

[REDACTED]

1.

[REDACTED]

religious and educational communications, which are accessible to DCO followers and constituents via the DCO website and other media. Part of DCO's religious ministry involves the supply of natural dietary supplements. It is these DCO supplements, and DCO's claims about them, that prompt the FTC's Complaint here.

**II. THE FTC HAS NO LEGAL AUTHORITY TO PROCEED
ON ITS COMPLAINT AGAINST DANIEL CHAPTER ONE IN THIS MATTER**

[REDACTED]

**Religious Corporation of a Type Over Which the FTC Has
Jurisdiction.**

The FTC's jurisdiction over religious corporations of a type over which the FTC has jurisdiction is limited to those corporations that are engaged in interstate commerce.

of State, Articles of Incorporation to Daniel Chapter One (UBI Number 602 245 097) and RCW 24.12.030. According to the Important Notice and Articles 1 and 2, of these documents and as provided for in Revised Code of Washington (RCW) 24.12.030, DCO is a "private religious

corporation sole," established "in perpetuity," the sovereign head and director of which is the "Lord God Almighty and His Son the Lord Jesus Christ," recognized, but not created by, the State of Washington. According to Article 3, and as provided for in RCW.12.010, DCO is authorized to engage only in activities that "promote the Kingdom of God, All Righteousness and the principles of Liberty and Justice." To that end, it has authority to "provide for the support

each day, Monday through Friday, DCO conducts a Health Watch radio program addressing

current public policy issues regarding the spiritual and physical health of people all the while

maintaining that healing can only be achieved by the power of the Great Spirit and the

religious purposes and to support its charitable and educational activities. *See* Response to First Set of Interrogatories No. 26. *See also* J. Feijo Deposition, pp. 209-12.

3. DCO is Not Within the Class of Nonprofit Corporations Over Which the FTC Has Jurisdiction.

In order for the FTC to exercise jurisdiction over a non profit corporation such as DCO,

the FTC must find that DCO is a nonprofit corporation "organized to engage in some undertaking for which it will receive compensation in the form of

its own profit or that of its members." *See* 15 U.S.C. Section 45(a)(2).

In Community Blood Bank of the Kansas City Area, Inc. v. FTC, 405 F.2d 1011, the FTC contended that its jurisdiction under this provision applied to any nonprofit corporation

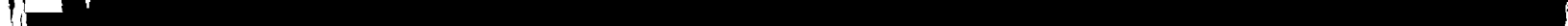
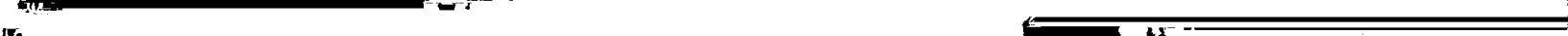
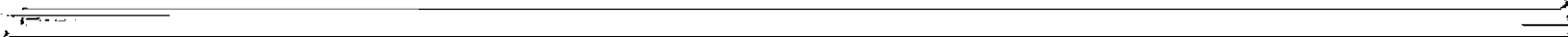
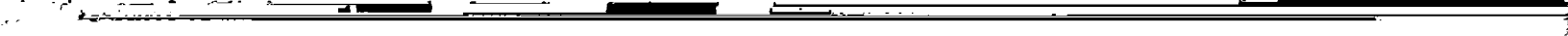
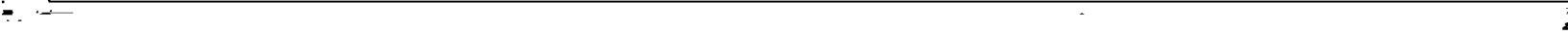
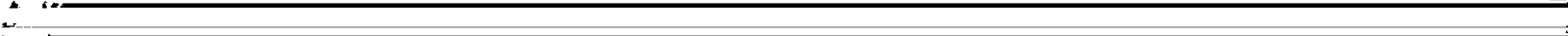
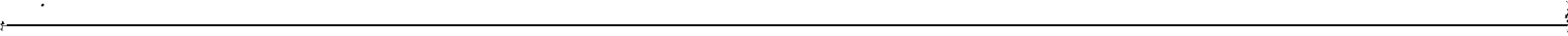
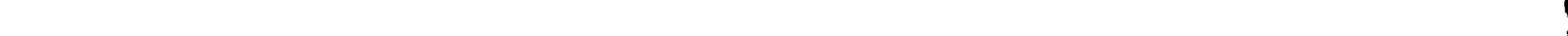
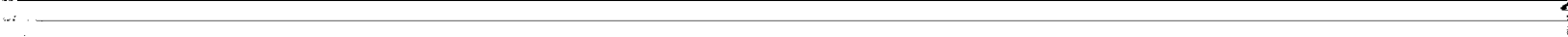
"organized to engage in some undertaking for which it will receive compensation in the form of

