

## THE MEDICAL TRUST

Rev. Mr. Kunkelman Discusses the Nebraska Law Creating a Medical Monopoly

Editor Independent: Much has been said and written of late about labor unions and their unjust and un-American methods. It has been loudly proclaimed that every employer should be permitted to engage whomsoever he pleases, and men and women should be protected in their right to work, without being required to wear a union badge. Our purpose is not to discuss this phase of the question further than necessary to call attention to one of the most unjust and far-reaching trusts which curses this and other states—the medical trust.

It wields a czar-like power over this state and, to say the least, is equally as merciless and tyrannical as labor unions can possibly be. It denies to men and women the right to engage in the practice of medicine without first procuring a diploma from a recognized medical college, without any reference to their qualifications. This trust declares such a diploma to be a sine qua non, and its absence is a positive proof of the lack of necessary fitness to practice the healing art.

This, however, is a most unwarranted assumption. As the history of medicine clearly proves. In support of this contention let us quote from eminent physicians. Dr. A. O'Leary, Jefferson Medical College, Philadelphia, says: "The best things in the healing art have been done by those who never had a diploma—the first Caesarean section, lithotomy, the use of chloroform, of ether as an anesthetic, the treatment of the air passages by inhalation, the water cure and medicated baths, electricity as a healing agent."

Dr. Adam Smith says: "After denouncing Paracelsus as a quack, the regular medical profession stole his quicksilver mercury; after calling Jenner an impostor, it adopted his discovery of vaccination; after dubbing Harvey a humbug, it was forced to swallow his theory of the circulation of the blood. It has been truthfully said of the so-called leaders in the medical profession that they are still ready with their sneer and cry of quack, charlatan, humbug. They are still ready to persecute, when they dare. If the man suggesting an improvement be one of their own numbers, they ostracize him; if he be a layman, they try to have him arrested."

Professor Waterhouse says: "I am indeed disgusted with learned quackery that I take some interest in honest, humane and strong-minded empiricism; for it has done more for our art, in all ages and countries, than all our universities since the time of Charlemagne."

In view of the above authoritative testimony we contend that it is possible for a person to be a successful physician without having a medical diploma. For the state board to refuse an individual a certificate to practice medicine solely because he acquired his knowledge outside of a recognized medical college, is a disregard of personal rights. It is the same spirit which so many condemn in the labor unions.

All freely admit that only those should be permitted to practice medicine who are competent; but the state board rules that learning acquired outside of some of their recognized colleges is not to be recognized. A man may have a thorough college training; may have devoted years to the study and practice of medicine; may have proven himself thoroughly competent by actual practice; but the board says he shall not be permitted to practice; neither will we admit him to an examination, unless he can present a diploma.

We understand the board is acting under a state law, but that does not change the injustice. An injustice is none the less such because committed under the authority of the state. This law is claimed to be for the protection of the people, who would otherwise be imposed upon by quacks and charlatans. The truth, however, is the people have in no single instance asked the state to enact this law. The request has come from a certain class of doctors—who were more solicitous for their own protection from competition than by their solicitude for the dear people.

Governor Thomas, in vetoing a medical bill passed by the Colorado legislature and which was similar to our Nebraska law, says: "The fundamental vice of the bill is that it denies absolutely to the individual the right to secure his own physician. This is a right of conscience, as that which enables the citizen to worship God as he may desire. It is indeed the

same right manifesting itself in a parallel direction. It is a part of the law of the land, and no civil power is strong enough to deprive the citizen of its exercise. He may indeed select a healer of doubtful reputation or conceded incompetency, but that is his affair, just as much as his choice of minister or attorney. His action may prove injurious, possibly fatal to himself or some member of his family. It is better so than to delegate to any tribunal the power to say, 'Thou shalt not employ this man.' 'Thou shalt not employ that man.' That this bill produces such results indirectly makes it the more objectionable. It is not the outspoken and aggressive assault upon individual liberty that men should fear, but the indirect and resultant blow that is masked and falls unexpectedly.

