

A Brief History of Virginia Chiropractors Arrested in the Early Years of the Profession

TESSA D. FOLEY, B.A.*

Although many chiropractors likely know the history around the development of chiropractic, the systemic persecution of chiropractors by the medical community has not been widely researched. The Life University Bell Tower is just one example of the memorialization of doctors who were arrested, charged, and jailed due to their practice of chiropractic in the early years. However, further research on chiropractors charged with illegal practice revealed that there are far more chiropractors who were charged with the crime of illegal practice who have never been included on a list of recognition, such as that on the Bell Tower. This essay argues that there are countless doctors who were persecuted but have not been properly recognized due to research limitations, document availability, and faulty definitions. More specifically, this essay chronicles a brief history of the hardships that Virginia chiropractors had to face to help heal their communities through chiropractic.

Part of chiropractic's vital history is that the profession was not always regarded as a legitimate health practice throughout its early history. Instead, chiropractic was scrutinized and considered to be an illegal practice. Even though chiropractors were arrested and jailed for unlawful practice, this part of the profession's history is not well documented nor honored. Many chiropractic schools have taught first-year students about the profession's founder, D.D. Palmer's arrest in 1906 and his subsequent brief incarceration in Davenport. Other than this history lesson, there are primarily only oral histories of what happened to many of the pioneers in the profession's early days. Publications about the arrests of early chiropractors are limited.

The allegations and subsequent charges enacted on some of the first chiropractors usually involved practicing medicine without a license, illegal practice, etc. It was a strategy implemented by the established medical communities to limit and restrict others from practicing any competing forms of health care. The medical community actively exposed practitioners to their local authorities for illegal practice. As the medical community was a powerful force in the state legislature, they conveniently prevented these other healthcare professions from obtaining approval for state licenses. Organized medicine would identify non-medical healthcare practitioners for arrest on charges of not having a license while blocking all attempts to set up legal standing for those same practitioners. Kansas passed the first state chiropractic licensing law in 1913, and Louisiana passed the last in 1974 (Wardwell, 1992). Until a state passed a law establishing official licensure, any chiropractor practicing in that state was practicing against the law.

*tessadfoley@gmail.com

In 1998, Mildred Kimbrough published an article in *Chiropractic History* titled "Jailed Chiropractors: Those Who Blazed The Trail." This was the first expansive list of pioneer chiropractors from across the country who were martyrs for the profession. Following a few pages of history content, the Kimbrough article listed the doctors of chiropractic who went to jail for practicing without a license.

Kimbrough was Vice President of Human Resources and External Affairs of Life Chiropractic College (Contribuors, 1998) and the list was assembled as the foundation of the Life University Bell Tower monument, constructed in 1996 and featuring the resemblance of a jail cell at its base with the names of jailed chiropractors engraved on the walls.



Figure 1. The Bell Tower at Life University, Marietta, Georgia. Photo taken March 2023



Figure 2. The cell-like chamber at the bottom of the Bell Tower. Photo taken March 2023.

While recognizing those jailed chiropractors is essential, the memorial at Life University is incomplete because many pioneers remain unrecognized for their plights. The Kimbrough list required that a chiropractor had to "go to jail" to be included. The criterion of jail time was apparently the specific intent of the article. A Life University student in 1999 interacted with the administration and requested that a relative be added to the Bell Tower list. The student's great-uncle was a chiropractor in West Virginia and was arrested and convicted of illegal practice in the 1920s-30s; however, he was not sentenced to jail. The student provided supporting documentation of the persecution, but the request was denied by Life because the doctor did not serve any jail time related to his conviction (Conversation between C. Fallwell and J.M. Foley, February 4, 2023).

There is an error in the Kimbrough article. None of the Virginia chiropractors actually went to jail; instead, they were found guilty and had to pay a fine. Technically, the Kimbrough list should not have included those Virginia chiropractors. Another obvious error involves Dr. Shegetaro Morikubo from the famous La Crosse trial in 1907. Kimbrough discusses Morikubo in her article and states he was acquitted of practicing osteopathy without a license in the groundbreaking case. Yet, he is listed as going to jail in Wisconsin. It is unknown exactly how many of the 681 chiropractors from the Kimbrough list served time in jail and who from that list suffered prosecution without the punishment of jail time. Undoubtedly, many on the list went to prison, but it does not accurately represent those jailed for the profession.

