

Chiropractic vs AMA

Chiropractic vs AMA –

US Supreme Court rules in favor of Chiropractic



This case is nearly 40 years old, but the ramifications on individual lives and on the landscape of our country's health care system can still be felt today. In 1976 four doctors of chiropractic took on the American Medical Association (AMA) in a 'David vs Goliath' type case and the courts ruled in favor of chiropractic.

The impetus behind the case was the AMA's attempt to "contain and eliminate the profession of chiropractic" via a systematic and premeditated plan to do the following:

- Encourage ethical complaints against doctors of chiropractic
- Oppose chiropractic inroads into health insurance
- Oppose chiropractic inroads into workmen's compensation
- Oppose chiropractic inroads into labor unions
- Oppose chiropractic inroads into hospitals
- Contain chiropractic schools
- Assisting others in preparation of anti-chiropractic literature
- Warning MD's that associating with or accepting referrals from a chiropractor is unethical
- Discouraging colleges, universities and faculty from cooperating with chiropractic schools

To carry out this objective of "containment and elimination" in 1964 the AMA formed the Committee on Quackery under its pre-existing Department of Investigation (DOI). As a result of the court proceedings it was discovered that this Committee on Quackery drafted a report, PX 464, intended to be read only by the AMA Board of Trustees. In this report the committee acknowledged some of its activities to carry out the plan would likely be construed as illegal and otherwise underhanded and thus stated in the report to make public some of its activities "would have been and continue to be unwise," and so, "this report is intended for the information of the Board of Trustees."

The 11th Hour...

The case almost never happened as the four doctors of chiropractic had a very difficult time even finding a lawyer to represent them in the anti-trust case against the AMA. At the time the capital of American medicine was Chicago and all the big law firms wouldn't go near a chiropractic case out of fear of losing the big business of the medical industry. However, they eventually they found a lawyer sympathetic to their cause because the lawyer, George P. McAndrews, had a personal history with chiropractic – his father, sister, brother and daughter were all chiropractors.

McAndrews first filed the case in 1976 and in 1987, 11 years after starting the process, the US District Court for the Northern District of Illinois rendered a decision in favor of the chiropractors. The AMA appealed the decision and the case eventually made its way to the US Supreme Court which put an end to the case in 1992 when they denied the review of the AMA's appeal. McAndrews said the case took so long because the evidence was so complex. He had to take 174 depositions in 35 states to nail down the conspiracy part of the

proceedings.

As a result of the case a permanent injunction order was issued against the AMA effectively making it illegal for them to restrict the freedom of any AMA member or hospital from associating with chiropractors or chiropractic institutions. This court order was required to be published in the Journal of the American Medical Association (JAMA) and a copy to be sent to each member of the AMA.

In spite of the victory, the AMA's attack on chiropractic was effective. Years of slander and misrepresentation of the facts would not be undone with the publishing of the court ordered injunction in just one journal in just one issue which is almost never read by the public.

The chiropractic profession is continuing to work had to repair its public image and to be treated fairly within the medical system. To this day the insurance companies treat chiropractors as mere technicians, not as the first-class primary care physicians as they are legally classified.

The AMA did it in the name of patient safety, or so they claim...

To this day the AMA claims their stance on chiropractic was one of protecting the safety of patients and not to eliminate a growing competitor in the health care field even though Dr. Joseph A. Sabatier, a member of the Committee on Quackery, testified in court that "the doctor of chiropractic is stealing the young medical physician's money."

The court case did reveal that the chiropractic profession is in need of more scientific studies to better demonstrate its safety and efficacy. However, there was an overwhelming amount of anecdotal evidence sufficient to convince the US Supreme Court that chiropractic care was at least as safe, if not safer, than allopathic care (drugs and surgery) and even more effective on certain health conditions.

If patient safety were really the primary concern of the AMA then why does our country find itself in a situation in which the 3rd leading cause of death, 225,000 per year is allopathic medicine (heart disease and cancer are 1st and 2nd). By the way, that statistic comes from a study published in the AMA's own journal – JAMA. Other studies published in equally prestigious medical journals like Lancet and American Family Physician estimate the number of deaths due to allopathic interventions (drugs and surgery) to be between 110,000 to 225,000 per year.

Basically, this equates to over 450 deaths per day, over 3,000 deaths per week and over 160,000 deaths per year due to our "scientifically proven" and "modern" health care system. If it were not for the politics and substantial amount of money involved major public health campaigns would be directed to alert the public about the risks of allopathic health care. Any other industry on the planet would likely be forced to shut down until the problem was addressed and a solution put in place. To put it in perspective, how many planes would you see flying if even 1 jumbo jet crashed to the ground a day?

Where do we go from here...

In truth, every type of doctor and the vast majority of procedures have their place within the grand scheme of health care. If we are going to improve our broken system the health care consumer needs to do their own research and be willing to get second or even third opinions before making a decision in terms of their health. And the health care practitioners, both allopathic and alternative, need to open up the lines of communication, begin to work with each other rather than against each other and ultimately be more judicious in their recommendations to the patient. After all the first rule in health care is "above all else do no harm."

Stay well out there!

Dr. Jason Gonzales
The Specific Chiropractic Centers, Chico

RESOURCES

Wilk et al., v. American Medical Ass'n. et al., 671 F. Supp. 1465 (1987), aff'd, 895 F. 2nd 352 (7th Cir. 1990),

cert. denied, 498 U.S. 982, 111 S. Ct. 513 (1990).

Wilk et al., v. American Medical Ass'n. et al., 671 F. Supp. 1465 (1987), aff'd, 895 F. 2nd 352 (7th Cir. 1990), cert. denied, 498 U.S. 982, 111 S. Ct. 513 (1990).

Starfield B. Is US health really the best in the world? *JAMA*. 2000;284(4):483-5

Phillips DP, Christenfeld N, Glynn LM. Increase in US medication-error deaths between 1983 and 1993. *Lancet*. 1998;351(9103):643-4

Lazarou J, Pomeranz BH, Corey PN. Incidence of adverse drug reactions in hospitalized patients: a meta-analysis of prospective studies. *JAMA*. 1998;279:1200-5

Holland EG, Degruy FV. Drug-induced disorders. *Am Fam Physician*. 1997;56(7):1781-8, 1791-2

Mokdad AH, Marks JS, Stroup DF, Gerberding JL. Actual causes of death in the United States, 2000. *JAMA*. 2004;291(10):1238-45