Opinion No. 13-1118

October 7, 1913

BY: FRANK W. CLANCY, Attorney General

TO: Mr. C. W. Goebel, Belen, New Mexico.

CHIROPRACTIC.

Any attempt to practice the art of healing without a license would be an offense against our statute.

OPINION

*{*295}* I have just received your letter of the 6th inst. enclosing another from the National School of Chiropractic, from which it seems that I have not heretofore made myself entirely clear.

The State of New Mexico does not prescribe or proscribe any system of medical practice, but does require, before a person can be authorized to practice any method of healing or treating the sick, that he should show, either by diploma from a standard medical school or by an examination, that he has sufficient knowledge of anatomy, chemistry, hygiene, materia medica, surgery, diagnosis and other like subjects, to make it safe for him to treat the sick, no matter what method he may employ or to what school he may belong. The validity of such statutes has been upheld by the courts generally. Any attempt to practice the art of healing without a license from the State Board, no matter by what system or method, would undoubtedly subject the person making such attempt, to prosecution and probable conviction, as he would, undoubtedly, be an offender against our statute.

I return herewith the letter which you enclosed.

Chicago, Ill., October 3, 1913.

C. W. Goebel,

Belen, N.M.

Dear Student:

We are just in receipt of your letter of September 29th, and would say that we knew very well what we were talking about *{*296}* when we stated that there is no law against Chiropractic upon any statute book of any state in the Union. It seems that the Attorney General, whose letter you enclosed and which we hereby return, did not get our point of view, for if he had he would have said that we were correct. The fact is that it would be

against the Constitution of the United States for any state in the Union to make any law that would shut out a certain method of practice. A method of practice can be regulated by statute, but it cannot be forbidden, because that would be against the Fourteenth Amendment of the Constitution of the United States, and that is what we meant when we wrote you that letter.

Now the making of medical laws to begin with is wrong, because these laws are made by those who are most interested, and disinterestedness is the first requisite of a just judge and jury. Now it so happens, and we know from experience, that the usual jury of twelve men, can see very readily that as long as a man does not practice medicine or surgery, they will not interpret the medical practice act of any state, no matter how narrow it may be for the protection of the Medical Trust.

Your own Attorney General practically admits that the status of any method of healing, before it is specially put upon the statute books, is necessarily a mooted question.

Under the circumstances we do not wish to take it upon ourselves to advise you what to do. Perhaps it would be best to make up your mind to go to another state, and yet we believe that you could go right along and beat any prosecution that might be brought against you, because Chirapractic is a mechanical adjustment of the spinal column, and any number of juries and judges in the country have said the same thing.

Very truly yours,

THE NATIONAL SCHOOL OF CHIROPRACTIC.

By A. VORSTER.