The author believes that a chiropractor charged with a criminal act (i.e., practicing medicine without a license/illegal practice) and facing formal legal proceedings to defend themselves meets the criteria of being persecuted and prosecuted for practicing chiropractic. A served jail sentence ought not be the only reason for recognition. Today's chiropractors should remember those persecuted by government authorities to any extent for the sole crime of practicing chiropractic. The intent of documenting and recognizing these pioneer chiropractors should include those that were arrested and taken against their will, charged with a crime, processed by the government as criminal, and forced to defend themselves in legal proceedings. We should recognize them regardless of whether they were found innocent or guilty and the penalties incurred. Should not a doctor who spent only one hour in the police station while being processed or in court be included on the list of those in "jail"?

With this updated view of what qualifies a pioneer chiropractor as a martyr for the profession, this article will revisit the Commonwealth of Virginia's pioneer list of persecuted doctors of chiropractic.

Methods

The author performed a search of *Fountain Head News* (FHN) 1912 – 1930; *Virginia News Letter* (VNL) edited by Dr. John Stoke, 1924-1940; online search of the subscription newspaper search service newspapers.com; as well as searching local Virginia libraries in person.

Limitations

B.J. Palmer began publishing the FHN in 1912 and generally listed Palmer graduates. Stoke did not start producing VNL until 1924, and several early editions have no known surviving copies. Newspapers.com has only a few small-town Virginia newspapers in its database; those they do have need early dates added. Unfortunately, it is impossible to visit and search each locality in Virginia in person. Therefore, some of the very early pre-1924 Virginia chiropractors and any non-Palmer pre-1912 Virginia chiropractors may not have been documented in any chiropractic publication of the time.

Kimbrough error – Jasper Butler

The original Kimbrough list identified three Virginia Chiropractors as going to jail.

Jasper Butler, Richmond, VA
J.G. Creasy, VA
D.L. Ragland, Danville, VA

Dr. Jasper Butler should not be listed as a Virginia chiropractor arrested. Jasper Butler was a chiropractor in Oakland, California, when a man from nearby Richmond sued him for an injury claim in 1924 (Local man, 1924). Kimbrough likely made a mistake reading the *Fountain Head News*, assuming that the referenced Richmond was in Virginia. Moreover, this was clearly an alleged injury, not an illegal practice case.

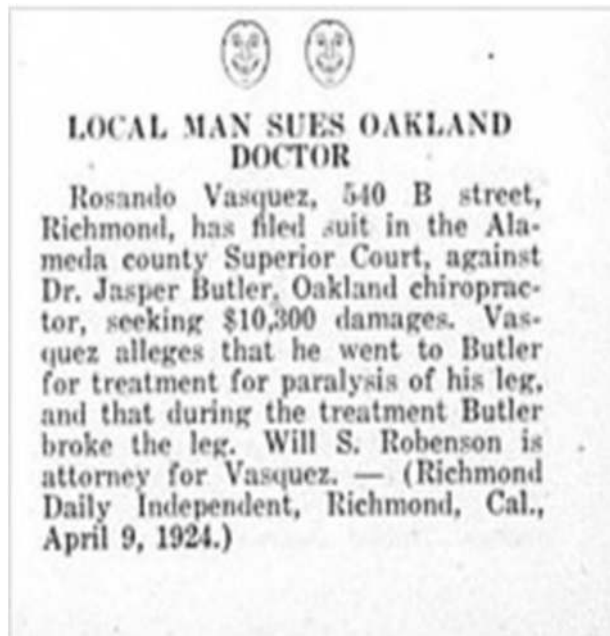


Figure 3. Notice published in FHN describing claims against Dr. Butler in Richmond, CA.

