



Health Freedom *ACTION* Network

*Whoever Controls Your Medical & Health Decisions Controls You*

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STATEMENT

of

HEALTH FREEDOM ACTION NETWORK

on

NATURAL HEALING ARTS: A PRESERVATION OF HEALTH FREEDOM

submitted to the

WHITE HOUSE COMMISSION

ON COMPLEMENTARY AND ALTERNATIVE MEDICINE POLICY

by

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JUNE 15, 2001

Health Freedom Action Network (aka Health FANS!) is an Oklahoma-based grassroots citizen action lobby group. It was founded in 1993 to provide the ordinary citizens of our state with a more organized voice in the framing of policy and law as it pertains to advancing more widespread use of natural healing arts services as well as advancing what many people now call "health freedom". We are a voluntary organization whose members underwrite our activities out of our own pockets. Our organization's motto is, "*Whoever controls your medical and health decisions, controls you.*"

#### Introduction

We commend former President, Bill Clinton, for issuing an Executive Order to establish the White House Commission on Complementary and Alternative Medicine. To us, this signals a renewed respect for, as well as public interest in, restoring natural healing arts to their former prominence in our nation's health care system - a prominence central to the health care system first envisioned and set up by our nation's Founding Fathers. As ordinary citizens of Oklahoma, our interest in providing a statement to this White House Commission fits with our state's tradition of active citizen participation in the framing of both policy and law regarding health care matters. We would like to preface our statement by calling attention to the fact that, thanks to the wisdom of those who wrote our state constitution, citizens in Oklahoma have always had the legal authority to repeal laws we didn't like, as well as the power to actively watchdog the activities of both public officials and corporate interests that often plague ordinary people. These constitutional powers, along with several state statutes, have been used by common citizens of Oklahoma throughout our state's entire history to carefully craft and nurture what is, in fact, ninety-four years of health freedom. The purpose of this statement is to provide members of this White House Commission a living example of how

ordinary citizens, using their lawful authority, have actively created and protected a largely unregulated free-market system of natural healing arts that functions harmoniously alongside our state's more restrictive allopathic medical system. We believe that the health freedom system organized in our state is unique in America. We hope that by providing information about how our system works, we can expedite the restoration of natural healing arts to their former dignity and prominence in the American health care system. Paramount among the issues that make our system so unique and successful is the fact that any time any group starts discussing how to educate, license or otherwise regulate practitioners of natural healing arts in Oklahoma, the discussion inevitably leads to a review of the constitutional and legal issues involving the sovereignty rights of thirty-nine federally-recognized Indian nations, as well as the religious freedoms protected by our state constitution and enjoyed by members of the many religious sects who reside in our state.

Typically, such discussion also includes a review of the right everyone has to practice a common occupation under common law, as well as of the basic powers granted to every citizen under the 9th and 10th Amendments to the U.S. Constitution. While these issues might seem trivial to people in states where health freedom does not exist, we live in a state in which every school child is taught carefully how ordinary citizens participate directly in the political business of the state, and where issues of common freedoms are taken very seriously indeed. In fact, such issues are part and parcel of why generations of ordinary citizens in Oklahoma have long participated both directly and actively in vigorously guarding our ninety-four-year history of health freedom.

A Brief History of Health Freedom and How It Was Lost in America in Most Places  
We wish to point out that when our nation's Founding Fathers established what was to become the American health care system, they knew all too well the negative aspects of the complex, government-controlled monopolistic British and European systems that for generations had stifled the advancement of science and the practice of medicine abroad. Instead of duplicating those systems, our Founding Fathers actively rejected all the restrictive economic and government-imposed mechanisms that controlled medical matters in Britain and Europe, in favor of supporting health freedom and a competitive marketplace. They believed in permitting the common citizen to use common sense to set policy and establish laws at the local level as he saw fit, and they believed that the power of the marketplace would be the best way to accurately determine quality and price of products and services offered. As a result, our American health care system (which relied heavily on natural healing arts modalities and products) was a model of personal freedom and free enterprise until the advent of the 20th Century. And, just as our Founding Fathers predicted, the cost of health care was moderate and we were among the healthiest people in the industrialized world.

Proof that our Founding Fathers were correct in placing their faith in the common sense of the common man can be found all throughout the unfettered, free enterprise health care system as it functioned before the 20th Century. Predictably, our system became a crucible that spawned an astounding number of new creative ideas that resulted in the founding of several uniquely American healing arts such as chiropractic and osteopathy, both created and established by people who had never gone to any medical school. Our system also spawned a botanical healing art called Thomsonianism, organized and taught by New Hampshire farmer, Samuel Thomson. At its zenith, Thomsonianism was practiced and utilized by one-sixth of the population in every state and territory in the country.