"This bill, like all kindred forms of paternalism, assumes that the citizen cannot take care of himself. The state must lead him as a little child lest he fall into trouble unawares. He must be guided and chided, limited here and licensed there, for his own protection. Such a system, born of the union of the church and state, crumbled into ashes in the crucible of experience. It cannot flourish though disguised in the garments of alleged necessity. The privilege of choosing one's own physician is a positive essential to the public health. Confidence of the patient in the healer does more to restore him than all the drugs that ever medicated man. Give the sick, physicians of the greatest ability; without that trust which links one to the other, their acts are apt to fail. Give the sick physicians of mean capacity; if the bond of sympathy exist between them, its influence will find expression through the remedies suggested. Yet this bill assumes to thrust the coarse machinery of the criminal law into one of the most sacred relations of human life; to drag the chosen physician, if unlicensed, from the sick room to the prison cell and to substitute for him one who, however exalted and honorable, may not command the confidence or secure the sympathy of the patient."

Every word of which is true, and applies to the law found upon our statute book in Nebraska. In the highest and truest sense the successful physician is self-made, whether he has gained his knowledge in a medical college, a physician's office, or at his own home.

The practice of medicine is an art, not a science. Science is truth; truth is the same yesterday, today and forever. Medicine is constantly changing. A remedy lauded today is set aside tomorrow and methods of treating disease are as unstable and changeable as the sands on the sea shore. The practice of medicine is largely experimental. The same drug will relieve one patient in a given case, while under apparently the same conditions in another, it will utterly fail. Scientific medicine, as popularly applied, is a misnomer. Experience gained at the sick bed is the only teacher which can make the successful physician.

There are no fixed unchangeable methods of treatment, applicable in all cases, even though the disease may be the same. Each case must be treated according to the conditions and symptoms of the particular patient.

With what consistency can the state punish labor unions, even when they go to the extreme and use force to prevent non-union men and women from working, when it incarcerates in prison or imposes a heavy fine upon worthy and competent people who exercise their God-given right to earn an honorable livelihood by the practice of medicine?

The state law protects those who have a diploma, by issuing them a certificate; but refuses a certificate and imprisons others who attempt to practice—without any reference to their qualifications. If this is not class legislation, pure and simple, what is it? The law simply says a medical trust has been formed which shall regulate the practice of medicine in Nebraska, and the legislature has furnished the appliances whereby this trust shall become effectual.

The medical profession is a noble one. It has done much to cure ailments, to alleviate suffering and to prolong life. Its ranks are filled with men of lofty ambitions and spotless character, who have given and are giving their lives to the development of its mission and are uplifting humanity through its ministrations. These, however, are not the physicians who have petitioned our legislature to enact the law which has formed the profession of medicine into a medical trust. With such laws they have no sympathy. This medical trust, like all others, is not for the benefit of the masses, but for the help of a class of physicians who are un-

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The materialistic conception of his story—see Karl Marx Edition, July 23, 1903.

### NOTICE TO REDEEM.

To Whom It May Concern:—  
Notice is hereby given that on the fourth day of November A. D. 1903, Charles Hammond bought at tax sale from the treasurer of Lancaster county, Nebraska, the lands as described below, all situated in Lancaster County, Nebraska, for the delinquent taxes of 1900 and all prior taxes and taxed to the names of the persons hereinafter set forth and that the time for redemption will expire on November 5th, 1903.  
Southeast quarter of southwest quarter of section 11, township 7, range 5 taxed to P. Gristlinger.  
Northeast quarter of section 2, township 11, range 5, taxed to Robert Inhaber.  
Southeast quarter of section 1, township 12, range 5, taxed to H. De Butts.  
Northwest quarter of northeast quarter of section 17, township 8, range 7, taxed to J. W. Mussetter.  
Southwest quarter northwest quarter of section 36, township 10, range 7, taxed to Lute C. Young.  
West half northwest quarter of section 22, township 7, range 8, taxed to Warren B. Pickett.  
Dated at Lincoln, Nebraska, this 1st day of July, A. D. 1903.  
**CHARLES HAMMOND,**

### Notice Probate of Foreign Will

Estate No. 1783 of Daniel J. Poore, Deceased, in County Court of Lancaster County, Nebraska. The State of Nebraska, to all persons interested in said estate, take notice that a petition has been filed for probate of the will of said deceased, with authenticated copy and record of proceedings thereon by the Court of Probate of Essex County, Massachusetts, as a foreign will which has been set for hearing herein on July 23rd 1903, at 9 o'clock a. m. Dated June 22, 1903.  
**FRANK R. WATERS,**  
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