Compare those found in Virginia to the Kimbrough findings: an estimate of actual numbers

Kimbrough listed only two Virginia chiropractors in her publication. The number of arrested Virginia chiropractors documented so far is 25, with others likely missed due to the limitations previously discussed. Twenty-five years after Kimbrough hand-searched the *Fountain Head News* on microfilm, databases now featuring PDF files are searchable online. In Virginia, this updated technology equated to a 12-fold increase in the number of persecuted chiropractors that were previously unknown. Updated searches in each state and expanding the definition of "jail" may lead to adding a factor of 10 to the 681 doctors originally documented by Kimbrough. Other states are encouraged to update their lists of pioneer chiropractors charged with illegal practice.

Table of Virginia DCs with arrest locations and dates

Name	City	Date of First Arrest
K.W Adams*	Winchester	1922
J.R. Adams	Winchester	1922
Robert Bowie	Galax	1928
W. Lewis Bristow*	Roanoke	1920
Fannie Bristow	Norfolk	1922
J. L. Clinton	Martinsville	1929
James Creasey*	Roanoke	1913
Geo S. DeBeck	Abington	1924
Andrew R. Ely*	Lynchburg	1908
E.F. Graham*	Danville	1929
Charles S. Grosso*	Clifton Forge	1929
Rema M. King	Richmond	1925
Limbaugh H.A.	Staunton	1925
W. H. McChesney	Norfolk	1924
Marshall	Christiansburg	1929
R. B. Mitchell	Harrisonburg	1921
T.J. Oakes*	Danville	1924
D. L. Ragland*	Danville	1920
John H. Stoke*	Roanoke	1920
Julius Taylor	Staunton	1922
Mrs Dr Taylor	Staunton	1922
F.L. Tewell	Danville	1924
Clarence B. Trower	Cape Charles	1924
R.E. Williams	Danville	1922
Leo Zarrell*	Covington	1928

* Notates doctors arrested more than once

In 1908, A.R. Ely was one of the first pioneer chiropractors in Virginia charged with some form of illegal practice. Ely had practiced in Lynchburg for only one year before facing charges (Foley, 2020). For the first 20 years, the persecution was primarily inconvenient for Virginia's chiropractors. They would be charged with illegal practice and go to court. The basis of

the defense's strategy usually involved stating that they were not practicing medicine as they prescribed no medication and performed no surgery. In actuality, these chiropractors were practicing the profession in which they held a degree, and there was no law in Virginia requiring a license as a chiropractor at that time. Courts acquitted some chiropractors, while they found others guilty and ordered them to pay a fine. Fortunately, penalties were usually \$25 or less, which equates to approximately \$400 in today's money. Although that was not a considerable sum of money, it was undoubtedly an expense that the offending doctor noticed. The doctor would then need to consider if they wanted to continue practicing illegally just to be harassed by the authorities and be forced to pay more fines. Some indeed closed up and left the state; however, most would return to their practice and risk being arrested again at some point. Most were arrested several times because of their commitment to continue the profession.

City of Richmond's War on Chiropractic

The City of Richmond began waging war against chiropractors in January 1924. Prompted by the urging of several Richmond medical doctors and its mayor, an M.D., the Richmond City Council passed an ordinance barring "chiropractics" from obtaining a city license in Richmond, thus preventing them from practicing (News, 1924; Stoke, June 1924). There were council members who supported chiropractic, but they were outnumbered by those who opposed it. Richmond City Council held discussions on chiropractic on the docket each month for the first five months of 1924. In April of that year, the council voted to fundamentally ban unlicensed chiropractors by requiring that all who practice medicine or healing apply for the city license tax to comply with state law. It was a close 10-9 vote with one council member absent (North, 1924; Common, 1924).

The Richmond "anti-chiropractic" ordinance got tested in the summer of 1925 with Dr. Rema King's case in the Richmond courts (Chiropractor case, 1925). After her arrest, King continued to practice in violation of the city ordinance. When authorities arrested King in 1925, her fines started at \$10 each time; in 1926, the penalty increased to \$300. Finally, the courts held a \$2000 bond to ensure she would not return to her Richmond practice (Given, 1926; Dr. Rema, 1926).