As DCO is operated exclusively for charitable and educational purposes, fully engaged in

~~the national debate regarding health care and totally committed to the mission of DCO.~~

~~affected health care delivery and DCO's commitment to the mission of DCO.~~

protection afforded "misstatements about public figures that are not animated by malice." See Nike, Inc. v. Kasky, 539 U.S. 654, 656, 664 (2003) (per curiam opinion dismissing writ of certiorari as improvidently granted. Stevens, J., concurring).



for a health regimen that was consistent with God's revelation and his religious convictions¹, DCO promotes an approach to health based upon God's revealed word and the natural law, in contrast to the empirically-bound "scientific" one sanctioned by the federal government. Thus, as in the case of Daniel, DCO relies upon God's word, divine providence, and personal testimonials . to demonstrate the efficacy of its products. *See Daniel 1:15-20.*

According to the FTC "standard of truth," however, there is no room for the spiritual — God's revelation and personal testimonials. There is only room for the secular — "competent and reliable scientific evidence." that is, "tests. analvses. research. studies. or other evidence based on

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human body — presupposes that the therapeutic effects of DCO's products are to be governed solely by materialistic measurements.

But the human body is not just a physical phenomenon. Rather, man is made in the

image of God who is Spirit. See Genesis 1:26-28 and Job 4:24. And the Holy Scriptures reveal

through testimonies God's healing power.³ According to the FTC's secular world view, as

And it is contrary to the First Amendment guarantees against an establishment of religion and the prohibition of its free exercise:

Men may believe what they cannot prove. They may **not be put to the proof of their religious doctrines or beliefs. Religious experiences which are as real to life to some may be incomprehensible to others.** ~~Yet the fact that they may be~~

beyond the ken of mortals does not mean that they can be made **suspect before the law.** [Ballard, 322 U.S. at 86-87 (emphasis added).]

4. The FTC Seeks to Substantially Burden Respondents' Exercise of Religion in Violation of 42 U.S.C. Section 2000bb-1.

In its Complaint, the FTC seeks an Order prohibiting Respondents from making any claim about the products named in the indictment "unless _____ at the time it is made Respondents

“[T]he heart of the First Amendment [wherein] lies the principle that each person

expression, consideration, and adherence.... Government action that ... requires the utterance of a particular message favored by the Government, contravenes this essential right. Laws of this sort pose the inherent risk that the Government seeks not to advance a legitimate regulatory goal, but to suppress unpopular ideas or information or manipulate the public debate through coercion rather than persuasion. [Turner Broadcasting System, Inc. v. FCC, 512 U.S. 622, 641 (1994).]

In the depositions of Respondent Feijo, as DCO overseer, and Tricia Feijo, as DCO secretary, the FTC has made every attempt to impose its scientific orthodoxy upon them,

“competent and reliable evidence” may be made that any claim based upon God’s revelation

would be forbidden.

According to 42 U.S.C. 2000bb-1(b) the FTC may place such a burden upon Respondents only “if it demonstrates that application of the burden to the person — (1) is in furtherance of a

compelling governmental interest and (2) is the least restrictive means of furthering that interest.”

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2 **IN THE UNITED STATES OF AMERICA**
3 **BEFORE THE FEDERAL TRADE COMMISSION**
4 **OFFICE OF ADMINISTRATIVE LAW JUDGES**

5
6 **In the Matter of**) **Docket No.: 9329**
7 **DANIEL CHAPTER ONE,**)
8 **a corporation, and**)
9 **JAMES FEIJO,**) **PUBLIC DOCUMENT**
10 **individually, and as an officer of**)
11 **Daniel Chapter One**)
12)
13)
14)
15)
16)

13 **[PROPOSED] ORDER**
14 **GRANTING RESPONDENTS' MOTION TO DISMISS COMPLAINT**
15 **(Lack of Jurisdiction)**

16 On February 24, 2009, counsel for Respondents filed a motion to dismiss in the

Administrative action In the Matter of Daniel Chapter One, Docket No. 9329. The Court being

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) **PUBLIC DOCUMENT**

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Courtesy Copies:

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