

Battling a Diploma Mill: The Early Fight to Preserve the Osteopathic Principles of A.T. Still

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Andrew Taylor Still, MD, DO, founded the first school of osteopathy, the American School of Osteopathy (ASO), in 1892. Two graduates from the second class of the ASO, Elmer and Helen Barber, opened the “second school of osteopathy,” the National School of Osteopathy (NSO), in 1895. The guiding principles of the NSO were vastly different than those of the ASO, and Still saw the Barbers as a threat to his founding osteopathic philosophy and their school as a “diploma mill.” In the present article, the author uses primary historical documents to detail the battle between the ASO and the NSO and thus provides a snapshot of the early fight to gain respect within the medical community.

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In the late 19th century, heroic medicine dominated where arsenic, mercury, and narcotics were freely used, and many physicians had received little or no formal medical education. There were allopathic, homeopathic, and eclectic schools all giving the MD degree, and few patients had any concept of their physician's training. It was into this quagmire of medical confusion that Andrew Taylor Still, MD, DO, opened the first osteopathic medical school.

In 1892, Still opened the American School of Osteopathy (ASO) in Kirksville, Missouri, with the first class graduating in 1894.¹ Elmer and Helen Barber graduated with the second class of the ASO in 1895 (*Figure 1*) and subsequently opened their National School of Osteopathy (NSO), or the *second school of osteopathy*, in Baxter Springs, Kansas.² The principles of the NSO were vastly different from those of the ASO, and Still saw this conflict as a threat to his founding osteopathic philosophy. Dr Still was against the NSO from its outset because not only did the Barbers lack the adequate training and clinical experi-

ence necessary to run a medical school,¹ but they did not follow the osteopathic curriculum or philosophy. Still and the ASO fought to uphold the founding concepts of osteopathy. The existence of an osteopathic “diploma mill,” which was what the NSO was believed to be, reflected poorly on the osteopathic profession, and Still strived to squelch it by opposing the Barbers' school.

Using primary documents from court transcripts, journal articles, and historical texts from the Museum of Osteopathic Medicine, I recount this arduous fight by osteopaths at the turn of the 20th century to uphold the osteopathic principles by detailing the origins of the NSO and the ensuing fight between the NSO and the ASO, which led to a \$100,000 lawsuit. This historical snapshot illustrates the early fight of osteopathic medicine to define itself and to maintain respect within the medical community.

The National School of Osteopathy

E. Barber, DO, wrote the first book on osteopathy, *Osteopathy: The New Science of Healing*, which was a compilation of his ASO class notes. The Barbers used this book as their main teaching resource for the NSO and asserted that the layperson would be qualified to practice osteopathy by merely reading the book:

Be they right or wrong, our readers can cure any acute disease in the head, almost instantly, by gently pulling on the head and rotating it in all directions; and any chronic complaint, except cancer, total deafness, or total blindness, by a continuation of the same method.^{3(p12)}

E. Barber further alienated himself from the ASO by citing several theoretical points on which he felt Dr Still was wrong.¹ For example, he proclaimed that the true cause of disease could be traced to a contracted muscle rather than bone.³ Beyond the philosophical differences, the NSO diverged from the ASO on the required length of study. While the ASO required 20 months' attendance, the NSO's course was much shorter, and rumors



Figure 1.
ASO Class of 1895.
Upper row (left to right):
Henry Patterson, DO,
Helen Barber, DO,
Elmer Barber, DO.
Andrew Taylor Still,
MD, DO, is to the
left of the skeleton.
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the Museum of
Osteopathic Medicine,
Kirksville, Missouri
[cat# 2000.01.18].

spread that its diplomas could be purchased without any class attendance.¹ Booth describes the mood surrounding the NSO in *The History of Osteopathy and Twentieth-Century Medical Practice* as follows:

The fact that Dr Barber issued a book which presumed to make Osteopathy so plain that a layman or short term student could practice it, and the continuation of the short course in violation of the law, produced a vigorous opposition on the part of reputable osteopaths and aroused all the energies of the parent school against the methods of the new claimant for patronage.^{4(p87)}

In 1897, the state of Kansas passed a law requiring any medical school program duration to be 20 months (10 mo/y for 2 years). Rather than lengthening their course of study, the Barbers moved their school from Baxter Springs to Kansas City, Missouri.⁴ In this way, the NSO did not meet the accepted standards of other medical schools.⁵

Still sought to preserve his original ideas as founder of the osteopathic profession. In response to the NSO threat to his osteopathic principles, Still, who was concerned about maintaining the quality and reputation of osteopathy, sent William Smith, MD, a former colleague and close friend, to investigate (*Figure 2*).⁶

From Alias to Lawsuit

Smith had taught anatomy at the ASO during its inaugural year and then left to open his own practice. The Barbers therefore would not have met Smith in person, although they would have known him by name.