Figure 4. Rema King sentenced. Note her fee of \$2.00 (Chiropractor, 1926)

City officials seemed to notice that King was not discouraged by her arrest and \$10 fine. In August of 1925, while King was still fighting in court, Richmond City Council discussed raising the fine for the illegal practice of chiropractic in the city (Table, 1925). The proposed fines would be \$50 for the first offense, \$250 for the second, and \$500 for the third offense. This effort failed to get the required votes (Council, 1925). The same council minutes reported that in September 1925, only two unlicensed chiropractors remained in the City of Richmond, "...Dr. King and a colored chiropractor." Dr. Rema King of Richmond faced charges several times and was eventually sentenced to 90 days in jail in 1926 (see newspaper notice above).

An interesting sidebar to this story is the unique legal situation in Virginia that occurred about ten years before King's legal battles. The Virginia General Assembly passed a law (SB114) in 1914 that gave a license to practice chiropractic to a handful of chiropractors who were already in Virginia practicing by January 1, 1913. They were grandfathered in, but any new chiropractor coming to the state would have to pass the medical examination if they wanted a license. Therefore, a few chiropractors in Richmond had a state license and could meet the requirements in the Richmond ordinance. There are rumors of these licensed Virginia chiropractors siding with the medical community against "unlicensed" chiropractic (Stoke, October 1924). It is unknown if the few licensed chiropractors in Richmond took a position against their fellow unlicensed chiropractors.

The medical community raised the stakes in 1928 when they realized that a small fine was ineffective in stopping the illegal practice of chiropractic in Virginia. Chiropractors were simply paying the fine and returning to practice, so legislation set a minimum fine of \$50 up to \$500 for an

initial arrest and required a fine and a mandatory jail sentence for a second conviction.

ARE WE CRIMINALS?

When a sick person has been to every doctor and specialist in the county without results and finally regains health through Chiopactic, with no drugs or the knife, is the chiropractor then a criminal?

Chiropractors are not criminals, their only purpose is to do good; to get sick people well. They are thoroughly qualified to do the things they do.

Thirty States have recognized their science and given them legal recognition, and, in most cases, a separate board of examiners. Most Chiropractors in Virginia have a license to practice in some other State, but the sick people in Virginia need them.

Chiropractors do not seek to force their methods upon the people. As a science, Chiropractic must stand upon its merits. It does not need any compulsory laws built up around it. Chiropractic does not want this, for, if it does not have enough merit to stand alone, if the results it gets are not enough to make it grow, it deserves to die.

But Chiropractic has merits and hundreds of people in this community will testify that they have been made well. These people know and they want the public to know that chiropractors are not criminals, but a God-send to suffering humanity.