Health movements such as the Grahamites provide yet another example. Grahamites promoted the virtues of fresh fruit and vegetables, whole grain and unadulterated foods, fresh air, personal hygiene and regular exercise to a public hungry for common sense information

about health matters. Led by self-taught Presbyterian minister, Sylvester Graham, the Grahamite movement ultimately led to the creation of health spas, health food stores, the breakfast cereal industry and even to the establishment of several religious sects such as Seventh Day Adventists - all based on the desire of Graham's followers to adopt natural health practices as a tenet of their faith.

Today, as we participate in a national discussion to restore the practice of natural healing arts to its former prominence, we must remember that in the early years of the 20th Century, it was advisory committees not unlike this White House Commission, made up of professional factions within the medical industry, corporate interests with products to sell, and still others with social agendas alien to our free enterprise system, who set up the policy foundations and organized the implementation of what became our current, restrictive, national health care system.

The basic goals of these groups included the desire to establish national educational standards, to pass uniform and monopolistic licensing laws in each state, to establish a government-regulated, third-party means to pay for medical services, and the like. All of these goals were based on the notion that decisions about medical and health care were far too complicated for the average American to make for himself, and needed to be left to "experts" to decide. However, the core political and economic agendas that these groups set in motion involved the institutionalization of monopoly power granted to the "allopathic" branch of American medicine (or what is today called "mainstream" medicine), to allopathic drug companies, and to others with social agendas alien to our free enterprise system. Today's high prices and limited choices in health care are a direct result of these earlier, successful efforts to "organize" medicine, and they represent the fundamental reason for the destruction of our once thriving natural healing arts industry.

Today, after years of suppression, ordinary citizens by the millions who have been dissatisfied with the limited offerings of government "authorized" medical services, have voted with their dollars and feet to obtain access to natural healing arts. Often, they have been willing to flout the law in order to obtain that access. This massive rejection of a restricted medical system has resulted in the formation of what is now commonly called "the health freedom movement." And it is the spontaneous formation of this movement that has caused this White House Commission to come into being.

#### Oklahoma Citizens Did Not Grant Allopaths a Medical Monopoly

Usually, when legal experts and medical regulatory authorities gather to discuss issues related to the practice of natural healing arts, they begin with the general assumption that unless a licensing law that establishes medical educational standards and other eligibility requirements already exists, it is illegal for a practitioner to provide health-promoting services. This assumption is derived from the fact that in most states, allopaths have been able to establish a monopoly law that claims that they, and they alone, have dominion over all modalities related to the diagnosis and treatment of any human health condition. Thus, if any practitioners of other modalities wish to function in such a state, they must first petition the legislature to carve out a small, licensed mini-monopoly all their own - a mini-monopoly which itself often comes under the supervision of allopathic authorities.

When Oklahoma's first legislature convened in 1908, the year after the state had entered the Union, it created an allopathic-controlled "medical" licensing board. In 1917, the legislature passed a second law requiring non-allopathic, "drugless healers" to surrender their independence to the allopathic licensing board, and to comply with educational standards spelled out by allopathic authorities in order to qualify for a license to practice. Immediately,

the general public recognized this as a political ploy on the part of the state's allopathic trade association to gain control over its competitors by creating a monopoly. The "drugless healer" licensing law never went into effect, and in fact was repealed by a wide margin in a statewide referendum held a few years later, in 1920. As a result of this referendum, the existing allopathic licensing board was restructured to govern allopathic matters only, and the osteopaths and chiropractors in Oklahoma created licensing boards of their own, independent of allopathic authority.

To this day, thanks to this referendum, the basic function of Oklahoma's medical licensing laws is largely that of defining the scope of practice of each particular group. Allopaths do not have unlimited dominion over all matters related to human health. Drugless healers such as homeopaths, naturopaths, Chinese doctors, acupuncturists, massage therapists, midwives, herbalists, Indian shaman, nutritional counselors, and practitioners of various religious-based healing arts are still free to practice, unlicensed, as they were before statehood. Many provide useful, life-saving services not available from the allopathic community. For example, Oriental doctors offer centuries-old techniques such as the use of acupuncture and oriental herbs to treat sports injuries and provide relief from all manner of other injuries and disease. Indian shaman and medicine men provide emergency services for problems like snake bite and offer health-enhancing services to Native Americans and others by using herbal remedies and tonics to cleanse the body of other toxicities. Naturopaths provide relief from the pain and debilitation caused by such chronic, degenerative diseases as lupus and hepatitis, and help people recover from environmental illnesses caused by exposure to excessive amounts of petrochemicals, heavy metals, and other toxic materials, through their knowledge of body chemistry and their use of detoxification and other health-building techniques.

