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Crime REPORT

VICTORY OVER THE FDA

By Saul Kent, President of the Life Extension Foundation

After an 11-year reign of terror by the U.S. Food & Drug Administration (FDA) against The Life Extension Foundation, the FDA has "thrown in the towel".

In November 1995, Federal Judge Daniel Hurley dismissed all but one of the 56 criminal charges filed against Foundation officers Saul Kent and William Faloon. In February 1996, Judge Hurley dismissed the final charge (see above).

This is the first time in its 88-year history that the FDA has been forced to give up on a criminal prosecution. After spending millions of taxpayer dollars, the FDA has abandoned its crusade to destroy The Foundation and throw its leaders into prison.

The FDA's dismissal of the charges against me (and Bill Faloon) is an unprecedented victory against FDA tyranny that goes far beyond winning in court. The FDA's historic defeat is a victory for everyone who cherishes freedom in healthcare. Before we discuss the implications of this victory, let's take a look at the story behind it.

THE FDA RAIDS THE FOUNDATION

On Feb. 26, 1987, I was in California, meeting with anti-aging scientists whose research was being funded by The Foundation. Early in the day, I called Foundation headquarters in Florida and knew immediately that something was wrong when no one answered the phone. After an hour, I reached an employee at home, who told me that The Foundation had been raided by the FDA.



I didn't find out the details of the raid until later that evening when I finally reached Bill Faloon at his home in Florida. I was in shock all that day, assuming that the FDA had seized the Foundation's assets and shut it down. I wondered if Faloon had been arrested and whether he was in jail.

WHAT IT WAS LIKE AT THE FOUNDATION

At The Foundation, Faloon didn't have time to think about such things. He had his hands full dealing with the battalion of troops that had invaded The Foundation. Here's what Faloon had to confront that day, as noted in the April-May 1987 issue of Life Extension Report:

"On Feb. 26, 1987, an armed force of about 25 FDA agents and U.S. Marshals smashed down the glass doors of our store....and stormed into our nearby warehouse with guns drawn.

"At 10 AM, Bill Faloon received a phone call telling him that the FDA was breaking into our store with a battering ram. As Bill started to leave the warehouse, he suddenly found himself staring down the barrel of a 45 caliber pistol, which belonged to one of a second group of FDA agents, who were simultaneously attacking our warehouse!"

TERRORIZED EMPLOYEES

The reaction of The Foundation's employees to the raid was absolute terror. To get some idea of what it was like for them on that day, let's return to the same issue of *Life Extension Report*.

"When Helen Bishop walked to the back of the warehouse, she heard someone say 'hello'. She thought it was a delivery man, but the next thing she knew 'cops were rushing in from both doors to surround us.'

"One of them stopped her, showed her his badge, and forced her to line up against the wall with the other employees. A search was then conducted of the personal belongings of every employee.

"Al Wood, one of our advisors, was working on the upper level of the warehouse when a Marshal came up the stairs with his gun drawn and said 'Get up!' Wood immediately threw his arms up and was told to march down the stairs. 'Everyone moved slowly,' he recalls, 'so they wouldn't excite the Marshal waving his gun. When we asked him what this was all about, he said he had a Search Warrant."

ILLEGAL SEARCH AND SEIZURE



We later discovered that the Search Warrant had been obtained with perjured testimony by FDA agent Martin Katz before Magistrate Lurana S. Snow. This pattern continued throughout the day as FDA agents engaged in continuous illegal and unconstitutional behavior.

When the authorities didn't find the items they were supposed to search for, they seized products, literature, documents, computers, and personal effects NOT on the Search Warrant! Evidence presented at a later hearing showed that more than 80% of the items seized by the FDA on the day of the raid was done so illegally...in direct violation of the 6th amendment to the Constitution! An FDA official testified at the hearing that the FDA's policy is to instruct its agents to seize anything they want! These agents are told, said the official,

that "if it turns out that you've seized the wrong things, you can always return them later."

As it turned out, this blatantly illegal policy was further corrupted by the FDA's refusal to return the items they seized illegally from The Foundation. It took a court order from a federal judge to force the FDA to return the illegal fruits of their seizure.

Another court order had to be obtained (at considerable expense) by a tenant in our building who had nothing to do with us, to force the FDA to return his property, which the FDA had also seized illegally!

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Repeated Violations Of The First Amendment

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