



CHIROPRACTIC (GENERAL)

## Looking Back: 1983

Editorial Staff

*As we celebrate our 25<sup>th</sup> anniversary as the definitive news and information source for the chiropractic profession, we look back at the important events as reported in DC since 1983, while also looking forward to the future. Throughout 2008, we will feature a review of the top headlines in chiropractic for a given year, along with an article on the future of chiropractic authored by an influential member of the profession.*

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### January 1983: DC Launches With 47,000 Circulation

Starting with a circulation of 47,000 for the January 1983 premier issue, *Dynamic Chiropractic* expects circulation to expand to more than 50,000 within a very few months. Readers will know exactly where copies are being mailed by looking on page 2 each month, where a detailed report of that month's circulation will be printed.

For too many years, writers, speakers and publishers have been understating the size of the chiropractic profession and failing to add the 2,000 - 3,000 new doctors who are graduating each year. In the U.S. alone, the starting circulation for *DC* is close to 42,000 with almost 1,500 copies going to individuals and companies that supply product and /or service to the profession.

Although the mailing list now contains the names and addresses of over 31,000 licensed DC's in the United States, there are still 1,770 doctors who have moved without leaving a forwarding address that are being carried in a suspended file, who will not be getting a copy of *DC*. While it's true the mailing list contains more than 8,000 chiropractic students in the U.S., this figure represents only about 80 percent of the currently enrolled U.S. chiropractic students. Students not on the mailing list will be added as complete student lists are provided or if interested students fill out and mail the form found on the next to last page.

There are 477 doctors of chiropractic in Canada who moved and did not leave a forwarding address that could be added to the computer file if Canadian Associations would provide a recent list of

doctor's names and addresses in their provinces.

*DC* is mailed each month with a request for address correction, which means that most post offices in the world will send back a report if the publication cannot be delivered as addressed. Readers can help by asking friends in the profession if they are on the mailing list and if they received the January issue of *Dynamic Chiropractic*. If the answer is no, urge them to send their name and address to MPI, P.O. Box 6100, Huntington Beach, California, 92615, USA. Remember to tell them to state whether they are a *DC*, a student or a supplier, using the form found on page 31.

The chiropractic profession belongs to everyone that is part of it, and *DC (Dynamic Chiropractic)* is committed to doing everything possible to bring unity to chiropractic. The staff of *Dynamic Chiropractic* welcomes the ideas, suggestions, complaints and support of every member of our profession.

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#### April 1983: *DC* Exposes Medicine's Plan to Eliminate Chiropractic

What you are about to read is a copy of a resolution being circulated by the CMA (California Medical Association) to its various county medical societies for their approval. Please don't skip over this lightly! Notice the date of the resolution and read every word of every paragraph very carefully. Remember, one out of every six-plus chiropractors in the world is in California. One out of every four chiropractic colleges in the world is in the state of California. It may well be that a similar resolution is being circulated by other state medical associations throughout North America - and other countries as well.

TITLE: CHIROPRACTIC

Introduced by: David Rosenthal, M.D.

Endorsed by (optional): Santa Clara County Medical Society

Author: Wallace Sampson, M.D.

Whereas, chiropractic continues to be based on unsound and unscientific ideas; and

Whereas, chiropractic schools continue to attempt to expand their teachings and the chiropractic profession to expand its areas into the practice of medicine without adequate student selection or subsequent education; and

Whereas, chiropractic in its present form constitutes a significant health hazard to the public; now, therefore, be it

RESOLVED: That the CMA supports the following changes in California law regarding chiropractic:

1. The closing of all chiropractic schools as now constituted in California so that no students are selected as the year following effectiveness of the legislation, allowing graduation of students already enrolled.
2. That schools of chiropractic be reconstituted to teach a new profession of allied health to be called chiropractic and physical therapist, which will include principles of physical therapy, athletic training, peak performance, and normal health maintenance, all based on sound scientific principles.
3. That manipulative therapy, as presently known, be investigated by a body of scientists and physicians to determine the role, if any, in treatment of muscular skeletal disorders, and that

teaching of such therapy be limited only to what is known to be valid, along with other modes of treatment.

4. After allowing a reasonable time for re-education, re-licensure examinations be given to all chiropractors to ensure public protection.
  5. That all unscientific and entrepreneurial techniques in chiropractic be eliminated and controlled by a board to include at least one-third physicians and one-third scientist in human physiology and biology.
  6. That the chiropractic therapist profession be regulated within the Division of allied Health of the Board of Medical Quality Assurance.
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#### June 1983: Chiropractic Unity Working in Virginia

Less than a year ago there were TWO competing state chiropractic associations in the state of Virginia. There were less than 200 chiropractors practicing in the state and those interested had lined themselves up into one of two different "political camps."

