful that the President has taken this position in the past, and adheres to it today. Perhaps we all can sleep better tonight because this policy has been declared.

There we have it, Mr. President. The public and the Congress has been alerted to a modern danger to freedom. Various invasions of privacy have been corrected by official directives, regulations, and an enactment of Congress. Other legislation can be and is being considered based upon the record that has already been built, and has yet to be built. The President has made it clear where he stands on this issue, and has let his position be clearly known to his branch of the Government.

With this successful record thus far, there is every hope that the future promises not an Orwellian nightmare, but a return to the ideals and principles that made this country, preserved it for nearly 200 years and will save it in the future. The future thus promises that the guarantees of our Constitution and the basic dignity of all men will be more fully understood, and thus more fully realized in fact by all American citizens.

The only assumption that I can make is that when they presented this to the judge they did not care for the judge to know that he was authorizing a raid upon a church. Why didn't they make it—why didn't they name the church? I think we—I say we—I think this committee would be well advised to examine the U.S. attorney and his assistants to ascertain why the church was not named, and this is important, whether the judge was advised that he was authorizing a raid upon a church without a warrant sworn to and without properly describing who owned the property. But it seems to me there was a deliberate attempt to evade informing the judge that the church was to be raided.

Now, I have not felt as a lawyer that I had the right to question the judge who issued this warrant. I don't know whether the committee would want to call upon the judge, but it certainly could call upon the U.S. attorney and his assistants and put them under oath and ask them whether they informed the judge that he was authorizing a raid upon the church. I think that's extremely important to ascertain that fact.

Senator LONG. The point that I am interested in—there was some proceeding before a district judge. This writ, whether it was proper or not as executed by the Federal judge—it is executed by a Federal judge and that is some authority to make the raid. That is subject to attack—I am more concerned at this time as to the proceedings we had in the information and the information up to this raid—by the use of electronic gadgets by any type of snooping devices that you may have or this spy that was planted in there. Those are the invasions of privacy. The other constitutional invasions I am not particularly concerned—those are the ones I am particularly concerned about.

Mr. BRINKMAN. Newspapermen were all there with their cameras taking pictures and they were evidently informed.

Senator LONG. Do you know who informed them or how they had this information?

Mr. BRINKMAN. The Food and Drug Administration has admitted that it did inform them that there was to be a raid and it evidently gave them information as to the charges.

I might say that none of the newspapermen came to the church, even though they had this knowledge, and asked the church for its version of the case.

Senator LONG. That is a matter, too, which our committee has no concern. I am sure the newspapermen were acting in what they felt was a matter of their concern, although it does smack perhaps of the charge made yesterday of the press.

Mr. BRINKMAN. Yes; I think it is a matter of concern when the Department of Justice or its officers try a case in the newspapers, and we have here the report of the Washington Star under issue of January 4 written by Miriam Ottenberg. There are pictures on the inside pages of the raid and the marshals and the instrument which is charged with violation of the law.

We have the Post the next morning and we have the Washington News. They were all informed. They all had their reporters there and photographers there in advance.

Now, then, it appeared from the account written by Miriam Ottenberg in the Star, which I will read into the record—



Senator LONG. Let me ask you this. Did I understand you to say that the photographers and newspapermen were on the church premises and on the property of the church?

Mr. BRINKMAN. They were in the hallways of the church. They had invaded them. They had no right there. They had not been invited in. It happens that I was once a newspaperman myself, and as the old saying goes—

Senator LONG. I do not condone trial by press. He would not be a good photographer or newspaperman if he did not push in to get it.

Mr. BRINKMAN. I am not blaming them. I am blaming the Food and Drug Administration officials. As a good newspaperman I would try to get in.

I think they should—well, they showed themselves to be good newspapermen and enterprising when the Government was going to raid a church. It is an event I don't think was ever heard of before and I hope it does not occur again. I commend these gentlemen and ladies who did witness this thing.

In the Washington Star account written by Miriam Ottenberg there appears this information:

The Government action followed a month's long investigation in which a Food and Drug inspector posed as a student of the Academy of Scientology.

In other words, they had a spy within the church making reports to the Food and Drug Administration, posing as a student of the academy.

Senator LONG. Just a minute. I see that Mr. Rankin is in the room.

Mr. Rankin, can you confirm whether or not the Food and Drug Administration did have a spy in the church and tell us who they are?

Mr. RANKIN. Mr. Chairman, this is a pending legal action before the courts and I believe the committee is aware of the fact that I have been instructed and the employees of the Department have been instructed not to comment on pending court actions.

Senator LONG. You are aware, too, that we are not aware of that situation and you realize there are two Supreme Court decisions that say that committees of the Congress can inquire, even on matters that are pending or under investigation.

Mr. RANKIN. I am not an attorney, sir. I am not aware of it, but I have no reason to question it.

Senator LONG. I am sure that is right and we do have that right. The decisions are very clear on it. We will not press the matter at this time.

So the record will be clear I want it definitely understood that the committee has the view and that we do have that right. We have the authority under certain Supreme Court decisions to investigate matters not only that are under investigation, but other—not only that are under investigation by other departments, but may be in the course of trial. The courts are very clear on it. We will not press the matter on it. We have that authority.

