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The FDA's Unholy War Against Dr. Burzynski

As I discussed in November, Stanislaw Burzynski, M.D., Ph.D., has been treating cancer patients for years with a non-toxic therapy he discovered called *antineoplastons*. Many patients with terminal cancers taking this therapy are now in complete remission.

Despite the obvious evidence of benefit, the Food and Drug Administration (FDA) has been trying to put Dr. Burzynski out of business for the past 12 years. This culminated on November 20, 1995 in 75 criminal charges that could put this talented physician in jail for 229 years!

It all started in 1983 when the American Cancer Society put Dr. Burzynski's therapy on their "unproven methods" blacklist. A few months later, the FDA filed a civil suit in federal court in an attempt to shut him down. Federal Judge Gabrielle McDonald ruled that Dr. Burzynski could continue his work, but did stipulate that he could not ship the therapy across state lines. The vendetta began.

The FDA Used Dirty Tactics

Robert Spiller, the FDA lawyer assigned to this case, was furious that the judge did not put Dr. Burzynski out of business, and told Dr. Burzynski's defense lawyer, "Well we did not get him that way, but we can use the criminal system."

Since 1983, Spiller, the FDA, and a parade of mindless US attorneys have terrorized Dr. Burzynski with raids on his clinic in Houston, Texas, and have used the grand jury system to harass Dr. Burzynski and his staff. In 1985, the FDA convened the first grand jury, then raided his clinic and seized virtually all of his medical records (11 filing cabinets full). Because Dr. Burzynski could not practice medicine without the charts, the court ordered the FDA to "allow him" to come to FDA offices in Houston and copy the charts at his expense. In spite of all this activity, there was no indictment.

A second grand jury in 1990 subpoenaed 100,000 more documents, but after nine months of investigation, the FDA did not convince the grand jury to indict Dr. Burzynski. To date, the FDA has not returned those medical records and subpoenaed documents.

He Did Everything by the Book

In 1991, experts from the National Cancer Institute (NCI) carefully reviewed the charts of seven patients with "incurable" brain cancer who were being treated with antineoplastons. They noted antitumor action in all seven, complete remission in five, and called for long-term trials to more accurately assess benefit. Dr. Burzynski then submitted copious data to the FDA, seeking permission to do the necessary trials.

From 1991 to 1993, while the FDA "sat" on the request, Dr. Burzynski was under constant investigation by the FDA and the US Attorney's office as they sought to demonstrate that he was sending his therapy across state lines. A third grand jury was convened in 1994—and yet again failed to indict.

The Texas Medical Board Jumped In

As if not to be outdone by Robert Spiller and the FDA, the Texas State Board of Medical Examiners is also out to get Dr. Burzynski. There has never been a patient complaint to the Board against Dr. Burzynski. In spite of that, in 1994, they tried to put him on indefinite probation. The probation requirements were hostile, restrictive, demeaning, and more appropriate for a paroled felon than a physician who had never had a complaint nor been charged with a crime.

In fact, some of the requirements were paternalistic nonsense. For instance, one was that Dr. Burzynski abide by Texas and federal law, as if he was not required to abide by the law ordinarily. More ominous, several requirements were open to subjective interpretation. Anyone reading them would conclude that it was not an effort by the Board to safeguard the public, or even uphold the law. It was more a step toward closing Dr. Burzynski's practice.

The Medical Board contended that Dr. Burzynski should be on probation in a 20-page "finding of fact" court document. In that document, it was confirmed that many of Dr. Burzynski's patients had not been helped by conventional therapy, yet were alive because of antineoplastons. In addition, *seven physicians*—including the chief of neuroradiology at the National Institutes of Health—testified that without antineoplastons many patients would die. This testimony was not contested by the State or the Board.

However, the Texas Medical Board didn't care. They wrote that "the efficacy of antineoplastons in the treatment of human cancers is not of issue in these proceedings...." and went on about their business of destroying Dr. Burzynski and the therapy.

That document was signed by Board president John M. Lewis, M.D., a Houston cardiologist. Folks, what kind of doctor would try to "get" another doctor by using as evidence a "finding of fact" document that large numbers of patients would die as a result? What has happened to our civilization?

The Case Was Dismissed

Fortunately, Judge Paul Davis was both more reasonable and compassionate than the "good ol' boys" on the Board. He threw the case out, and chastised the board for being "arbitrary and capricious," and for "abuse of discretion." The Medical Board appealed, and the case is with another group of judges.