Today, that has all changed. Thanks to the wisdom and courage of the leaders in Virginia, the "Chiropractic Society of Virginia" and the OLD "Virginia Chiropractors' Association" has been merged into a brand-new UNITED group called the "Virginia Chiropractors' Association," with over 60 percent of the DCs in Virginia as members.

Competing organizations in other states can certainly take a lesson from the Virginia chiropractors. Interested parties should contact the three doctors who were largely responsible for the unification process in Virginia. They are Dr. James Seeber of Richmond, Dr. Scott Banks of Winchester and Dr. Richard Wright of Norfolk.

In addition to doubling the number of people belonging, the profession in Virginia is making great strides in the state legislature now that they are working together for the common chiropractic good. The Virginia Legislative Committee, chaired by Dr. J.R. Willis of Wytheville, reported that its Chiropractic House Bill #245 passed the Virginia House 97 to 0 and the Virginia Senate 39 to 0. The bill restores chiropractic to care-related medical pay insurance. The governor's signature does not appear to be a problem and is expected shortly.

The ratio of chiropractors to the general public in Virginia was far below average. During the years immediately following World War II, the board of examiners was medically controlled and no more than one or two licenses were issued each year. During a recent board examination, more than 40 chiropractors were attempting to be licensed in Virginia.

In this hectic day of two or more chiropractic associations battling away at each other in a state, it is indeed refreshing to see the chiropractic profession in Virginia enjoying such a great success as a reward for putting their shoulders together and working as one profession. We would hope this could happen in many other states.

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#### September 1983: Legislative Achievement in New York

Dr. Robert Matrisciano, president of the New York State Chiropractic Association, has announced that on July 15, 1983, Governor Mario Cuomo signed the NYSCA-sponsored X-ray legislation into law, ending a 20-year fight on the part of doctors of chiropractic in New York State to eliminate

unnecessary and politically motivated restrictions on their use of X-ray as a diagnostic tool. The new law, which took effect upon the governor's signature, removes all body-area restrictions and age-limit restrictions and requires the New York State Department of Health to confer with the State Board of Chiropractic prior to promulgating any regulations pursuant to the new law.

"This is indeed the greatest day for chiropractic in the state of New York since our licensure back in 1963," commented Dr. Matrisciano. "All of us in the new administration have been working around the clock ever since the bill was passed by the legislature and presented to the governor," continued Dr. Matrisciano, "and I can only say that I'm extremely happy with the governor refused to listen to the spurious arguments of organized medicine and did indeed sign our bill into law. It's certainly a great way for a new group of officers to begin their administration."

More than 3,000 letters from doctors of chiropractic and their patients were received by the governor's office urging his signature on the bill. In addition to enlisting the aid of the NYSCA membership, many prominent New York politicians were enlisted to assist the Association in presenting its arguments for signature.

The governor's enactment of A.3337B successfully concludes a fight that began over 20 years ago. The NYSCA-sponsored bill had been passed by overwhelming margins in both houses of the state legislature on two separate occasions, only to be vetoed first by Governor Rockefeller and then by Governor Carey. The new law brings New York State on par with other state laws governing the use of diagnostic X-rays by doctors of chiropractic and allows the complete and total use of such X-rays by doctors of chiropractic for the purpose of "the detection of structural imbalance, distortion or subluxations in the human body." An important aspect of the new law is a requirement that the State Department of Health, which is responsible for promulgating rules and regulations governing the use of chiropractic X-ray, first confer with members of the State Board for Chiropractic before issuing any such rules and regulations. In the past, the Department of Health has taken an extremely anti-chiropractic position on many issues of importance to the profession, and many of its regulations had the effect of narrowing the scope of practice of an already limited law. With this new requirement, any and all regulations issued by the Department must be arrived at only after consultation with the chiropractic profession through the State Board.

"One of the most gratifying thing about this new law is that it comes at a time when a lot of other states are having their scope of practice narrowed or having legislation introduced by organized medicine that would erode the right of a doctor of chiropractic to treat his or her patients as they think best and in keeping with their education and experience, commented Dr. Matrisciano. "This action shows that New York's doctors of chiropractic will not stand back and allow others to determine our future for us and hopefully, serve to show other states what can be accomplished when our profession decides to work together for a common purpose," he continued.