Mr. FENSTERWALD. Mr. Chairman, might I interrupt to supply for the record a memorandum on this point of the authorities of the committees of Congress to proceed, even with respect to matters that may be in litigation? I do not suggest that we press forward on the point, but I do think the record should be made clear that we do have this authority that there is no legal question about it.

From THE EVENING STAR,  
Washington, D.C., Thursday, April 29, 1965

# Long Blasts FDA Tactics As Senate Hearings End

By DAVID BRAATEN  
Star Staff Writer

Senate hearings into investigational activities of the Food and Drug Administration closed today with a blistering attack on FDA techniques by Sen. Edward V. Long D-Mo.

Long denounced "police state tactics" and "abusive law enforcement" and the use of "snooping gear" by the FDA. He accused the agency of engaging in "Bizarre and juvenile games of cops and robbers."

The Senator defended vitamins, nutritionists and a religion called Scientology, all of which have been subjects of FDA enforcement activities according to testimony at the three-day hearing.

## Authority Challenged

"If the FDA would spend a little less time and effort on religions, small manufacturers of vitamins and milk substitute, and a little more on the large manufacturers of such dangerous drugs as Chloromycetin, MER-29, and Thalidomide, the public would be better served," Long said.

"In my view Congress, never intended the FDA to arrogate to itself the power to tell Americans what foods to eat or whether or not they should take vitamin or nutrient supplements," the senator said. "Nor did the Congress intend to give FDA power to tell people what kind of religion to practice, or what church to attend.

"I don't know much about Scientology, but if it helps its believers lead better lives, I'm for it. In any event, it is no business of FDA to interfere with any religion.

## Raid Here Recalled

The FDA, which fought off charges of "Gestapoism"

yesterday, found itself accused today of Communist goon-squad tactics and a Mafia-like spirit of vengeance against those who cross it.

One bitter witness, attorney Oscar H. Brinkman, suggested the FDA might want to probe the holy water dispensed at Roman Catholic Churches. Another, Dr. Carlton Fredericks, a New York nutritionist said FDA standards could lead to investigation of Biblical recommendations on the therapeutic value of honey.

Brinkman appeared as attorney for the Founding Church of Scientology, 19th and R Streets NW, and described an FDA-inspired raid by U.S. marshals on the church premises Jan. 3, 1963.

"Six to 10 marshals beat on doors where religious confessionals were going on, and grabbed books out of the arms of students who were going to be ministers," Brinkman said, his voice trembling with emotion. "They went through the ministers' bureau drawers. It couldn't have occurred anywhere except in Russia."

## Machine Demonstrated

What the marshals were after, apparently, were the so-called E-meters, cigar-box-sized electronic instruments used in the church's confessional procedure called "processing and auditing." The FDA claimed the machines were being used to treat medical symptoms.

The machines, which Brinkman described as "a little electronic thing in the nature of a polygraph (lie detector) cost members of the church about \$150. According to Wayne Rohrer, minister of the church, the responses evoked by the machines give the minister valuable clues to the member's emotional problems. He flatly denied that they were used to cure any disease.

From THE WASHINGTON POST  
Friday, April 30, 1965

# Snoop Probe Blasts FDA's Church Raid

By Paul A. Schulte  
Washington Post Staff Writer

An "E-meter" used by the Church of Scientology was demonstrated at a Senate hearing yesterday, but the electric gadget wasn't needed to detect the emotional response of Sen. Edward V. Long (D-Mo.).

Long, whose Judiciary Subcommittee has been investigating invasions of privacy by Federal agencies, vigorously criticized the Food and Drug Administration for raiding the church here and seizing its E-meter in 1963.

"I don't know much about scientology, but if it helps its believers lead better lives, I'm for it," said Long. "In any event, it is no business of FDA to interfere with any religion."

The FDA made scientology its business on grounds that the E-meters were misrepresented as possessing healing powers.

Wayne Rohrer, minister of the Founding Church of Scientology at 1812 19th st. nw., and attorney Oscar H. Brinkman denied that allegation.

Rohrer said that people come to him with problems and he uses the machine, which is something like a lie detector, to "locate the highest point of emotional upset."

Brinkman said the FDA planted spies in the organization, possibly armed with tape recorders. He said the agency also may have tapped the church telephone and imposed a mail cover on his own correspondence.

As for the raid, the lawyer said the FDA could seize holy water and medallions at the Shrine of the Immaculate Conception with equal justification.

FDA Assistant Commissioner Winton B. Rankin refused to comment on the case because it has not yet come to trial.

