

beings is a surgical procedure, and it has been testified in many court cases that the act of penetrating the tissues of the human body with a needle would in fact constitute surgery.

However, it is well established that medical laws do not relate merely to the treating of the sick and afflicted. In the case of *Commonwealth v. Porn*, 196 Mass. 326, it was held that childbirth is not a disease, but a normal function of women, and that the practice of medicine does not relate exclusively to disease. The court notes that obstetrics, as a matter of common knowledge, has long been treated as a highly important branch of the science of medicine.

In *People v. Arendt*, 60 Ill. App. 89, it was held that a person practicing midwifery without complying with the provisions of the statute regulating the practice of medicine was liable to the statutory penalty.

In *State v. Welch*, 129 N. C. 579, 40 S. E. 120, it was held not to be erroneous to refuse to charge that the practice of obstetrics was not the practice of medicine.

Under the theory of the cases referred to, a woman undergoing childbirth is not suffering from a disease. Yet, if Doctor Pomeroy's interpretation of the law were correct, anyone might practice obstetrics because by so doing they would not be treating the sick or afflicted.

You are further advised that it is unnecessary for a physician and surgeon to be granted special dispensation by county health officers in order to legally inoculate against communicable diseases.

Very truly yours,

U. S. WEBB, *Attorney-General*.

By (Signed) LIONEL BROWNE, *Deputy*.

**Regarding remarks of Dr. Rodney Yoell as printed on page 447 of the June, 1935, issue of California and Western Medicine: A letter from Frederick L. Hoffman, LL.D.**

June 25, 1935.

*To the Editor:*—I have hurriedly prepared the enclosed letter, which you can print in the next issue of your journal. . . . I am well known in San Francisco and number among my friends, Dr. Geiger, Dr. Keenan, Dr. Kilgore, Dr. Lynch, and many others, who will bear witness to my veracity and integrity.

Very truly yours,

FREDERICK L. HOFFMAN.

Cancer Library: Cancer Research Fund.  
University of Pennsylvania, Graduate School of Medicine,  
Medico-Chirurgical College.

*To the Editor:*—It is with considerable amazement that I have read the remarks concerning my articles on health insurance, published in CALIFORNIA AND WESTERN MEDICINE, and referred to in your issue of June, 1935. If Doctor Yoell had familiarized himself with the true state of facts, he could easily have ascertained that I have probably written as much as anyone in this country on the operation and results of health insurance in European countries, based on an extended study of documentary evidence and amplified by numerous visits to European capitals and interviews with responsible personages regarding the true state of affairs. I challenge Doctor Yoell to quote a single erroneous or misleading statement of facts in my articles or to point out any antiquated or obsolete data utilized therein. The articles were written entirely new on the basis of an examination of the evidence for England and Germany, furnished by the authorities and interpreted in the light of my many years of knowledge of both insurance and medicine.

I have never seen the Canadian report to which reference is made, but assuming that the quotations made therefrom are correct, they betray the same personal bias as the reflections by Doctor Yoell and are not deserving of serious consideration. The assertion that I represented the Christian Science Church is ridiculous, for I am neither a Christian Scientist nor even acquainted with the executive officials of that organization, for which, however, I have a most profound respect as regards the sincerity of its faith and

the fine character of its adherents. The statement, therefore, that I represented the Christian Science Church is ridiculous, and a falsehood fabricated for the purpose of creating a bias against my conclusions. I have made a sworn affidavit to this effect to the Senate Committee of the State of California, repeating that in this matter of health insurance I represented only my own personal investigations, conclusions and convictions, and presented the results to the public in perfect good faith as a statement of fact and not of guesswork opinion.

I have said, and I repeat, that compulsory health insurance, in my judgment, has not contributed materially toward an improvement in the health of the British people, which has been advanced by an admirable public health administration, but not by health insurance concerned chiefly with trivial complaints as pointed out by their own statistics, and not dealing effectively with the chronic diseases of adult life, which should be the chief concern of health insurance and medical benefits. Our own mortality experience has been decidedly more favorable, and we have had a lower death rate year after year, regardless of the fact that we have no health insurance, than England and Wales, or Germany or other European countries. I continue to repeat that health insurance pauperizes the wage-earning population and at the same time impairs the integrity of medical practice. My views are in exact conformity with those of the American Medical Association which, in season and out, has expressed its opposition to the enactment of compulsory health insurance legislation.

Such are the facts which cannot be gainsaid by any superficial aspersions on my character and professional integrity. For forty years I have written on medical subjects and not a single essential conclusion of mine has ever been contradicted. To charge me with ignorance in this matter of health insurance is as ridiculous as it is insulting, since I have contributed as much as anyone to the literature on the subject during the last thirty years. I stand by every line I have written as representing nothing but the truth as it requires to be known and understood by the American people to safeguard our wage-earners against the impositions of a tremendous bureaucratic organization established chiefly for the benefit of those who, on the one hand, desire lucrative positions, and on the other, by those who do not hesitate to impose upon the benefits and draw wrongful advantages from its generosity.

I conclude these remarks with a letter reprinted from the supplement to the British medical journal of June 15, 1935, which is self-explanatory.

"The careful and temperate letter of Dr. S. Crown in the Supplement of June 8th expresses well the feeling of a growing body of panel practitioners—that their position is one of a progressively lowering status. The regulations are so heavily loaded against us, the regulations are so many and so involved, that very few can appreciate the appalling risks that we run, even when a practitioner attempts to work the regulations with the best will in the world.

"It comes as a great shock when some insured person enters a grievance against a panel practitioner and, as a result, his (the practitioner's) conduct is investigated by a medical service subcommittee. The barely veiled hostility of this committee and the roving inquiry into matters that hardly bear on the grievance savor of Star Chamber tactics, and anyone who escapes with only a censure is indeed lucky; while the insured person may break almost all the regulations that govern his conduct with complete immunity.

"Let no one think that he will be protected by the medical members of the committee. I greatly fear that not a few of these medical members are tired of panel work and are seeking a post as medical inspector, so that for them it is not policy to be too assertive in defending their colleagues against unjust and iniquitous investigations. I am, etc.,

F. A. Beattie.

London, S. E. 12, June 9.

Sir:—As a practitioner of some fifteen years' panel service, I wish to endorse most heartily the letter of Dr. S. Crown in your issue of June 8. I am, etc.,

W. A. Trumper.

Ivybridge, Devon, June 9."

Very truly yours,

FREDERICK L. HOFFMAN.

Philadelphia, June 25, 1935.