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Tom Morris, Defender of Chiropractic, Part I

By Joseph Keating Jr., PhD

He was born 9 December 1861 in rural Quebec to John and Jane Morris, Irish immigrants and devout Catholics. Tom Morris studied at the Bedford Academy and the medical school of McGill University before relocating to upstate New York. By May, 1886 the young man had settled in La Crosse, Wisconsin, where he operated a barber shop and apprenticed himself to the law firm of Crane & Martindale. In 1888 he entered the formal study of law at the University of Wisconsin (UoW) in the state capital at Madison, and graduated in June, 1889 (Gregory, 1933).

Returning to La Crosse, the young attorney struggled for several years to establish his law firm. By 1895, however, a partnership with another UoW/Madison alumnus, Fred H. Hartwell, was established. This successful team continued to practice together through 1918.

Morris became a well-known figure in his community, respected for championing the causes of underdogs against stronger foes. Morris' popularity was based on his liberal views and his opposition to "what he considered to be selfish interests-the railroads, the rich, and the 'stalwarts'" of his own Republican Party (Rehm, 1986). He was an activist for women's rights, and represented the Twentieth Century Club, a suffragettes' group, on several occasions. As well, Morris was "instrumental in passage of the nation's first workmen's compensation law" (Rehm, 1998). His biographer described him as:

... a real champion of the people's cause. Honesty was reflected in his countenance. Frankness was one of his traits; and he never was afraid to declare himself where he stood on any issue.

He was from the people. His sympathies were always with the rank and file. He never swerved from any purpose or any objective, which he approached. He was a man, who stood as a rock for any cause he sponsored. He was regarded as one of the ablest district attorneys, who ever served La Crosse County.

He was much loved as a citizen. He was public spirited and no movement for the benefit of LaCrosse was ever denied his support... (Winter Everett, quoted in Lerner, 1954, pp. 600-1).

His schooling in Madison had brought him into contact with influential Republican Governor (later U.S. Senator) Robert "Battling Bob" LaFollette, whose protégé he became. Tom Morris served several years as district attorney for his county before being elected a state senator. He rose to the office of Lieutenant Governor (1910-1914), but was defeated in his campaigns for higher office (governor, U.S. senator), perhaps largely because of public antipathy toward Roman Catholics.

Morris was the prime moving force in the establishment of the normal school (teacher's college) which has become today's University of Wisconsin-La Crosse. He engineered the legislation that created the institution, hired its first president, "aided in gathering its first faculty," and was joined in these efforts by his attorney colleagues, Frank Winter and Otto Bosshard (Gilkey, 1981, pp. 2, 12-5, 21). He also served as a regent from 1905 through 1913, and as president of the Board of Regents of Normal Schools during 1908-09 (Gilkey, 1981, p. 21).

Enter Chiropractic

Morris' introduction to B.J. Palmer, DC, and the hierarchy of the legal protective society organized at Davenport in 1906, the Universal Chiropractors' Association (UCA), came by way of one of the association's founding fathers, Horace ("Hod") D. Norton, DC (Annual, 1918, pp. 26-7). Alarmed by the growing rate of prosecutions of DCs for unlicensed practice, and sobered by D.D. Palmer's 1906 conviction and incarceration in Scott County Jail, the UCA promised to defend chiropractors and cover the costs of such legal proceedings. Its first case, which may have been an intentional test of its capabilities, came in 1907 when an alumnus of the Palmer School of Chiropractic (PSC), Shegataro Morikubo, DC, was charged with unlicensed practice of medicine, surgery and osteopathy. Palmer engaged Morris to represent the Japanese-American chiropractor on behalf of the UCA. It was the beginning of a career that would earn Morris the designation of "legal wizard of the profession" (Lerner, 1954, p. 566).

Whether Palmer had been acquainted with Tom Morris prior to Morikubo's arrest is unclear (Turner, 1931, p. 224); however, a La Crosse connection had already been established, in that "Prof. Willard Colman" of La Crosse had delivered a speech at the first convention of the UCA in Davenport in August, 1906 (Address, 1906). But no one could have predicted that Morris was destined to shape "a philosophy and science of chiropractic" (Edwards, 1938) that would guide the profession for decades to come.