# HUBERT H. HUMPHREY ON THE SENATE INVESTIGATION OF THE FDA OCTOBER 3, 1962

## *EXCERPT*

“The more we have examined the handling of the new drugs by the Food and Drug Administration, the more we have been surprised, shocked and disappointed . . . Often, testing has been going on in a manner which should have sent shivers down the spine of the medical profession . . . drugs intended for use by victims of chronic disease—day after day, year after year—were released by FDA even before—I repeat—before—chronic toxicity tests had been completed on animals . . . shocking reports of injuries and deaths to test patients, as received by drug companies, have often gone unreported to FDA, or have been downgraded by skillfully contrived half-truths, or have been reported accurately to FDA, but virtually ignored . . . Drugs have been approved which FDA now admits should never have been approved. Drugs have been kept on the market long after FDA admits they should have been eliminated . . .”

LOS ANGELES HERALD-EXAMINER

# Comment and Opinion

The Herald-Examiner allows its columnists wide latitude in expressing opinions on controversial subjects so our readers will be better informed. The views expressed are not necessarily those of the newspaper.

★

MON., DEC. 26, 1956

D-3



RUTH MONTGOMERY

## Big Explosion Due Over Probe of FDA

WASHINGTON — Some explosive fireworks will be set off early in the new session by a congressional committee that for three long years has been investigating the Food and Drug Administration.

Its long-awaited report, due out about Feb. 1, climaxes by all odds the most comprehensive probe of FDA and the drug industry even undertaken on Capitol Hill.

Sources close to the "Fountain Committee" — a subcommittee of the Government Operations Committee — reveal the report will be highly critical of administrative procedures used by FDA in its attempt to safeguard the public health.

In secret and open sessions, the hearings run to five volumes, not all of which are yet off the Government printing press. But already the watchdog committee headed by Rep. L. H. Fountain of North Carolina has caused wide repercussions in the agency under investigation.

### Almost Entire Staff Resigned

Virtually the entire high command at FDA retired or resigned at the beginning of the year, following committee exposure of slipshod methods in overseeing and clearing new drugs. The mass exodus included Commissioner George P. Larrick, his deputy commissioner, an assistant commissioner, and the director of FDA's Bureau of Regulatory Compliance.

The committee also scored a major triumph when the new commissioner, James L. Goddard, accepted its recommendation to merge two different scientific operations in its Bureau of Medicine.

Senior committee investigator W. Donald Gray points out that until the change became effective this fall, one group of FDA scientists kept watch on a drug during its investigative stages, but when pharmaceutical manufacturers eventually made application to market the drug for regular use, an entirely different scientific staff had the duty of clearing it.

"The FDA always was complaining about a shortage of scientific manpower," Gray says, "but this was a clear waste of such manpower, because the second staff had to begin its investigation from scratch. Under the new set-up, the same scientists follow the drug from inception to marketing and beyond."

Dr. Goddard and his new assistants need not expect a clean bill of health from the committee. The comprehensive report will make recommendations for tightening up numerous procedures which have unaccountably delayed new drugs from reaching the market, and have permitted the sale of some others without disclosure of harmful side effects.

A staff member said FDA's frequent argument that it lacks power to cope with some of the problems is untrue. Since 1962, he insists, the agency has had "strong legal authority" to act, but frequently has not done so.

FDA's excuse it is understaffed falls on deaf ears in many quarters. Dr. Joseph D. Cooper, professor of government at Howard University recently made a survey of the drug industry in Britain, and then wrote a report declaring:

### Britain Ahead of America

"Where the U.S. has an expanding food and drug administration of thousands (of staff people), drug safety control in Britain is administered by a professional secretariat of five doctors and three pharmacists under the supervision of a medical assessor and a committee on drug safety whose members are drawn mainly from academic medicine."

Dr. Cooper concludes despite the minuscule set-up, Britain is probably subject to less drug hazard than America, and "probably enjoys therapeutic benefit sooner than does the United States."

A big bureaucracy does not necessarily think big.

in wasted fuel and smog  
the gasoline fraction made  
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Washington Post 3-18-67  
**Former FDA Official  
Joins Drug Company**

By Morton Mintz  
Washington Post Staff Writer

Dr. Joseph F. Sadusk Jr., who headed the Food and Drug Administration's Bureau of Medicine until about a year ago, has been named vice president for medical affairs of Parke, Davis & Co.

In January, Dr. Robert J. Robinson, who had been Dr. Sadusk's Deputy Director of the Bureau, was named director of medical affairs for Hoffmann-La Roche, Inc., another FDA-regulated drug producer.

Last April, Dr. Joseph M. Pisanl, who had preceded Dr. Robinson as Deputy Director, became medical director of the Proprietary Association, a trade group

of makers of nonprescription drugs.

Since leaving FDA, Dr. Sadusk has been professor of medicine and associate dean of the Johns Hopkins University School of Medicine. There, he began the basic planning to determine the feasibility of comprehensive health services for the new city of Columbia, which will be developed between Washington and Baltimore.

Dr. Sadusk will take over the newly created post on April 1 under the Detroit firm's new president, Dr. Austin Smith, former president of the Pharmaceutical Manufacturers Association and former editor of the Journal of the American Medical Association.

For years, the two-way street between the FDA and the industries it regulates has drawn critical attention.

Early in 1964, a leading Republican, Rep. Melvin R. Laird (Wis.), protested at a House Appropriations subcommittee hearing that key FDA officials "suddenly bob up working" for firms they had been dealing with.

