

# OROP DESERT

NO. 2

MARCH, 1954

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*Love, work and knowledge are the well-springs of our life.  
They should also govern it.*

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February 25th, 1954

The Hon. Judge Clifford  
Federal Court House  
Portland, Maine  
Dear Judge Clifford:

I am taking the liberty of transmitting to you my "Response" to the complaint filed by the Food and Drug Administration regarding the Orgone Energy Accumulator. My "Response" summarizes my standpoint as a natural scientist who deals with matters of basic natural law. It is not in my hands to judge the legal aspects of the matter.

My factual position in the case as well as in the world of science of today does not permit me to enter the case against the Food and Drug Administration, since such action would, in my mind, imply admission of the authority of this special branch of the government to pass judgment on primordial, pre-atomic cosmic orgone energy.

I, therefore, rest the case in full confidence in your hands.

Sincerely yours,

/s/ Wilhelm Reich, M.D.  
Wilhelm Reich, M.D.

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## R E S P O N S E

*Regarding the Request of the Food and Drug Administration (FDA) to  
Enjoin the Natural Scientific Activities of Wilhelm Reich, M. D.*

In order to clarify the *factual* as well as the *legal* situation concerning the complaint, we must, from the very beginning, distinguish concrete *facts* from *legal procedure* to do justice to the facts.

*Technically*, legally the US Government has filed suit against the natural scientific work of Wilhelm Reich.

*Factually*, the FDA is NOT "The US Government". It is merely one of its administrative agencies dealing with Foods, Drugs and Cosmetics. It is not empowered to deal with *Basic Natural Law*.

ORGONOMY (see "Bibliography on the History of Orgonomy") is a branch of BASIC NATURAL SCIENCE. Its central object of research is elucidation of the Basic Natural Law.

Now, in order to bring into line the legal procedure with the above-mentioned facts, the following is submitted:

The common law structure of the United States rests originally on Natural Law. This Natural Law has heretofore been interpreted in various ways of thinking, metaphysically, religiously, mechanistically. It has never concretely and scientifically, been subjected to natural scientific inquiry based upon a discovery which encompasses the very roots of existence.

The concept of Natural Law as the foundation of a secure way of life, must firmly rest upon the practical concrete functions of LIFE itself. In consequence, a correct life-positive interpretation of Natural Law, the basis of common law, depends on the *factual* elucidation of what Life actually is, how it works, what are its basic functional manifestations. From this basic premise derive the claims of natural scientists to a free, unimpeded, unimpeded, natural scientific activity in general and in the exploration of the Life Energy in particular.

The complaint of the FDA is factually intimately interconnected with a basic social issue which, at present, is reverberating in the lives of all of us here and abroad.

Abraham Lincoln once said: "What I do say is that no man is good enough to govern another man without that other's consent. I say this is a leading principle, the sheet anchor of American republicanism."

At this point, I could easily declare "I refuse to be governed in my basic natural research activities by the Food and Drug Administration." But exactly here, in this constitutional right of mine, the basic confusion in the interpretation of Natural and Common Law becomes apparent.

There are conspirators around whose aim it is to destroy human happiness and self-government. Is now the right of the conspirator to ravage humanity the same as my right to free, unimpeded inquiry?

It obviously is NOT THE SAME THING. I shall not try to answer this basic dilemma of American society at the present. I shall only open an approach to this legal and factual dilemma. It has a lot to do with the position of the complainant, trying to enjoin the experimental and theoretical functions of Life in its emotional, educational, social, economic, intellectual and medical implications.

According to natural, and in consequence, American Common Law, no one, no matter who he is, has the power or legal right to enjoin:

The study and observation of natural phenomena including Life within and without man;

The communication to others of knowledge of these natural phenomena so rich in the manifestations of an existant, concrete, cosmic Life Energy;

The stir to mate in all living beings, including our maturing adolescents;

The emergence of abstractions and final mathematical formulae concerning the natural life force in the universe, and the right to their dissemination among one's fellow men;

The handling, use and distribution of instruments of basic research in any field, medical, educational, preventive, physical, biological, and in fields which emerge from such basic activities and which, resting on such principles, must by all means remain free.

Attempts such as branding activities and instruments of such kind as "adulterated," in other words as fraud, only characterizes the narrowness of the horizon of the complainant.

No man-made law ever, no matter whether derived from the past or projected into a distant, unforeseeable future, can or should ever be empowered to claim that it is greater than the Natural Law from which it stems and to which it must inevitably return in the eternal rhythm of creation and decline of all things natural. This is valid, no matter whether we speak in terms such as "God", "Natural Law", "Cosmic Primordial Force", "Ether" or "Cosmic Orgone Energy".