Another significant chapter in the history of Oklahoma medical licensing laws came about in 1994. Early in that year, a bill was introduced in the Oklahoma legislature designed to "modernize" allopathic medical practice acts. Some of the language in the bill suggested that, once again, allopathic interests sought to expand the definition of the scope of allopathic practice to include all drugless healing modalities. Once again, citizen groups banded together and successfully lobbied the legislature to ban allopathic encroachment into regulation of non-allopathic matters by proposing more specific exclusionary language, now incorporated into the law. This change in the law was passed five votes shy of unanimous by both houses of our legislature.

Seizing the moment, these same citizens also lobbied successfully to add language to the existing allopathic medical practice act that provided the right for individual allopaths to include non-allopathic modalities to their practice without fear of disciplinary action. So, in one fell swoop, the citizens of Oklahoma re-affirmed the vote of 1920 that left all drugless healers free of regulation, and freed many allopaths themselves from strict regulation regarding their offering of natural healing arts modalities, which in many other states MDs are still forbidden to employ.

Since 1994, the Oklahoma legislature has seen two attempts to license massage therapists, one attempt to license acupuncturists and four attempts to license a new, hybrid allopathic/natural healing art called "naturopathic medicine." All of these attempts were promoted by out-of-state occupational trade groups that provided "model" bills to people in Oklahoma whom they thought they could interest in supporting their positions. All of these attempts were met with massive public rejection, and none of these bills ever got out of committee.

## Religious and Cultural Issues Impede Attempts to License Natural Healing Arts in Oklahoma

One central issue that always arises during legislative discussions regarding any attempt to license any natural healing art, is the question of how to exempt those who practice natural healing arts based on religious or cultural beliefs, even though they may charge for their services. Oklahoma is considered to be the "buckle on the Bible belt" and many of our citizens do not use the services of allopaths because it is against their religious beliefs. They use other services. When Oklahoma became a state, it was created by the joining of two sovereign territories, Indian Territory (governed and populated by dozens of sovereign Indian nations recognized by the Federal Government) and Oklahoma Territory (governed and largely populated by non-Indians). As a result of the blending of these unique cultures into one cohesive state, by constitution, the religious and cultural beliefs of ALL Oklahomans are respected, equally.

Because so many people in Oklahoma use natural healing arts services based on either religious or cultural beliefs, these services are not considered "complementary" or "alternative". For these people, the "alternative" is allopathy. Consequently, in Oklahoma, it is customary to use the correct names for each healing art and to use the terms "allopathic" and "natural" to distinguish between what people out-of-state sometimes call "mainstream" and "alternative" healing arts.

## Marketplace Protections For Oklahoma Customers of Natural Healing Arts Practitioners

Our state's natural healing arts health care system has always recognized that each individual is a sovereign with the freedom to choose among all manner of natural healing arts practitioners and services that are available in a competitive marketplace. As part of that competitive marketplace, natural healing arts practitioners are basically considered to be small business men and women.

After ninety-four years of experience, it is commonly understood in Oklahoma that there exists no significant risk to public safety in allowing the unregulated practice of natural healing arts. Should there be an isolated situation that needs resolution, under the Oklahoma Consumer Protection Act, dissatisfied customers of natural healing arts practitioners are able to seek assistance from the Consumer Protection Unit of the State Attorney General's office or they may take the matter to civil court.

On a voluntary basis, many practitioners are certified by either local or national private sector certification groups for the purpose of providing customers with information about their skills. Others provide informed consent contracts or other similar information to prospective customers so, in practice, citizens who seek these services have a general understanding that it is up to them to decide the efficacy and need for the service as well as to assess the skill of the practitioner they seek to employ.

The Content of Natural Healing Arts Education is Not State-Controlled in Oklahoma  
The practice of natural healing arts is considered a vocation in Oklahoma. We have two naturopathic colleges, one school of acupuncture, one Indian shaman school, eight massage therapy schools, and one school to train nutritional consultants, all licensed by the Oklahoma Board of Private Vocational Schools. Some state-owned colleges and vo-tech schools also offer courses in various drugless healing arts.

Curricula for these schools are not determined by the state, which delegates to school officials the responsibility to decide what they want to teach based on what their students want to

learn. State oversight is focused primarily on assuring students that the subject matter they are paying to learn is in fact what they will be taught. In the case of the two schools of naturopathy, one teaches homeopathy, herbalism and various bodywork modalities in a classroom setting, while the other, a distance-learning school, includes in its curricula a program leading to a credential in naturopathic lab assessment that allows graduates to open naturopathic assessment labs in all fifty states - labs that are certified by HCFA and meet CLIA regulations.