Morikubo had come to La Crosse circa March, 1907 (Rehm, 1986), and was arrested on 22 July. The young chiropractor had attended public schools in his homeland, then became a student in a Buddhist temple, studied at the Tokyo Academy of Science (Lerner, 1954, p. 606), and had earned a PhD, or its equivalent from the Tokyo Academy of Philosophy (Morikubo, 1906a) before immigrating to the west coast and establishing his American citizenship. As a consequence of an injury, he had studied osteopathy before enrolling in the PSC's then 10-month residence course. His arrest in La Crosse was prompted by the osteopathic member of the state medical board of examiners. His case was sensationalized in the press, owing to the prejudice against Asians then sweeping the nation.

The indictment against Morikubo charged that he had illegally practiced medicine, surgery and osteopathy, and noted that he had assumed the unjustified title "Doctor." Morris approached the district attorney (his friend, Otto Bosshard) and persuaded him that the chiropractor should be prosecuted solely on the charge of unlicensed osteopathy, since he had prescribed no medicine and performed no surgery. Bosshard's concession implicitly acknowledged that the practice of medicine did not mean the practice of any healing art; a weak legal precedent was created. Historian Cyrus Lerner, himself an attorney, noted that:

The young prosecuting attorney did not see the trap that Tom Morris had laid for him, and he consented to have the complaint amended to limit the trial to the question of whether or not the Japanese Chiropractor was practising Osteopathy without a license.

By this maneuver, Tom Morris could introduce evidence to show that Osteopathy and Chiropractic were not the same thing. If he could succeed in doing that, how could it be said that he was practising a forbidden thing? This was the genius of Tom Morris (Lerner, 1954, p. 609).

Morris pled his client "not guilty," and the case went to trial by jury on 31 August 1907. Various officials of organized osteopathy testified that the procedures used by Morikubo were osteopathic, but also had to admit their general ignorance of chiropractic principles and methods (Mawhinney, 1984). Defense counsel rebutted by entering into the record the first textbook of chiropractic. Authored by Palmer alumni and PSC rivals Oakley Smith, DC, Solon Langworthy, DC and Minora Paxson, *Modernized Chiropractic* (Smith et al., 1906) declared that chiropractic possessed its own unique "philosophy" and practice methods. Morris also placed his own expert witnesses on the stand, including Charles Linning, DO, DC, who asserted the distinctiveness of the chiropractic art and its concern with the nervous system, in contradistinction to the osteopathic "rule of the artery." Further, opined Linning, the DC's method was unique, involving a

segment-specific thrust, rather than the long-lever manipulations and soft-tissue techniques of Andrew T. Still and his followers. Taking the stand in his own behalf, Morikubo echoed these sentiments. After two days of testimony, the jury took only 25 minutes to find in favor of the chiropractor. Thus began Morris' long affiliation with the chiropractic profession; he would continue as "Chief Legal Counsel" for the UCA until his death in 1928.

To Protect & Defend

Organized medicine's capacity to harass chiropractors was based on the passage (commencing in the 1870s) of healing arts regulations in various states. Morris, like B.J. Palmer, questioned the legitimacy of licensing doctors of any sort. "I am surprised that a free people submit to such a thing as this. ..."

No one would tolerate a state system of worshipping God, and yet we do tolerate what is in effect a state system of healing disease..." declared the UCA Counsel (Morris, 1916). But as an increasing number of jurisdictions began to authorize chiropractic practice by statute (35 states by 1927), Morris and Palmer accepted the inevitable. Accordingly, the pair sought to steer the direction that chiropractic legislation would take. Their actions took the form of a "model bill" offered by the UCA for those states which had not yet passed a chiropractic statute. The model bill called for a maximum of 18 months of training in a chiropractic school to qualify, and a scope of practice restricted to the dicta offered by Palmer (i.e., hands only, non-diagnostic). In 1917 the newly formed International Association of Chiropractic Schools & Colleges (see **Table 1**) quickly endorsed the educational provisions of the UCA's model bill.

