



Chester A Wilk

Lead plaintiff in Wilk et al. v. AMA et al

Howard Wolinsky

Plaintiff of the profession

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

Against all odds, with limited support from within his profession, Wilk led and ultimately

won an antitrust lawsuit that proved that the *American Medical Association*, America's most powerful medical organisation, had led a boycott that included a Who's Who of American medicine aimed at wiping out chiropractic as a profession.

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



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 found 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 that it was ethical to consult with DCs, that they could teach in DC colleges, that they work with DCs in practices, and that the AMA should end all anticompetitive practices.



Retired Federal Court Judge Susan Getzendanner

Photo by Howard Wolinsky

Since the beginning of chiropractic, rumours had circulated that allopathic medicine wanted to destroy chiropractic. The AMA had used chiropractic as a whipping boy when it experienced internal political troubles. For example, the AMA failed in its promise to its members that it would stop Medicare, the program for seniors, in the 1960s. When it lost, it created a war against chiropractic to distract its membership.

Attorney George McAndrews, who represented the initial five DCs in Wilk et al., said, '*When China is in trouble, it invades Tibet.*' In this analogy, the AMA was China and the DCs were Tibet.

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.



As a public speaker on chiropractic and its benefits, he traveled across the US and heard many stories about similar cases of discrimination. He suspected the AMA had organized a secret boycott against chiropractic and came to the conclusion that an antitrust lawsuit should be brought against the AMA and other leading MD groups.

He immediately encountered opposition from the *American Chiropractic Association* leaders and especially its general counsel.

In 1975, a secretive figure, known as '*Sore Throat*,' a take-off on the character '*Deep Throat*' whose revelations brought down President Nixon, claimed he was a former AMA physician who had documents that proved an AMA conspiracy against chiropractic.

'*Dr. Throat*' actually was a spy for the *Church of Scientology*, whose founder L. Ron Hubbard had a longtime vendetta against the AMA and asked that his spies break into and infiltrate the AMA along with the *Internal Revenue Service*, *Central Intelligence Agency*, *U.S. Department of Justice* and other '*enemies*' of Scientology. In the AMA case, the Scientologists were looking for evidence of an AMA conspiracy against the church and instead discovered the AMA conspiracy against chiropractic.

The Scientologists behind-the-scenes, unbeknownst to Wilk, tried to encourage Wilk to bring a monopoly case against the AMA and other major groups.

My new book, '*Contain and Eliminate: The AMA's Conspiracy to Destroy Chiropractic*' (Louis Sportelli, 2021) describes these events in detail and reveals the stories behind the story of the Wilk case, many of which Wilk and McAndrews had never heard before. [See the video by Dr Sportelli [here](#), read Rome's review [here](#), and buy the eBook or hard-copy book [here](#)]

I remember Dr. Wilk as a force of nature in taking on his unpopular suit and eventually winning the battle. I covered the first trial for *Medical News*, the AMA's official newspaper, and covered the case later for the *Chicago Sun-Times*.

I nearly lost my job for reporting on what happened in a straightforward manner. My editor, usually an honest newsman, and the assistant general counsel for the AMA called me on the carpet. They said the '*Boys Upstairs*,' in other words the AMA bosses, including D. Jim Sammons, the CEO, wanted me to slant the story. I didn't.

I learned later that McAndrews and Dr. Wilk used my reporting in the AMA newspaper to keep interested parties apprised of the trial.

Dr. Wilk was no shrinking violet. He was determined and fought hard for years to bring suit and finally won his way.

I spent considerable time with Wilk and McAndrews on my first book in 1994, *'The Serpent on the Staff: The Unhealthy Politics of the American Medical Association'* (Putnam). They both were helpful in giving me access to their files and their memories.

McAndrews revealed in interviews for *'Contain and Eliminate'* that his partners refused to offer clerical support while he prepared for the Wilk case. The partners did not like the idea of representing chiropractors. Two of his partners had children who were MDs, according to McAndrews.

But one young lawyer at the firm, Robert Ryan, pitched in.