Dr. Sadusk was at FDA for almost two years. He pursued a policy that tended to put drug safety in the hands of practicing physicians.

Before Dr. Sadusk resigned, a troubled high official of the Department of Health, Education and Welfare commented, "This is a valid regulatory philosophy. It just does not happen to be what the Food, Drug and Cosmetic Act says the FDA should do."

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**10 of Fulbright  
Group to Meet  
With U Thant**

Associated Press

Ten members of the Senate Foreign Relations Committee will meet with U Thant, Secretary General of the United Nations, at U.N. headquarters in New York next week, but a committee spokesman says the session has nothing to do with any Vietnam peace feelers.

A committee spokesman said the meeting with U Thant had been planned for at least six months and had finally been arranged for next Wednesday.

Names of those expected to attend were not immediately available. The committee is headed by Sen. J. W. Fulbright (D-Ark).

**THE FDA AND DRUG COMPANIES—A "TWO-WAY STREET"**

EXCERPT FROM

HEALTH BULLETIN  
Weekly Coverage of Health News  
January 9, 1965 Vol. 3 No. 2

CHANGING SCENE AT THE FOOD AND DRUG ADMINISTRATION

Already besieged by a serious morale slump, Food and Drug Administration staff members were shocked last week by the voluntary retirement of Gilbert S. Goldhammer, one of its most capable and best-liked administrators. Goldhammer was rated as one of the agency's best investigators and was currently occupied in preparing the Krebiozen case for court action.

Another top-level personnel change at the FDA could come soon. It is quite likely that Commissioner George Larrick himself is in the final months of his tenure. Present plans are to let him move into the handsome new FDA headquarters building next to the present Health, Education and Welfare Department—a few blocks from the Capitol. High-ranking HEW officials are thinking of giving him about six months in the new building (which he worked hard to get Congress to provide) before easing him out. Age isn't a serious factor. Larrick's opponents consider him a first-class detective but feel that science, rather than police work, is the key to better performance in improving the nation's foods and drugs.

Larrick attended three colleges but did not graduate and has no earned degree. Forty-two years ago, he joined the Bureau of Chemistry in the Department of Agriculture, which was then charged with the enforcement of the original Pure Food and Drug Law, passed in 1906. Made Chief Inspector of the FDA in 1930, Larrick moved up the ranks and was given the agency's top job in 1954. Since the days of the Kefauver investigations, he has drawn congressional criticism for FDA's foul-ups in the handling of new drug applications.

Goldhammer's resignation is blamed by *Drug Trade News* on the driving personality of his boss, Allen E. Rayfield, director of the Bureau of Regulatory Compliance. The break between the two followed Rayfield's interference with Goldhammer's preparation of the Krebiozen case, the publication said. However, Deputy Commissioner John L. Harvey took a different stand. "I have known Mr. Goldhammer and have worked with him for many years. He assured me he was not leaving because he was disgruntled and I am sure it is not true that differences with Mr. Rayfield forced him to retire," Harvey said.

Morale of FDA staff members has not been the best in recent years. There is also administrative confusion in some areas, *Drug Trade News* says, pointing out that answers to industry questions can vary, depending on which FDA staff members is consulted. Health authorities have also criticized the agency for taking a long time to find solutions to important problems and for slowness in raising its level of scientific competence and research achievement."

From the Los Angeles Times, Feb. 16, 1967

## Congressman 'Fed Up' With FDA on Labels

WASHINGTON—

Rep. Donald J. Irwin says government "should keep its big, fat bureaucratic nose out of the nation's vitamin bottles and cigaret packs."

"The government," the Connecticut Democrat said Wednesday, "should draw the line and stop trying to protect the American people from their own folly . . .

"If people want to smoke, that's their business. If they want to take vitamins, that's their business too. The government needn't hold their hand and tell them how to spend their money."

Irwin said in a statement he was becoming "just a bit fed up" with what he called a flood of regulations and efforts to regulate "emanating from the Food and Drug Administration in particular."

He said he objects especially to a proposed label statement the FDA wants to put on vitamin bottles that would read: "Vitamins and minerals are supplied in abundant amounts by commonly available foods. Except for persons with special medical needs, there is no scientific basis for recommending routine use of dietary supplements."

From the San Jose News

## Dr. Crane Food, Drug Agency Termed A 'Gestapo'

CASE S-456: During the winter I was invited to Washington, D.C. to deliver and address against the Gestapo behaviour of the Food and Drug Administration.

Prior to my talk, I listened to a very challenging paper, read by one of our outstanding American physicians, Dr. H. Curtis Wood, Jr.

For a quarter of a century, Dr. Wood has been a leading obstetrician in Pennsylvania.

He is a member of the A.M.A. and other medical societies.

But in 1959 he wrote a book entitled "Overfed But Undernourished," which soon ran through 12 printings.

In it he pointed out the fact that we Americans often consume too many calories but not enough trace chemicals, vitamins and other food essentials.

His book was fully documented from the medical literature.

A manufacturer of a food supplement became so delighted with the book, that he negotiated with the publisher to sell it.

