

Ralph Fucetola JD
THE VITAMIN LAWYER.COM CONSULTANCY
58 Plotts Road – Newton, NJ 07860
973.300.1519 – Fax: 300.5486

February 2, 2010

Hon. Judge John A. Houston,
United States District Court
San Diego, California

Re: James Folsom

Dear Judge Houston,

I am writing with regard to James Folsom who is being sentenced in your Court for violation of the Food, Drug and Cosmetic Act. I am a retired attorney of 34 years practice and have known James Folsom for about five years.

My purpose in writing is to urge you to sentence this defendant to “time served.” From what I know about the defendant, I think such a sentence would be consistent with justice and would meet whatever public policy concerns the Court may have.

Mr. Folsom is not an individual who was motivated by greed or other negative criteria, but rather by a sincere belief in the potential benefits of the devices he provided. The use of “Rife” devices has been with us for a very long time; they are clearly “grandfathered” under the FD&CA, as the evidence in the hands of the government shows -- evidence that the government wants you to allow to be destroyed.

Thus this case is about much more than one defendant. It is about the denial of citizens’ right to seek alternatives to standard medical treatment and the campaign of the government to illegally deny that right. “Unapproved” therapies that may benefit are not the “treatment of disease.”

In the case of *State v Biggs* (46 SE Reporter 401, 1903) the North Carolina Supreme Court dealt with a person who was advising people as to diet, and administering massage, baths and physical culture. In the *Biggs* case, the defendant "advertised himself as a 'nonmedical physician'... [and] held himself out to the public to cure disease by 'a system of drugless healing'..." p.401. That Court held that there could be no "state system of healing" p.402 and while "Those who wish to be treated by practitioners of medicine and surgery had the guaranty that such practitioners had been duly examined...those who had faith in treatment by methods not included in the 'practice of medicine and surgery' as usually understood, had reserved to them the right to practice their faith and be treated, if they chose, by those who openly and avowedly did not use either surgery or drugs in the treatment of diseases..." p.402.

Similarly, in this case, the true victims are those who have had their faith in “Rife” devices outlawed by the government and who now see James Folsom facing prison for seeking to help them exercise their right to freedom of choice. I urge you to show mercy to the defendant and his family.

Very truly yours,



Ralph Fucetola, JD