Leaving the spotlight to B.J., the firm of Morris & Hartwell organized the legal protective services of the UCA. The La Crosse team traveled untold thousands of miles by rail to nearly every state and several Canadian provinces. Morris led the chiropractors' campaign for "health freedom" as chief legal counsel and eventually as business manager of the UCA (Bulletin, 1928). Grateful UCA members noted that Morris' cogent arguments and unpretentiously righteous style led jury after jury to think beyond the strict letter of the law in order to find in favor of defendant chiropractors. Exemplary were the thoughts of an appreciative UCA member:

...The law of the State of Illinois is so strict regarding the practice of non-drugless [sic] healing methods that there seemed no possible chance for defense for the Chiropractor.

But Mr. Morris arose for his argument, and in tones of earnest sincerity, though in a manner quiet and forceful, portrayed to the jury the good that they might do for humanity by permitting the science to grow, and that there was still left a loop hole in the law of the state by which this consideration could be founded upon.

The manner of presentment seemed to be of such a character that the wrath of the opposing attorney seemed to subside, their gaining for us more liberal views from the prosecutors (Brown, 1911).

A fellow barrister marveled at the number of successful outcomes that Morris and his partners achieved:

The record of cases tried and won, published in this issue (this refers to the December *U.C.A. News*) is unequaled, I believe, by any other firm of attorneys in any other field. A lawyer is considered good if he wins 40 per cent. of his cases and these fellows consistently go over 80 per cent (An Attorney's, 1927).

Of course, the La Crosse legal team was not always victorious (e.g., Bulletin, 1927), especially when the verdict was rendered by a judge, rather than a panel of laymen. But chiropractors, for the most part, were enthusiastic about the UCA and its legal service. B.J. Palmer was so grateful that he christened part of his home the "Morris & Hartwell rooms" (Palmer, 1916a), and later named several lecture rooms in the PSC's newly dedicated (in 1916) D.D. Palmer Memorial Building as the "Morris and Hart

Table 1: Founding members of the International Association of Chiropractic Schools & Colleges (IACSC), established at the Palmer School of Chiropractic, September, 1917 (An Association, 1917)

- Thomas Morris, LLB, Chairman, La Crosse, Wisconsin
- Willard Carver, LLB, DC, President, Carver Chiropractic College, Oklahoma City, Oklahoma
- Ernest G. Duval, DC, President, Canadian Chiropractic College, Hamilton, Ontario
- Frank W. Elliott, DC, Registrar, Palmer School of Chiropractic, Davenport, Iowa
- Arthur L. Forster, MD, DC, Secretary, National School of Chiropractic, Chicago, Illinois
- A.C. Foy, DC, President, Kansas Chiropractic College, Topeka, Kansas

- George Otto, DC, Secretary, Universal Chiropractic College, Davenport, Iowa
- B.J. Palmer, DC, PhC, President, Palmer School of Chiropractic, Davenport, Iowa
- W. Ray, MD, DC, President, St. Louis Chiropractic College, Inc., St. Louis, Missouri
- N.C. Ross, DC, President, Ross College of Chiropractic, Inc., Fort Wayne, Indiana
- W.F. Ruehlmann, DC, MC, President & Dean, Universal Chiropractic College, Davenport, Iowa
- William C. Schulze, MD, DC, Dean, National School of Chiropractic, Chicago, Illinois
- R. Trumand Smith, DC, President, Davenport School of Chiropractic, Davenport, Iowa

Although Palmer and Morris could not see eye to eye when it came to the 1924 introduction of the neurocalometer (NCM) (Keating, 1991a; Keating & Rehm, 1993), an event that led the "Developer" to exit the UCA and establish the Chiropractic Health Bureau (CHB; today's International Chiropractors' Association), he still maintained a friendship and admiration for the counselor who found the weaknesses in political medicine's barrage:

...He [Morris] was one of the four best friends Chiropractic ever had. Fred [Hartwell] was an other...He directed the campaigns, assisted and counseled with and helped put Chiropractic where it is. He was the friend to all with whom he counseled...a brilliant lawyer...Chiropractic could not have been where it is today, had it not been for the first twenty years of The UCA...TOM never lost sight of the great objective - the right of the sick to get well! (Palmer, 1928).

Look for Part II of "Tom Morris, Defender of Chiropractic" in the January 10th issue of *Dynamic Chiropractic*.

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