So this manufacturer disposed of thousands of copies. But the Food and Drug Gestapo agents then stepped in and confiscated the books.

It said the food firm had violated one of the Gestapo rules of the FDA about "implied endorsement."

Yet Dr. Wood had never even mentioned that

vitamin supplement in his book. He knew nothing about it.

Yet his books were confiscated merely because they were being sold by the same people who distributed a certain food supplement.

Moreover, the FDA, again in typical Gestapo fashion, intimidated the food people till they sent out printed forms, asking everybody who had a copy of Dr. Wood's book to please burn the book and then sign the questionnaire attesting to that fact!

Shades of Hitler!

And right here in the U.S.A.

Newspapers have jealously guarded the rights of freedom of speech and freedom of the printed word.

We can decry government censorship of comic books lest the censors establish another Hitler Gestapo.

Yet the Food and Drug Administration has already been doing that same thing.

It has sneakily reached over into the book publishing field to confiscate innocent books that just happened to lie on the same counter with other merchandise! This is intolerable!

Remember, Dr. Wood never even mentioned this food supplement that was distributed by the people ALSO selling his best seller.

The head of the FDA has no earned doctor's degree at all—neither a Ph.D. in chemistry nor an M.D.

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## **Scientology and the FDA**

Public will pay high price for its  
apathy — if even government agencies become electronic snoops.

By Richard Edmond Saunders

Most Americans take religious freedom for granted. Some may be vaguely aware that it is guaranteed by the first amendment to the Constitution because some of the very early settlers on this continent came in search of just this freedom, but their general attitude is one of indifference.

Unfortunately their lofty assumption that churches never are harassed in this country is incorrect. Even more unfortunately, an agency of the federal government itself—the Food and Drug Administration—has been responsible for some overt harassing.

On January 3, 1963, a truckload of United States marshals raided the Founding Church of Scientology in Washington, D.C., on the order of the FDA. The minions of the law tramped through the halls of the church, interfered with the religious services in progress, and seized large amounts of church property—which the Scientologists have not been able to get back in all this time despite a lawsuit for its recovery.

As was subsequently disclosed, the principal objective of the seizure were machines known as E-meters. These E-meters resemble lie detectors and function in much the same way; that is, they are used to gauge emotional responses. Although they are much smaller than lie detectors they are very sensitive.

True, the church is small and relatively unknown. It doesn't have a lot of money for a long lawsuit to protect its rights and to recover its property. But as its counsel contended, the violation of the principle of religious freedom was no less flagrant than if the forces of the law had forcibly entered the biggest Catholic church in town and confiscated its holy water or had insisted on examining the wafers and wine used sacramentally in other churches.

The press could not get itself very worked up over the raid on the Scientologists. Apparently it did not see much of a story in the incident because Scientology was not very prominent as a religion—if indeed it was regarded as a religion at all in newsmen's minds.

However, as was brought out, the FDA gave the press advance notice of the raid.

There is little doubt that the whole affair would be forgotten now if it were not for Congress. Despite the low esteem in which it now seems popular to hold it, Congress always can be counted on to come to the rescue when fundamental rights are challenged. It did so in this case.

The matter came to the attention of a Senate Judiciary Subcommittee headed by Sen. Edward V. Long (D. Mo.) which already was engaged in investigating invasions of privacy by government agencies using such means as electronic eavesdropping, wire-tapping and unwarranted seizures. In fact, the FDA already had been called on the Subcommittee's carpet and strongly rebuked for going too far in its snooping activities.

At the outset of the hearings on the raid on the Scientologists it became apparent that the essential issue was the use to which the E-meters were put. The printed transcript of the hearing, which became available for the first time early this year, is full of assertions by the Scientologists that these machines are used during what they term the "confessionals" or "auditing" of members. The point is stressed that while they are helpful in this process, they are not indispensable.

On the other hand, the FDA charged that according to the literature seized, the machines were used to diagnose or cure various diseases, that they were mislabeled because nothing was printed on them stating how or for what purpose they were to be used—although the label clearly proclaimed they were for use in Scientology.

As it broadly interprets its mission, the Food and Drug Administration regards any physical object or substance for which medical powers are claimed as coming under its jurisdiction. Officials of the agency say this is what made them decide to move against the Scientologists, making full use of their powers of seizure. They also allege they had complaints from



persons who paid for treatments without receiving beneficial results.

The Scientologists told the Congressional Subcommittee a far different story. They made clear their organization was a church in the full meaning of the word. Wayne Rohrer, a minister of the church, said it was officially recognized as a church by the District of Columbia authorities and had the right to perform marriages and other services.

Asked by the Subcommittee's chief counsel Bernard Fensterwald, Jr., to give a brief account of the essential beliefs of the church, Rohrer read the following excerpt from the creed: "We of the church believe that the spirit can be saved and that the spirit alone may save or heal the body."

The Scientologists emphatically denied they ever had claimed the E-meters could cure diseases. After having obtained this testimony under oath along with the supplementary statement that the machines were used in a religious and not a medical way, Subcommittee Counsel Fensterwald expressed bewilderment as to why the FDA had taken the action in the first place.

