



IN REMEMBRANCE

Remembering the Chiropractor Who Took on Goliath - and Won

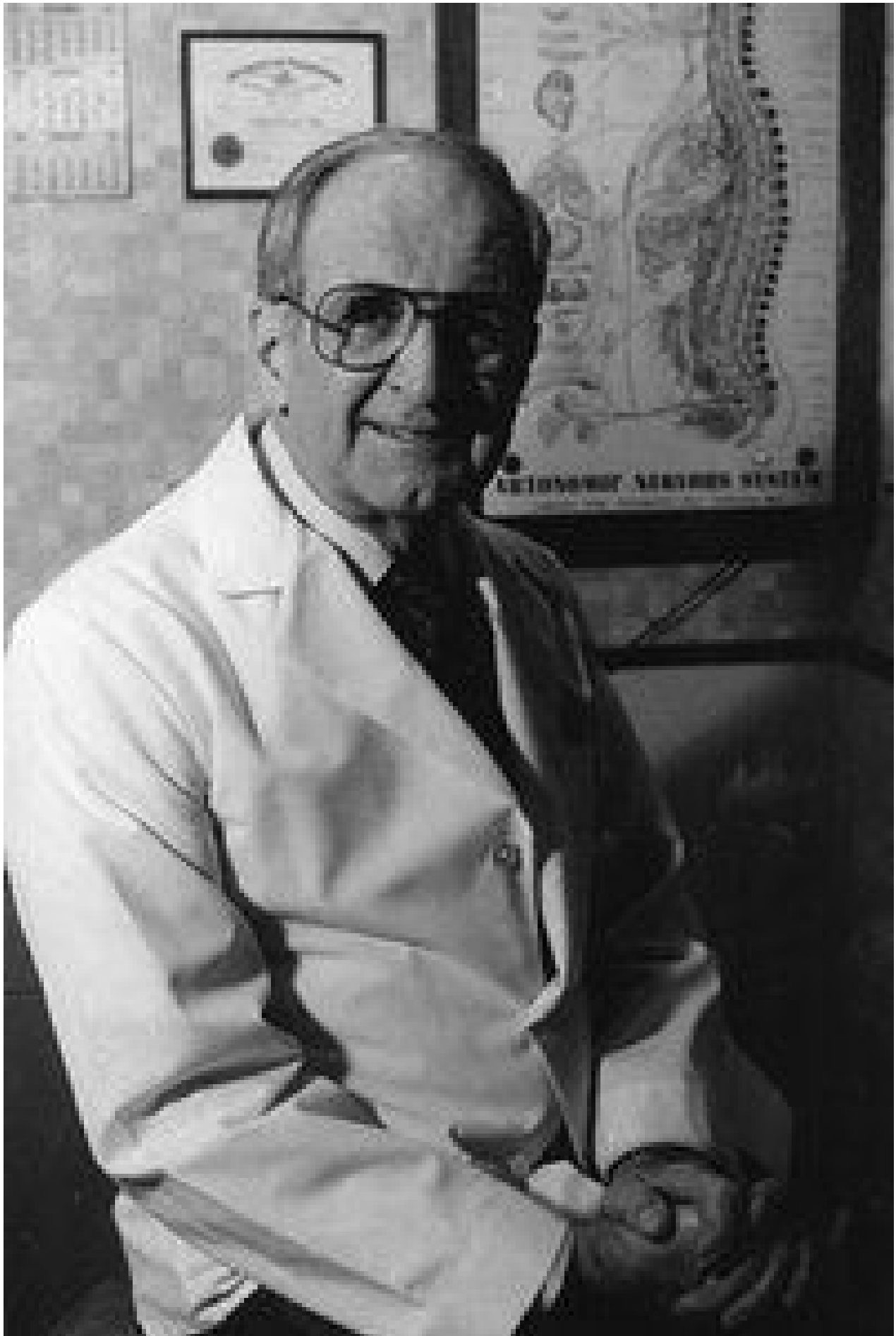
Howard Wolinsky

Chester Wilk, DC, 91, lead plaintiff in the momentous chiropractic lawsuit of *Wilk, et al., v AMA, et al.*, died April 21, 2022 in Advocate Lutheran General Hospital in Park Ridge, Ill., the Chicago suburb where he lived and practiced, following a short illness.

Exposing the Unthinkable

Against all odds and with limited support from within his profession, Dr. Wilk led and ultimately won an antitrust lawsuit that proved the American Medical Association, America's most powerful medical organization, had led a boycott that included a "who's who" of American medicine aimed at wiping out chiropractic as a profession.

The case was decided in 1990 when the U.S. Supreme Court upheld the decision by a lower federal court that found the AMA broke federal law by running a secret group, known as the Committee on Quackery, that participated in a conspiracy to stop chiropractic's efforts to improve the status of the profession.