Under the alias D.H.B. Stewart, Smith met with E. Barber and purchased a diploma for \$150 without ever attending the NSO program. Smith immediately met with the Missouri attorney general, Edward Coke Crow, to file a complaint against the Barbers.⁶ Crow filed a lawsuit against the NSO on the basis of Smith's inquest.

However, despite their efforts to revoke the NSO's charter, the Kansas City Court of Appeals found that this act was undeserved:

The violation of the law was that the diploma was issued when there had been no personal attendance for the time specified by the Missouri laws. This was a legal wrong, but not sufficient to warrant the forfeiture of the school's franchise.^{7(p6)}

Although the court's decision compelled the NSO to issue diplomas only in accordance with the law, their charter was not revoked owing to a technicality⁴: Smith had presented himself to E. Barber as having been educated in medicine, and the act of graduating him was in "good faith."⁴ Smith expressed the following opinion regarding the court's decision:

If the ruling of the court of appeals is correct, the existence of legitimate schools, whether medicine or Osteopathy, is totally unnecessary, for anyone can issue a diploma to anyone; anyone can testify to facts which are totally untrue; in fact the ruling puts a distinct premium upon fraud. I refuse to believe that the American people

will allow the opinion to become a law, that anyone can issue a totally false statement to a confiding public and be supported in so doing by legal authority.^{8(p352-353)}

The battle of the ASO vs the NSO was just beginning.

Kansas City Times Article and McLaughlin's "Stupid Blunder"

The failure of the American Association for the Advancement of Osteopathy (AAAO) to win its lawsuit against the NSO was published in the *Kansas City Times* in 1899. (The AAAO changed its name to the American Osteopathic Association [AOA] in 1901.) If successful, this lawsuit would have forced forfeiture of the charter on the basis of evidence that the NSO sold diplomas without mandating attendance.⁹ J.C. McLaughlin, MD, had read this article and hoped to purchase a diploma from the NSO without attending the school. He wrote:

Referring to the enclosed [Kansas City Times] article I wish to know what you will sell me a diploma for, and if your diplomas are recognized by the Missouri state board of health.^{9(p416-417)}

Unfortunately for McLaughlin, he accidentally mailed this request to the ASO instead of the NSO, confusing the 2 schools because they were both in Missouri. On behalf of the ASO, the current President, C.M.T. Hulett, DO, responded to McLaughlin via the article "By Their Fruits Ye Shall Know Them" in the January 1899 issue of the *Journal of Osteopathy*, which was published by the ASO. Hulett referred to McLaughlin's letter as a "stupid blunder" and expanded on the ideals behind the original lawsuit against the NSO:

...the National School of Osteopathy had been running a "diploma mill"—something which genuine Osteopaths greatly deplore and would, if possible, prevent. It is just such cattle as you seem to be, that they seek to prevent carrying out plans like the one you canvas. They have too much respect for the profession which they represent to be willing to permit men to have the right to bear its name who are not qualified to represent it properly.^{9(p417)}



Figure 2. Andrew Taylor Still, MD, DO, and Charles Still, DO, with William Smith, MD. Reprinted with permission from the Museum of Osteopathic Medicine, Kirksville, Missouri. [cat# 1994.29.02].

Hulett emphasized that the osteopathic profession is a legitimate profession that requires the same amount of work as other professions and deserves similar respect and dedication. Osteopaths were further compelled to debunk the NSO because MD groups were using the Barbers' work as proof that osteopathy was a fraudulent profession.¹

The \$100,000 Lawsuit

In April 1900, the NSO responded to the *Journal of Osteopathy* article by filing a \$100,000 lawsuit against the ASO on the basis of libel. The NSO referred to the article as false and libelous and demanded \$50,000 in actual damages and \$50,000 in exemplary damages.¹⁰ The court battle began in the County of Adair, Missouri; however, in the May Term, the NSO requested a venue change to Sullivan County in Milan, Missouri, because they felt that the ASO, located in Adair County, had an unfair advantage.⁷