"I do not see, then, what business it is of the Food and Drug Administration," he said.

At the Subcommittee's request a short demonstration of the apparatus as used in measuring emotional response was staged. Oscar R. Brinkman, the attorney for the Foundation Church of Scientology, agreed to clutch the handles through which the machine operates and answer a few inconsequential questions put to him by Reverend Rohrer.

One question asked was whether he was nervous in the Subcommittee presence. His answer, "Very much so," indicated a certain amount of reaction, Rohrer informed the amused Senators.

A lot of clarifying data was placed in the record from letters Senator Long received from a businessman constituent in Missouri who also is a Scientologist. Among other things the Missourian brought out a fact about Scientology that seems not to be generally understood: although it is a religion in its own right there is nothing exclusive about it; members of other churches may join it.

For example, Senator Long's constituent said he was an elder in the First Presbyterian Church of his hometown as well as a member of the Church of Scientology "as they are compatible with each other".

He wrote that the church used E-meters in a process "that would be similar to 'confession' in the Catholic church." He said, "Instead of a person confessing whatever 'sins' he cares to confess, the Church of Scientology uses a long list of questions that would cover almost any sin committed by anyone. Often the sin that is causing the most guilt is the one a person is most reluctant to talk about." He went on to explain that this is where the E-meter proves of value—in indicating what needs to be pursued in more detail if the person's mind is to be relieved.

He said he thought it significant that the FDA

"has never seized an electric shock machine used by psychiatrists although many people have been electrocuted by them".

He also made the point that others made: the FDA has not picked on other churches.

The raid on their church and the confiscation of their property were not the only outrages they suffered at the hands of the FDA, the Scientologists told the Senators. Scientologist Attorney Brinkman said it was a matter of court record that the agency had sent a spy to join the church and ferret out all the information he could.

"We know that there were a great many agents involved in this case but we have the names of only four or five of them," he said. "We know there were many more than that. They have gone all over the country to find evidence against the church."

In addition, Brinkman said, "We suspect—and we have some reason for the suspicion—that they tapped the telephone lines of the church. We know that our mail was delayed. We believe that there may have been a mail cover on the mail of the church."

Although it can't be documented, both the Scientologist and Senate staffers strongly suspect that the AMA was largely responsible for instigating the FDA's investigation. The agency does not admit this; its explanation, as stated before, is that it had received complaints.

The official position of the FDA regarding the general pursuit of its activities as stated in press conferences, on radio and during special interviews, is that to save people from food or drug poisoning, the agency must be able to act immediately and to wield extraordinary powers. They have to seize contaminated foods or dangerous drugs with utmost promptness, they explain. Obviously this involves hasty decisions which later may prove to have been a mistake; but where lives are at stake, they insist, there is no alternative.

As an illustration they call attention to a number of deaths that occurred a few years ago from botulinic poisoning. The source was traced to smoked fish packets originating in food processing plants in Michigan. The FDA acted with alacrity, seized the fish packets as they were being distributed, from the shelves of grocery stores and delicatessens, closed down the plants until the danger could be eliminated, and thus saved the lives of uncounted other consumers who might have eaten the poison food.

But Senator Long is far from satisfied that the FDA and the other agencies his Subcommittee has checked are using their powers with proper restraint. He has expressed particular concern over invasions of privacy by the use of electronic snooping devices and the planting of spies.

There seems no doubt that the Subcommittee will speak out strongly against government agencies using their powers to interfere with religion—particularly when no menace to health or safety is involved.

The Subcommittee will make known its position on these matters and will recommend corrective action when it files its report sometime in the future.

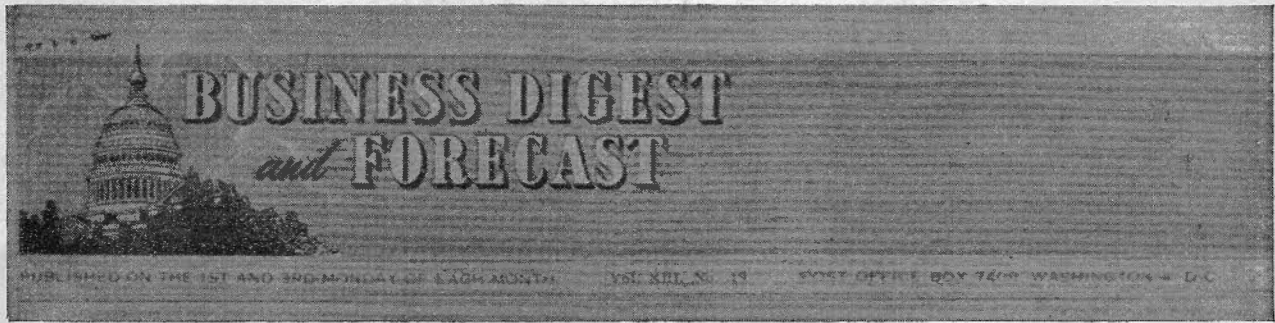
The Scientologists have suggested a number of amendments to the law that would provide better protection in the future. One of these suggestions is for stricter procedure in the issuance of search and seizure warrants by United States District Courts to government agencies. Such warrants should be supported by sworn testimony of affidavits based on the personal knowledge of those making them, they say. Testimony before the Subcommittee showed that the FDA had no such sworn testimony when it raided the Founding Church of Scientology.

