

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

UNITED STATES OF AMERICA

vs.

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

CRIMINAL CONTEMPT ACTION
INFORMATION AND APPLICATION

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

I.

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

II.

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

III.

That in the cause of United States of America v. The Wilhelm

Reich Foundation, a Maine corporation, Wilhelm Reich, and Ilse Ollendorff, Civil Action No. 1056 in this Court, this Court, on the 19th day of March 1954, by its lawful decree of said date, duly entered and recorded in the Docket of this Court under Civil No. 1050, ordered and decreed that The Wilhelm Reich Foundation, a Maine corporation, Wilhelm Reich, and Ilse Ollendorff, their officers, agents, servants, employees, attorneys, all corporations, associations and organizations and all persons in active concert or participation with them or any of them, be perpetually enjoined and restrained from directly or indirectly introducing or causing to be introduced, or delivering or causing to be delivered for introduction into interstate commerce any orgone energy accumulator, an article of device within the meaning of the Federal Food, Drug, and Cosmetic Act, which was misbranded or adulterated within the meaning of said Act and further were so enjoined and restrained from doing any act or acts with respect to any orgone energy accumulator, accessories, components, or parts thereof, or similar device, and any device purported or represented to collect and accumulate orgone energy, which act or acts would result in said device becoming misbranded or adulterated within the meaning of said Act while held for sale after shipment in interstate commerce. In addition to such restraints, the said decree ordered the defendants and each of them, as follows:

IT IS FURTHER ORDERED:

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

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

The Sexual Revolution by Wilhelm Reich

Ether, God and Devil by Wilhelm Reich

Cosmic Superimposition by Wilhelm Reich

Listen, Little Man by Wilhelm Reich

The Mass Psychology of Fascism by Wilhelm Reich
Character Analysis by Wilhelm Reich
The Murder of Christ by Wilhelm Reich
People in Trouble by Wilhelm Reich

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

(6) That all written, printed, and graphic matter containing instructions for the use of any orgone energy accumulator device, instructions for the assembly thereof, all printed, and other announcements and other blanks for the items listed in the paragraph immediately above, all documents, bulletins, pamphlets, journals, and booklets entitled in part, as follows: CATALOGUE SHEET, PHYSICIAN'S REPORT, APPLICATION FOR THE USE OF THE ORGONE ENERGY ACCUMULATOR, ADDITIONAL INFORMATION REGARDING SOFT ORGONE IRRADIATION, ORGONE ENERGY ACCUMULATOR ITS SCIENTIFIC AND MEDICAL USE, ORGONE ENERGY BULLETIN, ORGONE ENERGY EMERGENCY BULLETIN, INTERNATIONAL JOURNAL OF SEX ECONOMY AND ORGONE RESEARCH, INTERNATIONALE ZEITSCHRIFT FUR ORGONOMIE, EMOTIONAL ORGONE PLAGUE VERSUS/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 Bangor, 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 ergone energy accumulator devices as to be employed for therapeutic or prophylactic uses by man or for other animals.

IV.

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

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

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

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

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

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

(6) to destroy, as directed and ordered in said decree, all written, printed, and graphic matter containing instructions for the use of orgone energy accumulator devices, instructions for the assembly thereof, all

printed, and other announcements and order blanks for the items listed in the paragraph immediately above, all documents, bulletins,, pamphlets, journals, and booklets as specifically enumerated in said decree.

V.

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

1954 March 30

Rangley, Me

Peter Mills-

District Attorney Federal Court House Portland Me

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

The Wilhelm Reich Foundation Ilse Ollendorff Clerk that despite said telegram and in defiance of said decree, defendant Wilhelm Reich, has refused at any time to comply with the terms of said decree and, specifically, on December 30, 1954, at Tucson, Arizona, and again on June 6, 1955, at Rangley, Maine, at which time he refused to talk to, be interviewed by, and furnish information to inspectors of the Food and Drug Administration, United States Department of Health, Education, and Welfare upon whom said decree imposes the duty of acquiring information for the purpose of adequately supervising and assuring compliance with the terms of said decree, and has, by said refusal, refused to furnish any information pertaining to the books, ledgers, accounts, correspondence, memoranda and other matter and material referred to in said decree.

VI.

Your petitioner represents to the Court and alleges that The Wilhelm Reich Foundation, a Maine corporation, defendant, by and through its officers and employees, in defiance of said decree

has refused at all times to comply with the terms of said decree.

VII.

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

VIII.

Your petitioner further represents to the Court and alleges that:

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

(2) Within four days after the order denying said motion for a stay had been filed, said Silvert did arrange with Hemingway Bros. Interstate Trucking Co. and did ship in a trailer truck of said firm from the Reich establishment at Rangeley, Maine, for delivery to himself at New York, New York, a number of orgone energy accumulators, accessories, components, and parts thereof and various items

of written, printed, or graphic matter named in said decree of injunction. That said material, so shipped, was invoiced as follows:

"4 Bdl's Wooden Cabinets KD, 1 Cabinet Wooden Open Set up, 338 Cartons Books, 361 Loose Pieces Cabinets-Wooden KD, and 3 Crates Books". That said accumulators, accessories, components, and parts thereof, so shipped, were, by this Court, ordered either dismantled for salvage or destroyed. That stated items of said literature, so shipped, were ordered by this Court, to be destroyed and other stated items were ordered not again to be used as labeling of orgone energy accumulators. That this Court did, as more fully stated hereinabove and in said Decree of Injunction, enjoin the defendants and any person in active concert or participation with any of them from shipping in interstate commerce any orgone energy accumulators, accessories, components, and parts accompanied by items of written, printed, or graphic matter enumerated in said Decree of Injunction.

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

No.

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

Peter Mills

United States Attorney