Judge Susan Getzendanner in 1987, in a 101-page opinion against the AMA, imposed an injunction

and ordered the AMA to notify all its members that it no longer opposed professional contact on behalf of patients between MDs and DCs. She also ordered the *Journal of the American Medical Association*, its flagship publication, to publish her order so that all AMA members would be informed it was ethical to consult with DCs; that they could teach in DC colleges; that they could work with DCs in practices; and that the AMA should end all anticompetitive practices.

Since the beginning of chiropractic, rumors had circulated that allopathic medicine wanted to destroy chiropractic. Dr. Wilk first suspected the conspiracy while practicing in Chicago, where he found he was blocked from access to medical facilities and diagnostics, such as X-ray machines financed by the U.S. government. He also found that MDs would not accept referrals or consultations.

In 1975, a shadowy figure, known as "Sore Throat," claimed to be a former AMA physician who had documents proving an AMA conspiracy against chiropractic. "Dr. Throat" actually was a spy for the Church of Scientology, which had a longtime vendetta against the AMA. His spies infiltrated the AMA to search for evidence of an AMA conspiracy against the church - and instead discovered the AMA conspiracy against chiropractic.

What Do Chiropractic Leaders Think About Dr. Wilk and the Lawsuit?

Lou Sportelli, DC: As a young chiropractic leader in the profession in the late '60s from Pennsylvania, Dr. Sportelli was an early and avid supporter of the lawsuit against the AMA. Dr. Sportelli was also an enthusiast of attorney George McAndrews and his brother Dr. Jerry McAndrews, president of the International Chiropractic Association and later of the Palmer College of Chiropractic.

"Chester and I did not see eye to eye on many things, but the lawsuit against the AMA was one we agreed on wholeheartedly," said Dr. Sportelli. "I appreciated his bullheadedness and stubbornness in pursuing the lawsuit and it was one of the major turning points in the advancement of the chiropractic profession."

Carl S. Cleveland III, DC, president of Cleveland University - Kansas City, College of Chiropractic and College of Health Sciences, fourth-generation doctor of chiropractic and a historian of chiropractic, said, "Chester Wilk stood up, spoke out, and told the truth about chiropractic, and the AMA's anti-chiropractic propaganda. Dr. Wilk served as postgraduate faculty at Cleveland College of Chiropractic for many years. He had a tenacious commitment to telling the chiropractic story, and a willingness to confront the bigotry and injustice of political medicine of that day toward our profession. The chiropractic profession will always be grateful for his leadership."

James Winterstein, DC, 27-year president of the National University of Health Sciences in Lombard, Ill., from which Wilk graduated, testified in both *Wilk* trials. He said: "Dr. Wilk undertook a Herculean task when he decided to sue the AMA, et al. I suspect he really had little idea just how much difficulty his decision would bring to him. ... Dr. Wilk was a true *hero* - a term that is used far too often and too easily today, in my opinion. He was the David against the Goliath known as the AMA. As a result of his initiative, the chiropractic profession was allowed to flourish - to the great benefit of thousands of people who have received care from the services of chiropractic physicians."

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHESTER A. WILK, et al.,)
)
Plaintiffs,)
)
v.) No. 76 C
) 3777
AMERICAN MEDICAL ASSOCIATION,)
et al.,)
)
Defendants.)

PERMANENT INJUNCTION ORDER AGAINST AMA

Susan Getzendanner, District Judge

The court conducted a lengthy trial of this case in May and June of 1987 and on August 27, 1987, issued a 101 page opinion finding that the American Medical Association ("AMA") and its members participated in a conspiracy against chiropractors in violation of the nation's antitrust laws. Thereafter an

The AMA believed that the boycott worked—that chiropractic would have achieved greater gains in the absence of the boycott. Since no medical physician would want to be considered unethical by his peers, the success of the boycott is not surprising. However, chiropractic achieved licensing in all 50 states during the existence of the Committee on Quackery.

The Committee on Quackery was disbanded in 1975 and some of the committee's activities became publicly known. Several lawsuits were filed by or on behalf of chiropractors and this case was filed in 1976.

Change in AMA's Position on Chiropractic

In 1977, the AMA began to change its position on chiropractic. The AMA's Judicial Council adopted new opinions under which medical physicians could refer patients to chiropractors, but there was still the proviso that the medical physician should be confident that the services to be provided on referral would be performed in accordance with accepted scientific standards. In 1979, the AMA's House of Delegates adopted Report UU which said that not everything that a chiropractor may do is without therapeutic value, but it stopped short of saying that such things were based on scientific standards. It was not until 1980 that the AMA revised its Principles of Medical Ethics to eliminate Principle

Opening Doors, Changing Lives

Dr. Cleveland III summed up Dr. Wilk's profound influence on the profession and health care, stating: "The ruling in *Wilk vs. AMA* has removed barriers that today have resulted in expanded opportunities for patient access to chiropractic care.

"In my lifetime, from that 'fear of the knock at the door' to now post-*Wilk*, DCs provide valued care in clinical facilities within the Department of Veterans Affairs, the Department of Defense, the Walter Reed Naval Hospital, and other affiliated multidisciplinary clinics across the nation. The patients whose lives have been changed by chiropractic are the true beneficiaries of this landmark legal victory."

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