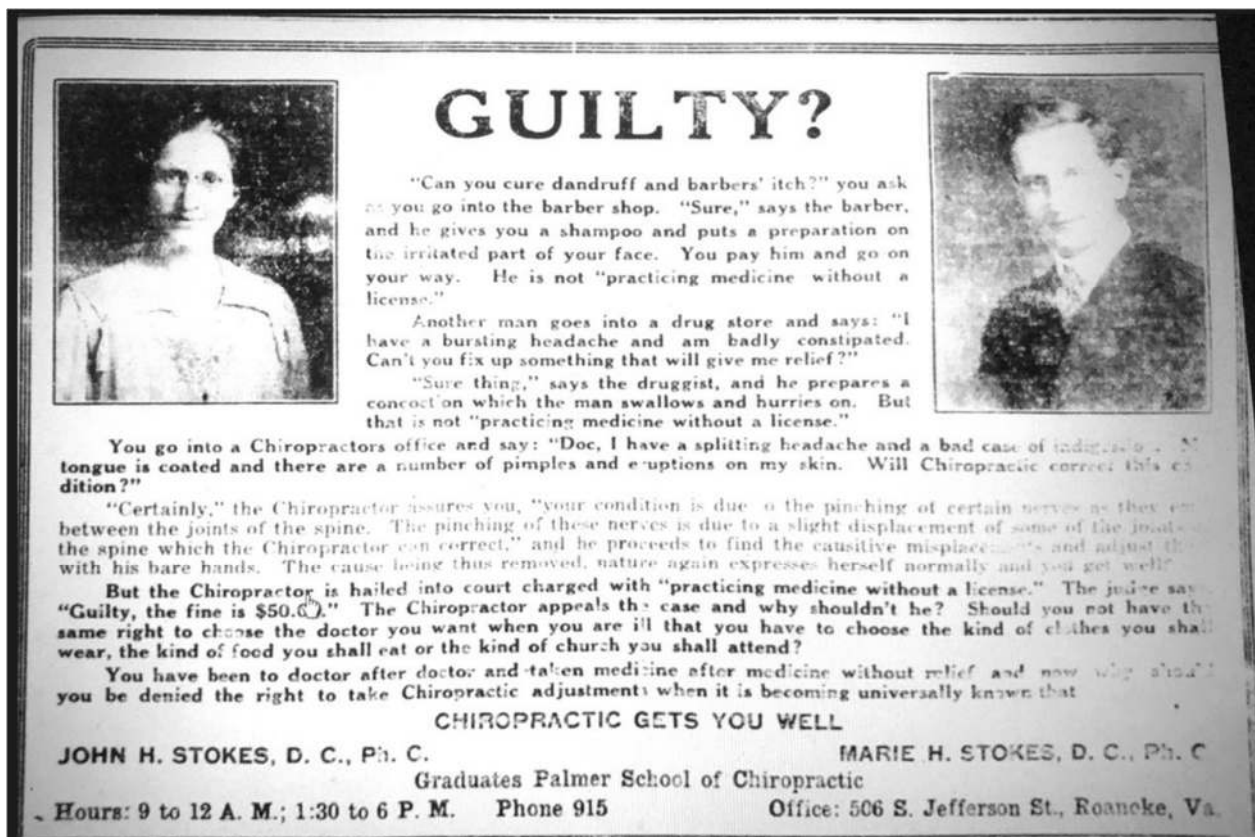
We, as Americans, should have the right to a chiropractor when we need one—and we need a chiropractor in our town.
Come and hear the trial.

**AUXILIARY NO. 4
AMERICAN BUREAU OF CHIROPRACTIC
VIRGINIA UNIT**

(This Advertisement Is Paid For by the Patients of
L. W. Zarrell)

Figure 5. Advertisement in favor of Dr. Zarrell, paid for by his patients, published in the *Covington Virginian*, July 6, 1926.

Approved on March 25, 1928, this update to the Code of Virginia law (HB199) regarding the punishment for the illegal practice of chiropractic stated:



GUILTY?

"Can you cure dandruff and barbers' itch?" you ask as you go into the barber shop. "Sure," says the barber, and he gives you a shampoo and puts a preparation on the irritated part of your face. You pay him and go on your way. He is not "practicing medicine without a license."

Another man goes into a drug store and says: "I have a bursting headache and am badly constipated. Can't you fix up something that will give me relief?"

"Sure thing," says the druggist, and he prepares a concoction which the man swallows and hurries on. But that is not "practicing medicine without a license."

You go into a Chiropractors office and say: "Doc, I have a splitting headache and a bad case of indigestion. My tongue is coated and there are a number of pimples and eruptions on my skin. Will Chiropractic correct this condition?"

"Certainly," the Chiropractor assures you, "your condition is due to the pinching of certain nerves as they pass between the joints of the spine. The pinching of these nerves is due to a slight displacement of some of the joints of the spine which the Chiropractor can correct," and he proceeds to find the causative misplacements and adjust them with his bare hands. The cause being thus removed, nature again expresses herself normally and you get well."