According to the Scientologist's attorney the warrant had not been sworn to and had no affidavit. It was "merely the statement of the United States Attorney and two of his assistants," he said.

More specifically, Brinkman contends it should be just as hard for a government agency to get a warrant to invade the premises of a private citizen or a church in a civil case as it is in a criminal case.

He noted that rapists, murderers and drug sellers have their rights protected against summary action by law enforcement agencies but citizens and churches in civil cases do not. He said that at present the FDA "can invade the premises and take whatever they want without a sworn warrant."

From:



Washington, January 2, 1967

## Comes this comment:

**Civil Liberties Investigation.** A highly regarded Democratic Senator Edward V. Long of Missouri, will continue, as Chairman of a Senate Committee on Administrative Practices, to investigate the violation of citizens' civil liberties by government snoopers and spies.

During the previous session of Congress Senator Long exposed widespread practices of wire-tapping and electronic "bugging" of private conversations, practiced by agents of the Food & Drug Administration (who even placed a spy in a Church organization), and by the Internal Revenue Service, and other government agencies. Exposed also was government espionage on the mail of many persons, the use of "informers" of doubtful character, etc.

It is likely that Senator Long's Committee will propose legislation to curb such invasions of citizens' privacy, which have moved toward the establishment in the U.S. of "the police state" which exists in Communist countries.

# CONSTITUTIONAL POINTS

## FDA IN VIOLATION

The Constitutional points here cited are important ones for keeping the world-saving urges of government employees and minor agencies from getting out of hand or endlessly extending their activities.

(1) *Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.*

This one says Congress shall make none and the fact is that Congress *has* made no laws contrary to this point of Constitutional Law.

The FDA is currently in disrepute and under Congressional investigation for wildly disobeying here and especially in attacking with guns, trucks, U.S. Marshals and faked "warrants" a duly constituted Church, and prohibiting by force the exercise of a religion.

(2) *There shall be no abridgement of freedom of speech or of the press.*

FDA certainly abridged, violated and in fact went engaged on an armed book-seizing rampage, maintained a lowly press smear campaign and actually entered Church, loaded the total religious book stock of that American Church into vans, rifled desks, ladies' handbags, broke into private dwellings, burst into religious confessionals—stopped the total religious activity of the church.

They removed book stocks of value in the neighbourhood of one hundred thousand dollars (giving no inventory of what was taken). They roughly stacked over ten thousand dollars worth of sensitive electronic confessional aids (E-Meters), property of the Church and students on whom they had no warrant to enter or seize anything.

(3) *The Constitution guarantees the right of peaceful assembly.*

The wild look in the eye of an FDA Raider somehow belies this guarantee. The armed U.S. Marshals imported and deputized for the raid had not been told they were raiding a Church then tried to pretend they weren't, but behaved like barbarians anyway. These were apparently deputized from the ranks of the Baltimore longshoremen's union and unfamiliar with proper U.S. Marshal behaviour, called as they were to serve the aims of a truly unusual cult—the FDA.

(4) *The Constitution provides that the right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures shall not be violated.*

Every part of this Constitutional provision was violated in the extreme by the FDA and the deputized U.S. Marshal in the raid on the Founding Church of Scientology, its member students and officials.

As reported in the Washington press the day of the FDA raid the "action followed a month-long investigation in which a Food and Drug Inspector posed as a student of the Academy of Scientology". Congress later investigated this "investigation" by FDA in their use of a spy in the Church, met with a total unwillingness on the part of FDA to testify as to just what they had been doing and the extent of FDA violation of federal law.

- (5) *The Constitution provides that in searches and seizures, no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and persons or things to be seized.*

The FDA had no sworn warrant, during the raid stated with arrogance that Church officials didn't need to see a warrant as the FDA and Marshals didn't need one.

What they carried out was in fanatical violation of these points of Constitutional Law. No charges were possible or made, no warrant sworn, an illegal warrant presented with no "particular description of place to be searched or things to be seized" and specifically no indication that a *Church* was to be raided, that, for instance, 1827 19th Street N.W. (the Church's executive offices) was to be entered, that private homes of students were to be entered and searched, that religious instruction classes were to be loudly broken up by U.S. Marshals, that students were to be threatened by officials, that confessionals were to be broken into.

When you have a most usual, quite orderly activity such as a Church and its own school of instruction and guidance centers and regular confessionals and duties being carried out, and then see violent, wild-eyed swarms of government employees descending upon the activity, creating chaos and attempting and using terrorism, then you have simply the odd phenomenon of a government agency gone wild in its frenzy (while not doing its usual duties) to save the world from all sorts of imagined threat.

You find also that the single threat seen by such an agency gone mad is *orderly progress*, someone doing *their* job, in a word, they see a threat in American freedom.