Ryan told me: *'I didn't have any contact with chiropractors until the Wilk case. The first time I got manipulated in my life was in the courtroom at the first trial by Dr. Wilk.'*

Ryan was suffering from back pain due to an injury from weightlifting.

'Having seen every type of medical doctor possible and gone through all sorts of scans, nobody could find anything wrong with me. And they couldn't solve it. I had to sleep on my knees, sitting up on my knees with my arm over my shoulder on my bed,' he recalled.

Wilk spotted Ryan's distress. *'At a break one day, it came out, somehow we were talking that I had never been manipulated and [Wilk] said, "Do you want to be manipulated right now?"'*

Wilk positioned Ryan on a bench in the courtroom and adjusted him. Ryan experienced relief from this and other adjustments from another chiropractor and became a chiropractic patient for life.



Steve Lumsden DC

Steve Lumsden, DC, may be the last surviving plaintiff in the case. (James Bryden, DC, and Michael Pedigo, DC, are deceased. The whereabouts of Patricia Arthur, DC, are unknown.)

Lumsden, who had to drop out after the first trial, introduced Dr. Wilk to attorney Jerry Hosier, who left before the trial began and turned the case over to McAndrews.

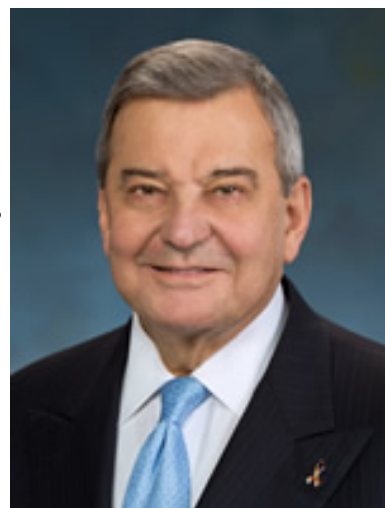
He recalled: *'Most patients and DCs, at the time, were very frustrated but going on about their lives as a solution was too incredible a task to contemplate. I recall a very full courtroom, very intimidating for me. Very intense situation, the defense was working to find a weakness, a fault. Being so young and inexperienced it was very challenging. The defense was very intense. Katherine, George's wife, as I was sweating for dear life, caught my eye and gave me a warm Irish smile, giving some relief to the moment.'* Lumsden added: *'Goliath was not invincible! In the*

USA, the little guy could prevail!'

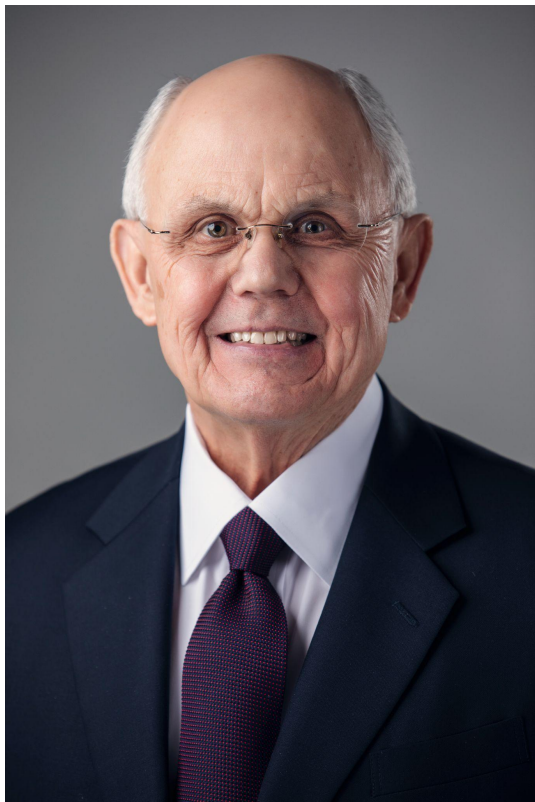
What do chiropractic leaders think about Dr. Wilk and the lawsuit?

Lou Sportelli, DC, a young chiropractic leader in the profession in the late 60s from Pennsylvania, was an early and avid supporter of the lawsuit against the AMA. 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*.