Part of the prosecution's case rested on the depositions of the Littlejohn brothers, James Martin Littlejohn, PhD, LL.D., DO; David Littlejohn, PhD, MD, DO; and J.B. Littlejohn, MD, DO, physicians employed by the ASO at the time the *Journal of Osteopathy* article was published. The focus of these depositions was to illustrate parallel situations in which the ASO also issued diplomas in an illegal fashion as well as to describe the level of defamation of the NSO on the ASO campus. J.M. Littlejohn, who was also dean of the ASO for 5 months, witnessed the *Kansas City Star* article being handed out at the ASO to anyone who inquired about osteopathy.¹¹ He also claimed that the dean of the ASO in the term preceding June 1898 stated that "the National School and the Quincy School ought to be broken up, if possible, because they were lowering the standard of education and the value of a diploma."^{12(p14)}

The Quincy School was run by A.P. Davis, MD, DO, a homeopathic physician who was a member of Still's first class. Davis later studied chiropractic under Daniel David Palmer and developed his own derivative school called *Bullis and Davis School of*

Naturopathy, Ophthalmology and Chiropractic in Los Angeles. In his deposition, D. Littlejohn claimed that he was issued a physician's certificate from the ASO even though he never attended the school. J.B. Littlejohn also stated that the ASO tried to sell him a diploma by taking \$200 out of his paycheck and then requesting \$100 more to issue the diploma. The ASO's defense lawyer, Andrew Ellison, addressed this subject of selling diplomas in his cross examination of D. Littlejohn^{12(p43,44)}:

Mr Ellison: "It would be irregular, would it not, to issue to a doctor, an M.D., or to any one else, a regular diploma graduating him in the full course without attendance for twenty months, would it not?"

Littlejohn: "My understanding is that it would, of course. That is all that I can say about it."

Mr Ellison: "In that school at Kirksville, to-wit, The American School of Osteopathy, it issues its diplomas to full graduates who have attended twenty months, and to doctors or MDs what is known as a doctor's certificate of attendance after having attended ten months. Isn't that true?"

Littlejohn: "Yes, sir, I think that is the statement of the case."

Mr Ellison: "You are a regular graduate, M.D., in medicine and surgery?"

Littlejohn: "Yes, sir."

Mr Ellison: "And so is your brother David?"

Littlejohn: "Yes, sir."

Mr Ellison's cross examination established that it was standard practice of the ASO to issue diplomas to their graduates of 20 months' training. This practice differed from the NSO's issuance of diplomas.

The crux of the ASO's defense was to explain how their statements in the *Journal of Osteopathy* article were not libelous because they were factual. The ASO cited 2 key events in which the NSO sold a diploma to individuals who did not attend the school: Smith (as previously described) and Mary C. Johnson, who received a diploma for \$50 even though she and E. Barber never met, nor did she ever attend the NSO.¹³

Ultimately, the court's decision favored the ASO, and the charges were dropped against them.¹⁴

End of the NSO

The NSO had applied for entry into the Associated Colleges of Osteopathy (ACO) in 1899, but it was rejected after failing to meet the minimum academic requirements. After losing the \$100,000 lawsuit in 1900, the NSO increased their length of study to 2 years and added additional teaching staff, but it still fell short of meeting the requirements set by the ACO. The failure of the NSO to institute a 2-year program promptly and gain entry into the ACO were likely the main reasons that lead to its closure in 1900.⁴ The NSO bestowed at least 50 degrees before it closed.¹ Those students attending the NSO at the time were transferred to the S.S. Still College of Osteopathy (SSSCO), where they could receive a DO degree after meeting the higher academic requirements of the SSSCO.¹⁵

Unfortunately, the NSO's ideals were inherited by some of its alumni, who started their own diploma mills: Noe's College of Osteopathy opened in San Francisco, California, and Payne's College of Osteopathy and Optics in Ottawa, Kansas.¹

In the end, the closure of the NSO prompted the osteopathic profession to establish its ethics:

In this manner the profession put itself on record as unequivocally in favor of a high standard of education, and showed that it would not tolerate frauds or deceptions in the name of Osteopathy, if in its power to prevent them.^{4(p252)}

Still and the ASO had won the battle to uphold the fundamental principles and practice of osteopathy, thus preserving the original osteopathic ideals of Still.

Conclusion

This battle represents one of the many struggles osteopathic medicine faced during its early days. Not only did osteopaths have to battle diploma mills, they also struggled against those who misused the osteopathic ethics. Ultimately, osteopathic medicine triumphed and worked toward building statements of ethics and solidifying the profession.

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