But the Chiropractor is hailed into court charged with "practicing medicine without a license." The judge says "Guilty, the fine is \$50.00." The Chiropractor appeals the case and why shouldn't he? Should you not have the same right to choose the doctor you want when you are ill that you have to choose the kind of clothes you shall wear, the kind of food you shall eat or the kind of church you shall attend?

You have been to doctor after doctor and taken medicine after medicine without relief and now why should you be denied the right to take Chiropractic adjustments when it is becoming universally known that

CHIROPRACTIC GETS YOU WELL

JOHN H. STOKES, D. C., Ph. C. **MARIE H. STOKES, D. C., Ph. C.**
Graduates Palmer School of Chiropractic
Hours: 9 to 12 A. M.; 1:30 to 6 P. M. Phone 915 Office: 506 S. Jefferson St., Roanoke, Va.

Figure 6. Advertisement in the *Salem Times Register* (Roanoke, VA), explaining the absurdity of "practicing medicine without a license."

Upon conviction, therefore, be fined not less than fifty dollars nor more than five hundred dollars for each offense, and in addition, may be imprisoned in the jail of the county or city in which convicted, for a term not exceeding six months, and for a second offense the punishment shall be a fine of not less than fifty dollars, or more than five hundred dollars and imprisonment of not less than thirty days nor more than one hundred and eighty days, and each day of such violation shall constitute a separate offense.

With this new Virginia law in effect, Drs. Bob Bowie of Galax and Leo Zarrell of Covington were arrested for a first and then second offense. They both faced a mandatory jail sentence if convicted. Bowie was well-regarded in his community, and the local town of Galax law enforcement would not arrest the good doctor. Ultimately, the county sheriff was brought in to make the arrest (Stoke, 1929). While abso-

lutely guilty as charged, a Carroll County jury of his peers returned a not-guilty verdict for Bowie (Chiropractor wins, 1928). Bowie and Zarrell utilized the American Bureau of Chiropractic (ABC) plan. They encouraged their patients to organize and plan support for their doctors. In Covington, the ABC ran advertisements in the local newspaper supporting their chiropractor. The ABC produced various newspaper notices that ran for several weeks before the trial.

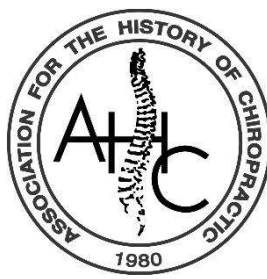
The trial of Zarrell was a significant event in the community, and support for him was high. Before the trial, the judge was concerned about finding enough citizens to sit on the jury (True bill, 1929). On the day of the trial, the witnesses asked to testify against Zarrell were nowhere to be found (Witnesses, 1929). It appears they

had something else to do that day besides testify against Zarrell and earn the ire of the community. There is no record of the trial being rescheduled. Local support by patients and the community was significant in both these cases. Both Bowie and Zarrell seem to have specifically organized their supporters. Others were also arrested and charged during this time in 1928, some with a second offense, but all seem to have escaped the new legal ramifications. The ratcheting up of the pressure on Virginia chiropractors appears to have backfired. By forcing a jail sentence on the local chiropractors that were helping people in their community, the medical persecution resulted in increased support for the chiropractors. No documented convictions were found that resulted in a jail sentence after these cases in 1928.

The courtroom success of Bowie and Zarrell and others, combined with the Great Depression beginning in the fall of 1928, resulted in very few arrests of Virginia chiropractors for many years. The punishments of those illegally-practicing chiropractors only resulted in small fines even though the state law required a more significant penalty. In 1944, Bob Bowie, now a Virginia House of Delegates member, assisted in passing a licensure law. Chiropractic was then legal in Virginia.