Sportelli indicated: *'Chester and I did not see eye to eye on many things, but the lawsuit against the AMA was one we agreed on whole-heartedly. 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.'*



Lou Sportelli DC



Carl Cleveland III DC
Photo by Howard Wolinsky

Carl S. Cleveland III, DC, President, *Cleveland University – Kansas City, College of Chiropractic and College of Health Sciences*, and a 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.’*

Dr. Cleveland said, *‘With Dr. Wilk, his extended family of chiropractic plaintiffs, and the leadership of attorney George McAndrews, our profession endured a decade of struggle in the federal courts which found in 1987 the AMA and co-defendants guilty of an illegal boycott against chiropractic.’*

‘US Federal Judge Susan Getzendanner, who ruled on this case, called this boycott, ... long term, systematic, illegal, and which damaged reputations and has had lingering effects on society.’ 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.’

Cleveland added *‘The patients whose lives have been changed by chiropractic are the true beneficiaries of this landmark legal victory.’*

James Winterstein, DC, 27-year president of the *National University of Health Sciences* in Lombard, Illinois, testified in both Wilk trials.

He said: *‘Dr. Chester Wilk, a National graduate, 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 the chiropractic physicians.’*



James Winterstein DC
Photo by Howard Wolinsky

The last word

Scott Haldeman, DC, PhD, MD, had a ringside seat to history as an expert witness at the first trial of Wilk et al. v. AMA et al. in 1980-81. He is a chiropractor, a doctorate-level neuroscience researcher, and a medical doctor.

He was shocked that he entered the courtroom accompanied only by McAndrews and one other lawyer while *'there was a whole row of high-powered attorneys on the other side'* at the defending counsels' tables. In fact, it was two lawyers for Wilk et. al v. 50 lawyers for AMA et al.

Haldeman told me: *'You've got to realize it at that time, it was not just chiropractic that was under the target of the American Medical Association, it was anybody who was not a medical physician. So they were after acupuncturists, homeopaths, chiropractors even osteopath., especially the osteopaths who hadn't converted to medical schools.'*

'So basically, the American Medical Association felt that they were responsible for the health of the country and nobody else should be allowed to function independently of them. And my position was, and still is, that we have to have an interdisciplinary approach of all clinicians who help people with spinal problems.'

Haldeman said the Wilk case opened the doors for DCs internationally but also other independent practitioners, not only in the United States but in Pacific/Asia and everywhere around the world.

He said also that the Wilk decision allowed more research to be performed: *'Now, all of a sudden, we have this body of human experience or health care experience, which we can now look at carefully and decide whether it has value. And I'm not saying it all has value, but we can look at that. We're all allowed -- so all of a sudden we're allowed to do research on acupuncture, we're allowed to do research on homeopathy, and naturopathy, and naprapathy, and all of these other healthcare groups and professions. And I think that has markedly expanded our understanding of healthcare and has led to some innovative thinking in the field of healthcare.'*

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Howard Wolinsky is the author of "Contain and Eliminate: The American Medical Association's Conspiracy to Destroy Chiropractic" (Sportelli, 2021) and "The Serpent on the Staff: The Unhealthy Politics of the American Medical Association" (Putnam/Tarcher, 1994). He was the medical writer for the Chicago Sun-Times for 26 years. The newspaper nominated him twice for the Pulitzer Prize for exposes on ethical and financial wrongdoing by AMA officials that led to two AMA CEOs and seven other executives being fired. He lives with his wife Judi outside Chicago.

exclusive to readers of the *Journal*

Howard Wolinsky is offering readers an 'author's' price for a SIGNED copy of this incredible book.

We think this book is a 'must have' in the library of every chiropractor, and we know our readers are discerning folk who place value on their connection with history as evidenced by having a copy signed by the person who makes and records our history.

Remember, it did not happen unless it is documented and you can share it!

Simply write to Howard at howard.wolinsky@gmail.com and he will calculate the postage at the rate you desire (air, express, regular, pony, pigeon) for the place you live, and you can take it from there.

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