While it will be some time yet before the final regulations are drawn up and promulgated, the New York State Chiropractic Association is proud to announce that its members are now taking the low-back and full-spine X-rays that have been denied them for too long.

*Submitted by Mr. Mark J. Holland  
Administrator/New York State Chiropractic Association*

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October 1983: Chicago Five Victorious Over AMA

On Monday, September 19, 1983, the chiropractic profession experienced a monumental victory against the AMA and other medical organizations. The U.S. Seventh Circuit Court of Appeals in

Chicago overturned the 1981 decision which found the AMA not guilty of violating antitrust laws. The new ruling called for a trial, stating that the original trial had contained substantial prejudicial errors and erroneous evidence.

The original suit against the AMA, nine medical organizations, one hospital association, one hospital-accreditation body and four individuals was filed in 1976 by a group of five chiropractors. These chiropractors, known as the Chicago Five, included Dr. Chester A. Wilk of Chicago; Dr. James W. Bryden of Sedalia, Missouri; Dr. Steven G. Lumsden of Troutdale, Oregon; Dr. Patricia Arthur of Union, Ohio; and Dr. Michael D. Pedigo of San Leandro, California. They contended that the medical organizations had organized and participated in an illegal boycott against the chiropractic profession. They charged that the boycott was an attempt to monopolize health care by the medical profession, thereby placing the economic self-interest of the AMA and its members before the well-being of its patients and the public. In 1981, after an eight-week trial, the court had decided in favor of the AMA and the other medical organizations. At that time, the Chicago Five appealed the ruling.

The new September 19, 1983, decision came in a 47-page brief from the Seventh Circuit Panel. In essence, the reports stated that there had been errors made by the trial judge in allowing erroneous evidence (submitted by the AMA, et al., against the chiropractic profession) and in the judge's instructions to the jurors. The court ruled there was a prejudicial error since the volume of material allowed may well have given the jury the impression that it was being asked to determine whether the medical profession was heroes in attempting to squelch the "avarice and greed of some chiropractors," rather than clarifying the jury's role of determining whether the defendant medical groups had conspired to economically destroy the profession.

The court found that, in addition to the prejudicial legal rulings and erroneous instructions to the jury, sufficient evidence was presented by the plaintiff chiropractors to support a finding that the medical trade associations had violated the antitrust laws, if the jury chose to give credence to that evidence. The court ruled that error so permeated the trial that a new trial was necessary.

A large portion of the credit for this victory must go to the attorney for the plaintiff chiropractors, George P. McAndrews, Esq., who has done so much to help the chiropractic profession. In his speech at the ACA 1983 Annual Convention in Atlanta, Georgia, he commented that "*Antitrust law is the window through which the clean air of competition has entered the health-care world.*" He has long fought determinedly for justice for chiropractors.

It is important to understand that the case hasn't ended with the reversal of the trial decision, and there is a high probability that all nine judges of the Seventh Circuit Court of Appeals will now be called upon to review the decision of the two-person panel (the third member of the panel died last year), followed by possible review by the U.S. Supreme Court.

It is important to realize as well, that the appellate decision has put the case back to square one. There are now new rules of law, much more favorable to chiropractic's position, which would govern the conduct of a new trial. The more immediate step is for either the plaintiffs or the defendants to call for a rehearing, which must be done by October 3, 1983.

For this reason, all doctors of chiropractic should want to give sufficient financial support for the continuing legal costs involved. There is now a way that one may contribute funds to this fight and at the same time provide good books on chiropractic for libraries, friends and influential people. The article on page 3 of this issue explains how Terry Wiley, DC, is purchasing, packaging and shipping copies of six selected books which chiropractor may wish to send to their local libraries, etc. Those requesting that Dr. Wiley send these books need only send him a check, and he does the

rest. The publishers of these six excellent chiropractic books made a commitment to Dr. Wiley for an added rebate based on the volume of books purchased. Half the money over the cost of buying, handling and shipping these books will be given to the antitrust suit of the Chicago Five!

Still, over and above the money collected from the sale of these books, much more is needed to help prepare for the new trial. Send whatever you can to the Antitrust Fund Raising Committee. Make checks payable to AFRC and mail to: William F. Holmberg, D.C., Chairman, Antitrust Fund Raising Committee, 4510 Seventh Avenue, Rock Island, Illinois 61201.

In the aftermath of this significant court decision, we can now see the way toward a proper trial and eventual justice, with the help of all concerned chiropractors. Let's all contribute to the AFRC and make it happen!

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