They are really quite unable to understand such an orderly authority as the Constitution of the United States.

FDA even feared the Court and when presenting unsworn warrant for issue withheld from the judge the fact that they were raiding a Church.

- (6) *The Constitution further provides that no person shall be deprived of life, liberty or property without due process of law.*

Here, the Constitution makes additionally plain that the very kind of action the FDA took upon themselves to perform is the kind of action the authors of the Constitution and all Congress and administration since were resolved should not happen in America.

All the provisions of the American Constitution were written with the wisdom of both Man's experience and intimate knowledge of human values as well as a prophetic accuracy regarding the fate of any government in fanatical, negligent hands.

The authors of the Constitution understood a phenomenon such as an FDA gone wild.

Congress, sworn to uphold that Constitution, is preparing and taking actions to bring FDA back to its proper job of duty.

## NOTE

In Washington it was widely held and expressed to counsel for the Founding Church of Scientology that what is called a "mail cover" was being practised by the FDA in collusion with persons in other departments of the government, necessarily including the Postal Department. The Church's mail was being illegally interrupted and monitored. Telephone wire tapping was continual throughout several years.

A spy or spies were admitted by the FDA to have been sent into the Church pretending good faith to gather "evidence". Finding no evidence of wrongs on the part of the Church or Scientologists, spy testimony was not used. The FDA later refused to testify to US Senate hearings of the Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary on "invasion of privacy" on the subject of planting a spy in a Church.

Robert Kennedy was, as Attorney General, attacking the interests usually called the "Mafia", an organization totally criminal and heavily involved in drug traffic and influential directly and/or indirectly upon the FDA.

When President Kennedy requested information on the possible uses of Scientology in his space programs and possibly in relation to mental health programs, the FDA instead stepped up its attacks, began to enter Churches of Scientology, making President Kennedy seem to be source of the actions which led up to the raid of the Washington Founding Church.

Ten months after the raid on the Church, carried out in distinctly Mafia style, Attorney General Kennedy had not ceased attacking Mafia and President Kennedy was assassinated,

Whether in any way these events can be connected the fact remains that President Kennedy's interest in actually solving problems of mental health endangered the declining psychiatric-drug therapist interests and influence. His Attorney General was endangering the other end of the combine, the "Mafia" interests. By attacking a Church under the supposed backing of the President, the FDA could and did, to thousands of people, place in question his integrity, as the first Roman Catholic President, as a supporter of religious freedom, That a Church was attacked and that it happened to possess a technology capable quite incidentally of detecting subversives and of aiding the space effort would ordinarily be credited only to coincidence and be left at just that. It is certainly not mere coincidence that Robert Kennedy is no longer Attorney General and that the government campaign against the Mafia is no longer even a gesture in comparison to the Kennedy program while the assassination of President Kennedy remains in dispute.

# CONCLUSION

This booklet understates the facts of FDA behaviour to the Church as well as the tremendously expensive bureaucratic laxity of the agency toward their ordinary duties, masked by a fanatical save-the-world frenzy. FDA has in it elements so radically in disagreement with America and Americans that they have set out to save them from themselves at any cost.

The purpose of this booklet has been to make known some of the realities and consequences of an agency gone quite wild, which happens to have caused disturbances to a Church of Scientology, its members, friends and public, needless overwork of staff members and Church executives, inconvenience and expense to students, quite outrageous expense to the Church in court actions and in producing and replacing the three tons of Church materials FDA boasted of taking. A thorough investigation of FDA and associates is not our intent and belongs to Congress and is being done.

They are, sadly, failures. With backgrounds of criminal negligence and connection FDA has nursed comfortably only its delusion of a drug-oriented society, of youth on LSD and a national tranquillity attained by chemical means, alternated with addictive stimulants.

A principle is to be noted here. When an agency or company or association gives trouble to productive people and rewards and deals smoothly only with the extreme failures and anti-social minorities, then there are hidden crimes and omissions always there to be found, and that agency, company or association cannot become normally productive, honorable or of any service under its present management or personnel.

The disturbance caused by FDA to its seniors—the Congress, and the office of the President—multiplies the difficulties of proper authority in assisting the nation getting on with their jobs and everyday lives. The injection of chaos and needless expense into a branch of American religious life by the FDA is regrettable both for the actions taken in disturbance of Americans' and for the needed actions not taken in the actual duty area of guarding national health.

America's destiny is not to wander forth in a drugged haze with freedom only to fail and plead disability rewards.

Actual welfare is never lacking in a strong America, but a minor government agency becoming a cult, electing itself world-saver, is a bad indicator as to the security of any government and proper authority and service.

The Church understandably suggests sweeping correction of FDA and its associates while the situation is yet relatively contained. The Food and Drug Administration is at present a liability to the government of the United States of America, does not know who it is, nor does FDA in fact know whether it is friend or enemy to the American people. Actions tell this where their words may not.

The FDA raid and campaign against an American Church foretells a decay of proper compliance to duty by the agency and the increase of wild solutions to the bad conscience of FDA.

FDA is listening to another constitution perhaps, but not the Constitution of the United States of America.