

# Who May Err - Doctor Or Judge?

*German physician's  
court experience has  
familiar sound*

By JOHANNA G. OBERLANDER

The most sensational medical trial in recent history took place in Munich, Germany, in the summer of 1961 and lasted almost seven weeks. Nearly every newspaper, tabloid and magazine in Europe as well as in other countries reported on every aspect of this action, tried before a criminal court, but involving a basic and highly explosive, controversial issue in medicine: "Can a doctor explore new ways of treatment in terminal cancer patients other than those prescribed by orthodox medicine?"

The central figure was Joseph Issels, M.D., who in 1951 opened the First National Clinic for Internal Treatment of Cancer in Rottach-Egern on the Tegernsee (Upper Bavaria, Germany.)

Readers of this magazine will have a special interest not only in the basic problems of the suit but also in the person of Dr. Issels, because many details and aspects of his treatment were closely modeled upon the controversial therapy of Max Gerson, M.D., about whose work, book and treatment this magazine has often reported.

Dr. Gerson immigrated to this country in 1936, passed his State Board medical examination in 1938 and then practiced medicine in New York City. A very honorable offer came to him from the University of Vienna, Austria, for a professorship of nutritional medicine, but he declined because at the age of 75 he did not want to displace himself again. He died in March, 1959, of pneumonia in his seventy-eighth year.

In a strange way Dr. Gerson's and Dr. Issels' lives were destined to touch under unusual and impressive circumstances. Consequently, Dr. Issels' work seemed to take decided direction from this encounter. As far back as 1952 a Medical Totality Congress met in Berchtesgaden, Germany, and for this gathering of many eminent physicians an invitation also was extended to Dr. Gerson to attend and give a lecture. His speech was scheduled for an afternoon session but continued long into the evening hours by unanimous acclamation. He presented his own concept of the origin of cancer, in accord with this Totality group of physicians, believing it to arise from an underlying, general disorder caused by inherited or acquired defects and nutritional deficiencies. Since orthodox medicine holds cancer to be a local disease, local treat-

*Ed. note: Johanna Oberlander is the daughter of the late Dr. Max Gerson, brilliant M.D. who practiced medicine in New York and developed a philosophy and technique of cancer and its treatment which, though controversial, is vigorously defended and advocated by many former patients who recovered under his care. Mrs. Oberlander, at the invitation of her father, attended the Totality Congress in Berchtesgaden, Germany, in 1952, to which reference is made in this article. Herald of Health carried the biography of Dr. Gerson, with a comprehensive review of his book, "A Cancer Therapy: 50 Case Histories," published in the fall of 1958 and still available through Foundation for Cancer Treatment, Inc., 80-24 Austin St., Kew Gardens 15, N. Y. We are pleased to carry this article by his accomplished daughter, Mrs. Oberlander. Professor Dr. Werner Kollath, one of the foremost authorities on medical biochemistry in Germany and Europe, in a review of the German edition of Dr. Gerson's book, wrote: "This book comes at the right moment when the 'recognized' cancer specialists believed they needed the decisive cooperation of the courts to reinforce their shaky position . . . Today's predominant concept holding cancer to be a local disease is disproved by Gerson's results. Gerson may well say of his work: exegi monumentum aere perennius." (A monument I set for myself which will outlast bronze.)*

ment is therefore emphasized: operation and radiation with some chemotherapy added. But these treatments were already in use 50 years ago, and though their techniques have greatly improved, the percentage of failures seems to increase as the underlying conditions continue to reproduce new growths.

Dr. Gerson explained how he based his theory and practice on the principle that a healthy body does not produce cancer, *but can even fight it off.* (An experiment is documented by the French physician, Albert, — under Napoleon — who injected into himself and some of his disciples live cancer cells. This produced an inflammation, swelling and redness which Dr. Gerson called an allergic

healing reaction, and completely disappeared in a few days. The same experiment recently was duplicated on a larger scale by the Sloan Kettering Foundation on a group of more than 100 volunteer inmates in a penitentiary . . . it showed the same results.) In his practice of 95 per cent terminal cases Dr. Gerson described how he developed and applied his treatment. It has for a main purpose to restore the body functions sufficiently, if that is still possible, so the body can eliminate toxins and poisons and reinstate the chemistry necessary to maintain health.

Then followed a question-and-answer period, the main subject of which remained Dr. Gerson's method and its practical management: raw and freshly-cooked fruit and vegetables, large amount\* of various specific juices freshly pressed several times daily, emphatic elimination measures with frequent enemas, liver therapy with injections and calf's liver juices as well as medication individually adapted by the doctor, consisting mainly of vitamins and minerals, and after a few weeks some light proteins such as yogurt, cottage cheese, etc.

One of the participants of this congress, Dr. Joseph Issels, showed burning interest in Dr. Gerson's description of his treatment and its management and sat down with Dr. Gerson after the lecture for several hours to ask innumerable questions and take detailed notes.

*The volume in Dr. Issels' clinic grew steadily and his treatment, like Dr. Gerson's, consisted of fresh fruit, vegetables, fresh juices and cottage cheese to which he had added some attested harmless medication and other measures. Among 95 per cent terminal cases he could unquestionably show unusual, positive results.*

On September 15, 1960, Dr. Issels was arrested for fraud and manslaughter: fraud, because he was said to have promised cures to terminal patients and their families, thus inducing them to enter his clinic at a cost of \$425 per month including treatment, room and board; manslaughter, because the district attorney was able to produce three cases of patients who died, but might have lived longer, he averred, if orthodox methods had been used before or instead of the Issels treatment.

One of the most respected medical experts in Germany and Europe, Pro-

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fessor Dr. Schulten, asserted that only a world medical congress could render final judgment about the results and utility of Issels' methods. The presiding judge therefore barred any evidence concerning the effectiveness of the methods Issels used, and in forbidding this discussion the court denied it an airing before the public.

*Other startling evidence, however, was revealed as testimony brought out that a dentist formerly on the Issels staff at the clinic had been paid \$2,500 by an interest group which was not named, to collect material which could prove damaging to Dr. Issels, and which eventually was used to bring the suit.*

In his defense Issels stated simple facts: this accusation was based on the latest knowledge of medical science which yet concedes ignorance about the real cause and final cure of cancer. But in its fight against this enigma, the orthodox school used surgery, irradiation and certain chemotherapy which prove only partially effective but are known at the same time to be carcinogenous. No one wishes to question this contradiction, but he, Issels, is *being tried for treating mostly terminal patients with harmless means, all of which had been used on himself and his family.*

Charges of fraud were dropped, but Dr. Issels was sentenced to one year in prison for manslaughter. He received a suspended sentence which was appealed at once. The last word in this trial is surely yet to be heard, especially as one of the witnesses for the prosecution recently was proven to have committed perjury.

Surprisingly, the American news and scientific press completely ignored this trial. But the German press carried detailed descriptions of the action almost every day. It even wrote editorials and brought many reader comments coming from all strata of people with an almost unanimous objection, and even condemnation of the fact a court of law could assume jurisdiction over an area of science which had not yet yielded its ultimate secrets and for which millions are being spent by governments and public donations in research every year.

On May 3 the German Supreme Court heard Dr. Issels' appeal and rendered the following decision: The one-year jail sentence was reversed, and the original trial court was ordered to re-hear the case *with the admonition to admit and even seek evidence and testimony as to the results of the method in question, its cures and successes.*

This certainly is another step forward since it gives the "unorthodox medical men" a chance to be heard officially. The Supreme Court's verdict was described by some as tantamount to acquittal. Most certainly it will cause another sensation when the court convenes to hear the case again.

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