In 1994, the FDA granted Dr. Burzynski permission to do clinical trials on antineoplastons. He has begun four separate trials at his own expense.

You might imagine that since the FDA had approved the trials they would have left him alone. Not so. On March 24, 1995, Dr. Burzynski appeared on the CBS *This Morning Show*, along with three patients who had been diagnosed as terminal but were now free of cancer. The effect this TV appearance had on the FDA was like shaking a cage full of rattlesnakes and pouring them over Dr. Burzynski's head.

The FDA Vendetta Continued

That very afternoon the FDA raided Dr. Burzynski's clinic, herded employees into a closed room, and wouldn't let them out until they had given the FDA a lot of personal information. They spent seven hours ransacking the clinic, and left with boxloads of documents.

With this, the FDA kicked off the fourth and most malicious of all grand jury investigations. For eight months, there were monthly rounds of subpoenas. As with all grand jury interrogations, witnesses had to appear without a lawyer, and were at the mercy of the prosecuting attorney. After a full day of abusive questioning by an assistant US attorney, a receptionist at the clinic, Eva Vigh, collapsed with a heart attack and has yet to recover.

If you still harbor the delusion that Robert Spiller, the FDA, and the US attorneys are trying to protect you against cancer fraud, let me tell you that in June of this year, the FDA raided and seized the X-rays and MRIs of Dr. Burzynski's most responsive patients, including the "best-case" series evaluated by the NCI. This was done to prevent him from showing this evidence that the therapy works. Incredibly, as a society, we are desperately looking for a cancer cure, yet when one is found the FDA seizes the evidence, then works to put the discoverer in jail.

Federal Judge Lynn Hughes ordered the FDA to make copies of the X-rays and return the originals, which they did. Of the almost one million documents and items the FDA has seized over the past 13 years, these X-rays are the only items they have returned—and that only because of a court order. Of course, the Bill of Rights forbids arbitrary government seizure of property, but who cares?

Wouldn't You Want a Life-Saving Therapy?

Now look at your spouse, your children, and your grandchildren. Imagine that one of them had an inoperable brain tumor the size of an orange, and that with the antineoplastons developed by Dr. Burzynski, it had shrunk to the size of a pea.

I want you to know that in order to "get" Dr. Burzynski, Robert Spiller would think nothing of coming into your home and seizing the antineoplaston therapy, knowing that it was the only hope your loved one had to avoid a horrible death.

Robert Spiller has done well at the FDA. He is now Associate Chief Counsel for Enforcement.

Folks, over the past five years we have gotten involved in a variety of important causes, and have had an impact. However, our support of Dr. Stanislaw Burzynski is more important than all of them combined, because of what is at stake. If the FDA wins its unholy war with Dr. Burzynski they will not only destroy one of the most promising cancer therapies we have, they will also reinforce the message that any physician or scientist with the talent, energy, and courage to make a positive difference in the health field, had best move to another country.

Is that what you want?

Dr. Burzynski does not have the money necessary to save his therapy and himself. Without a dime from the government or any other agency, he discovered, developed, and even synthesized a truly significant breakthrough in cancer. And hounding him all the way was Robert Spiller and the FDA—*with your tax dollars*. Is Robert Spiller helping you?

Let's Get Behind Dr. Burzynski

Supporters of Dr. Burzynski have set up a legal defense fund. I encourage you to give any amount you feel you can. For a $50 donation, the defense fund has put together an information packet on antineoplastons, including the NCI report on seven cases.

For $75, the defense fund will throw in a videotape of the recent congressional hearings conducted by Congressman Joe Barton investigating the FDA's vendetta against Dr. Burzynski. Mrs. Mary Michaels offers tearful testimony. At the age of five, her son Paul had an inoperable brain cancer the size of an orange. Both the Mayo Clinic and Memorial Sloan-Kettering Cancer Center told her that nothing could be done.

Today, on Dr. Burzynski's therapy, Paul is a normal, rough-housing, skateboarding, 14-year-old-kid. The brain cancer has shrunk to the size of a pea. You can feel the emotional torture this family experiences every time Robert Spiller and his goons raid Dr. Burzynski to cut off their supply.

You can also watch Commissioner David Kessler *not* answer a single question during his testimony, and you will get to meet, in person, Robert Spiller.

Make checks payable to The Burzynski Legal Defense Fund, and mail to P.O. Box 1170, Pacific Palisades, CA 90272.

Send a copy of this supplement to your local newspaper, radio and television stations. Rest assured, the FDA is also "working" the media.