#### Closing Thoughts

It is unfortunate that words like "complementary," "alternative," "non-traditional," and "integrative" are used to describe some of the oldest and most widely practiced healing arts philosophies in the world. The use of these words suggests that allopathy, a medical philosophy that is basically the new kid on the block and a child of the industrial age, is somehow superior to all of the empiric wisdom drawn from hundreds if not thousands of years from all cultures and all parts of the world. Use of these words also suggests that health care policymakers, including those who set up this Presidential Commission, may already be committed to absorbing natural healing arts into the allopathic medical system without regard for the fact that the authentic practice of many valuable natural healing arts may not fit the rigid allopathic model, and that these arts might disappear rather than be absorbed. If this is the case, we are concerned that true natural healing arts as they have always been known and practiced in Oklahoma might be lost, and that our state system of natural healing arts education and practice might lose its identity as an independent system meant to maximize choice for the ordinary citizen. Worse yet, we are concerned that many natural healing arts might be outlawed altogether, by forces beyond our control and outside our state system.

Our vision for the future of the American health care system is quite different. Based on the system the ordinary people of Oklahoma have already put into place, we already know that there is plenty of room to allow both allopathy and natural healing arts to flourish, side by side, independent of each other's political and regulatory hierarchy, and with mutual respect for the strengths of each other's wisdom, expertise, and traditions.

We would also like to point out that these differences in philosophy are not new. They were known and understood by our Founding Fathers. For example, in a sidelight to history, two of our most prominent Founding Fathers, allopath Benjamin Rush and naturalist Thomas Jefferson, who were close friends, often vehemently disagreed with each other about medical matters. While many in today's "health freedom movement" use the anti-medical monopoly statement from Dr. Rush that we have included below to support their position, we have also included a statement written by President Jefferson about Dr. Rush's medical philosophy. In the end, the important thing to remember is that both of these men put their lives on the line to support personal liberty, limited government, local control, and free enterprise in matters of health care. In the state of Oklahoma, since statehood, ordinary citizens have made it abundantly clear that we choose to continue to follow their shining example.

*Thomas Jefferson, Leading Naturalist During the Founding of America*

*"Having been so often a witness to the salutary efforts which nature makes to re-establish the disordered functions, he [the wise physician] should rather trust their action, than hazard the interruption of that, and a greater derangement of the system, by conjectural experiments on a machine so complicated and so unknown as the human body, and a subject so sacred as human life.....From the scanty field of what is known, he establishes for his guide some fanciful theory of corpuscular attraction, of chemical agency, of mechanical powers, of stimuli, of irritability accumulated or exhausted, of depletion by the lances and repletion of mercury, or some other ingenious dream, which lets him into all nature's secrets at short hand. On the*

*principle which he thus assumes, he forms his table of nosology, arrays his diseases into families, and extends his curative treatment, by analogy, to all the cases he has thus arbitrarily marshaled together. I have lived myself to see the disciples of Hoffman, Boerhaave, Stahl, Cullen, Brown, succeed one another like the shifting figures of a magic lantern, and their fancies, like the dresses of the annual doll-babies from Paris, becoming, from their novelty, the vogue of the day, and yielding to the next novelty their ephemeral favor. The patient, treated on the fashionable theory, sometimes gets well in spite of the medicine.*

*From this side of the Atlantic, that Europe, which has taught us so many other things, will at length be led into sound principles in this branch of science."*

*Benjamin Rush, M.D., Leading Allopath During the Founding of America*  
*"The Constitution of this republic should make special provisions for medical freedom as well as religious freedom. To restrict the art of healing to one class of man and deny equal privileges to others will constitute the Bastille of medical science. All such laws are un-American and despotic."*

Our Recommendations to the Commission

1. Encourage passage of favorable initiative petition/referendum laws and establishment of governmental policies to ensure citizen control in the framing of public policies and laws pertaining to medical and health care matters.
2. Encourage laws that protect the right of practitioners to practice their particular healing arts according to the philosophy and traditions of that art without interference from practitioners of other healing arts or the government.
3. Encourage laws that protect the right of every citizen to have access to natural healing arts as a consumer issue, not a highly-regulated medical issue.
4. Encourage the repeal or amendment of all licensing laws which are based on the idea that consumers do not have the common sense or the ability to make medical and health decisions for themselves.
5. Encourage the use of language that does not demean natural healing arts as marginal modalities.
6. Encourage the use of standardized language to describe natural healing arts that will avoid confusing the public.
7. Encourage expansion of all natural healing arts as separate and independent modalities rather than supporting efforts to absorb them into the allopathic model.