The present critical state of international human affairs requires security and safety from nuisance interferences with efforts toward full, honest, determined clarification of man's relationship to nature within and without himself; in other words, his relationship to the Law of Nature. It is not permissible, either morally, legally or factually to force a natural scientist to expose his scientific results and methods of basic research in court. This point is accentuated in a world crisis where biopathic men hold in their hands power over ruined, destitute multitudes.

To appear in court as a "defendant" in matters of basic natural research would in itself appear, to say the least, extraordinary. It would require disclosure of evidence in support of the position of the discovery of the Life Energy. Such disclosure, however, would invoke untold complications, and possibly national disaster.

Proof of this can be submitted at any time only to a duly authorized personality of the US Government in a high, responsible position.

Scientific matters cannot possibly ever be decided upon in court. They can only be clarified by prolonged, faithful bona fide observations in friendly exchange of opinion, never by litigation. The sole purpose of the

complainant is to entangle orgonomic basic research in endless, costly legal procedures a la Panmunjon, which will accomplish exactly NOTHING rational or useful to human society.

Inquiry in the realm of Basic Natural Law is *outside the judicial domain*, of this, or ANY OTHER KIND OF SOCIAL ADMINISTRATION ANYWHERE ON THIS GLOBE, IN ANY LAND, NATION OR REGION.

Man's right to know, to learn, to inquire, to make bona fide errors, to investigate human emotions must, by all means, be safe, if the word FREEDOM should ever be more than an empty political slogan.

If painstakingly elaborated and published scientific findings over a period of 30 years could not convince this administration, or will not be able to convince any other social administration of the true nature of the discovery of the Life Energy, no litigation in any court anywhere will ever help to do so.

I, therefore, submit, in the name of truth and justice, that I shall not appear in court as the "defendant" against a plaintiff who by his mere complaint already has shown his ignorance in matters of natural science. I do so at the risk of being, by mistake, fully enjoined in all my activities. Such an injunction would mean practically exactly nothing at all. My discovery of the Life Energy is today widely known nearly all over the globe, in hundreds of institutions, whether acclaimed or cursed. It can no longer be stopped by anyone, no matter what happens to me.

Orgone Energy Accumulators, the "devices" designed to concentrate cosmic Orgone Energy, and thus to make it available to further research in medicine, biology and physics, are being built today in many lands, without my knowledge and consent, and even without any royalty payments.

On the basis of these considerations, I submit that the case against Orgonomy be taken out of court completely.

WILHELM REICH, M.D.  
Chairman of Basic Research  
of THE WILHELM REICH FOUNDATION

Date: February 22, 1954

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MAINE  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff

v.

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

Defendants

Civil Action No. 1056

DECREE OF INJUNCTION

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

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

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

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

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

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

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

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

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

#### IT IS FURTHER ORDERED:

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

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

(3) That the labeling referred to in paragraph (1), just above, except

those items for which a specific purchase price was paid by their owners, be destroyed by the defendants; and

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

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

The Discovery of the Orgone by Wilhelm Reich

Vol. I—The Function of the Orgasm

Vol. II—The Cancer Biopathy

The Sexual Revolution by Wilhelm Reich

Ether, God and Devil by Wilhelm Reich

Cosmic Superimposition by Wilhelm Reich

Listen, Little Man by Wilhelm Reich

The Mass Psychology of Fascism by Wilhelm Reich

Character Analysis by Wilhelm Reich

The Murder of Christ by Wilhelm Reich

People in Trouble by Wilhelm Reich

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

(6) That all written, printed, and graphic matter containing instructions for the use of any orgone energy accumulator device, instructions for the assembly thereof, all printed, and other announcements and order blanks for the items listed in the paragraph immediately above, all documents, bulletins, pamphlets, journals, and booklets entitled in part, as follows: CATALOGUE SHEET, PHYSICIAN'S REPORT, APPLICATION FOR THE USE OF THE ORGONE ENERGY ACCUMULATOR, ADDITIONAL INFORMATION REGARDING SOFT ORGONE IRRADIATION, ORGONE ENERGY ACCUMULATOR ITS SCIENTIFIC AND MEDICAL USE, ORGONE ENERGY BULLETIN, ORGONE ENERGY EMERGENCY BULLETIN, INTERNATIONAL JOURNAL OF SEX-ECONOMY AND ORGONE RESEARCH, INTERNATIONALE ZEITSCHRIFT FUR ORGONOMIE, EMO-

TIONAL PLAGUE VERSUS ORGONE BIOPHYSICS, ANNALS OF THE ORGONE INSTITUTE, and ORANUR EXPERIMENT, but not limited to those enumerated, shall be destroyed; and

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

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

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

March 19, 1954.  
2.45 P.M.

/s/ John D. Clifford, Jr.

United States District Judge  
for the District of Maine.

A true copy of original filed at 2.45 P.M. on March 19, 1954.

ATTEST:

/s/ Morris Cox  
Clerk, United States District Court



ORGONE INSTITUTE PRESS

P. O. Box 153

Orgonon, Rangeley, Maine