

VOORHIES, LONG, RYAN AND MCNAIR

PENOBSCOT BUILDING

DETROIT

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PAUL W. VOORHIES
IRVIN LONG
MACK RYAN
RUSSELL A. MCNAIR
FREDERICK A. CAREY
R. GERVEYS ORYLLS
PAUL FRANKSETH
WM. JOHN SPICER

July 26, 1946

Detroit Free Press
Detroit, Michigan

Gentlemen:

Your editorial in today's issue concerning the Koch case is based upon an erroneous assumption of facts. You say that if Dr. Koch has a cure for cancer he ought to disclose it, and you therefore convey the impression that he is being prosecuted for refusal to disclose the facts concerning his remedy. The charge against him is that labels on some of his products are false, in that they imply that the drugs which he sells to physicians only, and not to the general public for self medication, have therapeutic value in the treatment of cancer and some other forms of disease. As the judges in two trials properly instructed two juries, he is not guilty of the charge if the drugs have any value as a mitigating agent.

In his long career Dr. Koch has disclosed many times the chemical composition of his drugs, his theory as to how they work in the body, and how they are prepared. He has been a witness in all the trials and has been cross examined by government attorneys, and answered every question asked concerning the same. Prior to 1942 he published elaborate books, pamphlets and lectures on the subject. Since that year he has been restrained by court injunction, obtained by the government itself, from publishing any further literature. This ought to set you right on the question of whether he is remiss in any way in not giving his information to his brother physicians.

In the trials the issue comes down to the question of clinical proof. Have the drugs in cases where they are used shown the capacity claimed for them? No one expects any medication to be 100% effective. No remedy is known which always produces results; hence there must always be failures.

The record in these trials shows case after case of patients diagnosed as having cancer, who after treatment with one of Koch's drugs recovered their health, with all signs of cancer disappeared. When I say diagnosed, I mean situations where the patient went through the routine hospital procedure of having a bit of the lesion suspected as malignant excised, and submitted to the inspection of a trained pathologist. Upon the basis of the appearance of the cells in a tissue slice properly stained and mounted upon a microscopic slide, the pathologist arrives at the conclusion after a view of same under the microscope that the patient has or has not a malignant growth. A brief statement of one or two of these cases, as disclosed by hospital records and other evidence before the court, will illustrate what I mean.

A gentleman who lives in Jackson in 1934 noticed a lump over his right shoulder blade, and the use of his right arm had become exceedingly painful. He went to the University of Michigan Hospital for diagnosis. X-rays of the bones of the shoulder girdle and arm were taken and examined. They showed a pathologic condition which the roentgenologists were unable to identify. Consequently, the patient was required to undergo a biopsy operation, whereby portions of the bones and surrounding tissue were removed and submitted to microscopic examination. The finding was a malignant condition known as hemangio sarcoma. Advice was given that he should submit to an operation whereby shoulder blade, right clavicle and right arm should be removed. All this appears in the hospital record. Being unwilling to be crippled in this manner, the patient took Koch's treatment. After some months he recovered and has remained symptom free for eleven years, at least. Subsequent x-rays are admitted by government experts to show that the pathology has been corrected.

The government claims in this case that the man never had cancer, as they interpret the x-rays taken at the time of his visit to the University of Michigan Hospital as showing a non malignant condition. In this instance they claim that pathologists report of malignancy should be disregarded.

Here was a case history where the diagnosticians at the excellent institution at Ann Arbor had no reason to anticipate that the man would go to Dr. Koch. They were sincerely trying to find out the nature of his condition, were unable to determine the nature of the disease without a tissue examination, and upon such tissue examination arrived at a diagnosis of cancer, which in their judgment warranted the advice that he should submit to a crippling operation. Had this operation been performed, the absence of recurrence of the cancer would be attributed to a successful surgical operation.

Another man was in the Ford Hospital, Detroit, on repeated occasions for an abdominal condition. The hospital record shows that at first this case was diagnosed as an abscess, but finally portions of the lesion removed showed malignancy and his condition on the basis of tissue examination was pronounced as cancer. With an open sloughing wound in the abdominal wall, from which the intestinal contents were discharging, and the lesion so extensive that no operative relief could be suggested, he was left out of the hospital apparently in a dying condition. He received the Koch treatment, recovered his health and strength, and there has been no recurrence for four years. Government cancer experts admit that he had cancer, but contend that the four years that have elapsed is too short a time to say that he has been cured. Whether he has or has not, the difference between a bedridden condition at death's door, with an open wound in his abdomen, and his present condition where he is performing hard work on a farm, is significant of benefit.

There are many more such cases and it would take too long to review them in such a letter as this.

I suppose that jurors who in both trials held out for acquittal were impressed by this clinical proof and were not willing to go along with the government's contention that the Koch treatment is wholly worthless. It seems

to me that no matter how many times the case is tried and the evidence fully presented, as it has been in the two trials that have occurred, there will always be some jurors who are more willing to rely on the established facts in the experience gained through the use of this treatment than the opinions of experts whose testimony is to the effect that this experience is inconclusive.

When one knows the facts presented by the evidence and documents, the futility of these trials becomes apparent. The labels which the government charges were false in their representation as to therapeutic quality were discontinued as soon as Dr. Koch was indicted. Had the Food and Drug Department objected to their use, he would have discontinued them at its request, as it is obvious that physicians do not conclude to use a remedy because of what appears on the label. The record shows that numerous physicians throughout the world still continue their use, notwithstanding the claims of government experts. The only claim of harm that may result is based on the theory that patients who could be better and more effectively treated by some other method get the Koch treatment rather than the standard treatment, but this is not borne out by the record. The patients coming to Dr. Koch and his followers do so only because it is the last faint hope. They have already had what standard medicine can offer, or have reached the conclusion that they will not submit to a maiming operation such as was suggested in the first case to which I have referred. One can clearly sympathize with that man's decision that he would take his chance with the Koch remedy, rather than to live a hopeless cripple.

It may take many years before a remedy or form of treatment is accepted. Only now, after thirty years, have the majority of doctors come to the conclusion that the Kenny treatment for paralysis after poliomyelitis is effective. There are still many who deny it. A jury composed of laymen cannot be expected to solve such questions. It takes time and experience to find these things out. There always have been differences of opinion among medical men as to methods to be pursued in combatting disease, and the law recognizes the impossibility of reconciling them, by licensing practitioners of the old school, homeopaths, osteopaths, naturopaths, chiropractors and others who pursue divergent methods, which often are in sharp conflict. Suppose it were left to a jury as to whether the principles of homeopathy were sound? Does anyone suppose that a verdict either way would either root out that form of treatment, or cause it to be universally accepted?

Very truly yours,

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