References

- Chiropractor case set for July 23. (1925, July 21). *Richmond Times-Dispatch*, 1.
- Chiropractor is sentenced to 90 days in city jail. (1926, February 26). *Richmond Times-Dispatch*, 4.
- Chiropractor wins test case brought under new Va law. (1928, December 1). *The Bee*, 1.
- Common Council to complete docket. (1924, April 10). *Richmond Times-Dispatch*, 3.
- Contributors this issue. (1998). *Chiropractic History*, 18(1), 2.
- Council committee tables proposed chiropractic law. (1925, September 11). *Richmond Times-Dispatch*, 8.
- Dr. Rema King fines. (1926, January 15). *Richmond Times-Dispatch*, 2.
- Foley, T.D. (2020). Virginia's first chiropractors. *Chiropractic History*, 40(2), 12-16.
- Given twelve months. (1926, February 20). *Richmond Times-Dispatch*, 15.
- Kimbrough, M.L. (1998). Jailed chiropractors: those who blazed the trail. *Chiropractic History*, 18(1), 79-100.
- Local man sues local doctor. (1924). *Fountain Head News*, 13(21-22), 11.
- North side to get better sewerage. (1924, April 11). *Richmond Times-Dispatch*, 10.
- Stoke, J.H. (1924, June). News and personal mentions. *The Virginia News Letter*, 1(2), 3.
- Stoke, J.H. (1924, October). An old game. *The Virginia News Letter*. 1(5), 1.
- Stoke, J.H. (1929, August). *The Virginia News Letter*, 5(4), 3.
- Table chiropractic bill. (1925, August 21). *Richmond Times-Dispatch*, 17.
- True bill is returned against special sheriff. (1929, July 24). *Richmond Times-Dispatch*, 6.
- Wardwell, W.L. (1992). Chiropractors' struggle for legal recognition: balancing rights and protections. *Chiropractic History*, 12(2), 25-29.
- Witnesses in chiropractor case not here. (1929, July 26). *The Covington Virginian*, x.
- Would deny license to chiropractors. (1924, January 18). *Richmond Times-Dispatch*, 7.



The Association for the History of Chiropractic (AHC) is a non-profit membership organization committed to preserving and disseminating information on the history of the chiropractic profession. The society was founded at Spears Hospital in Denver in 1980 and held its first annual Conference on Chiropractic History at the Smithsonian Institute in 1981.

Twice per year the AHC publishes the scholarly journal, *Chiropractic History*, which is indexed by the National Library of Medicine in Histline. Membership in the AHC includes a subscription to *Chiropractic History*; members also receive the AHC's newsletter. Membership is open to individuals and institutions in the following categories:

Membership \$100 (open to all individuals)

Members receive two issues of *Chiropractic History*, a newsletter, and access to our membership directory. They are members in the association with voting privileges.

Chiropractic students \$50 (limited to full time students in accredited colleges and universities)
Student members receive two issues of *Chiropractic History* (July and January), a newsletter and have access to our membership directory. They are also full voting members in the association.

Senior -\$75 (open to all persons age 65 or older)

Senior members receive two issues of *Chiropractic History*, a newsletter and have access to our membership directory. They are members in the association with voting privileges.

Institutional -\$200

Institutional membership is available to any accredited institution of higher education. Institutional members receive two copies of each issue of the journal, the newsletter, and have access to the directory.

Family-\$150

Family members receive one copy of each issue of the journal, the newsletter and have access to the directory. Both are members in the association with voting privileges.

Organizational/Libraries/Corporations -\$200

Membership is available to any library, chartered organization, business, or firm sharing similar interests to the Association. Organizations receive two copies of each issue of the journal, the newsletter, and have access to the directory.

PLEASE TYPE OR PRINT NEATLY:

Name: _____ [] D.C. [] Other _____

Name membership listed as: _____

Address: _____

Phone: _____

E-mail: _____

Regular \$100 _____

Senior \$75 _____

Institutional \$200 _____

Student \$50 _____

Family \$150 _____

International add 10% to defray mailing cost

Donation _____ for: _____

[] Check enclosed (Preferred)

[] Paypal to ahc1895@gmail.com

[] MasterCard [] VISA [] Discover

_____ Expiration: _____

Mail to:

Association for the History of Chiropractic
4802 Fairhaven Ct.
Davenport, IA 52807

E-mail inquiries to ahc1895@gmail.com

Our website is historyofchiropractic.org

The AHC is a 501(c)3 organization and donations are tax-deductible.