

May 26, 1959

THE DOCTOR'S DILEMMA

Between 1951 and 1956, the Imperial Valley Farmers Association of El Centro, Calif. was the only organization in Imperial Valley importing Mexican laborers. The Mexican laborers amounted to 18,000 during the height of the season and this group made up about one half of all employed people in Imperial Valley. The Continental Casualty Co. of Chicago was the insurance carrier for the group health and accident insurance of all these Mexican braceros. These workers paid for their own insurance. There was no payment made by the employers.

During the year of 1953, when Dr. Carter was trying to handle these 18,000 Mexican laborers, occurred the greatest exploitation of these workers. The reason the Imperial Valley Farmers Association became angry with Continental Casualty Co. of Chicago was simply this: as the Mexican workers became ill, they could not get any medical service. Therefore they quit and went A.W.O. L. over the border. This forced the Imperial Valley Farmers Association to import more workers and each worker cost them \$15.00 a man. The Association did not want the extra expense. At that time Elvira Ruiz was in The El Centro camp of the Association treating these workers and her treatment was ineffective and the workers quit in droves. The Imperial Valley Farmers Association tried to get rid of the Continental Casualty Co. of Chicago but found out it could not because Continental Casualty Co. had political influence in Mexico City. So the Association tried a different approach. It complained to the Grand Jury. There were hearings and Elvira Ruiz was summoned and questioned but no indictments were handed down. It was not until 1956, that the skids were put under Continental Casualty Co. of Chicago.

Continental Casualty Co. of Chicago would not take this lying down and in 1956 helped organize the Desert Growers Association which began to import Mexican workers. Continental Casualty now became the carrier of the group health and accident insurance of the Mexican laborers of Desert Growers. In 1956 and 1957, there were not enough workers to make it feasible for Continental Casualty to hire a doctor to take care of these men. So in these years, the men went to any doctor, they chose to go to.

On March 1, 1958, Continental Casualty Co. hired Dr. Theodore Niewenhous and Elvira Ruiz to handle the workers. By this time, Desert Growers was importing 3,000 workers at the height of the season. It was soon found out by what the workers told me that Elvira Ruiz was treating many of these workers and that they were not being seen by Dr. Niewenhous. I now refer to my May 19, 1959 release, where Exhibit A concerns where Elvira Ruiz treated Jorge Pizano Fajardo when he was having pneumonia. I now present another affidavit by Ezequiel Arismendi Arismendi telling about his treatment by Elvira Ruiz where he ended up in the hospital. This affidavit will be listed as Exhibit B.

With these two sworn affidavits, I got in touch with the investigators of the Board of Medical Examiners who came down and made an investigation of their own and then swore out a warrant for the arrest of Elvira Ruiz for practicing medicine without a license.

The trial of Elvira Ruiz was most unusual. There was no jury. The two Mexican laborers, Arismendi and Pizano told how they were treated with shots and pills by Elvira Ruiz without being examined. They testified that Dr. Niewenhous was not there. Elvira Ruiz testified that she called Dr. Niewenhous on the telephone. Dr. Niewenhous got up on the stand and testified that Elvira Ruiz calls him on the telephone and he makes the diagnosis and prescribes the medicine via the telephone. The two laborers testified that she did not make any telephone calls. Finally, Elvira Ruiz gave bottles of unlabelled medicine to the laborers and when questioned as to how she knew what were in the bottles when they were unlabelled, said "I just know".

Judge Marable in giving his decision on Elvira Ruiz, said that as far as he could see she was acting under the orders of Dr. Niewenhous and therefore Elvira Ruiz was not practicing medicine. However, before giving this decision, he said to R.B. Whitelaw, the lawyer for Elvira Ruiz "holds his clients morally responsible for the worst medical abuse I've ever heard of. I would advise you to tell these insurance companies to clean up this mess." I now refer you to the Exhibit A where the local newspaper Brawley News reports the statement of Judge Marable.

I wish to repeat again that Dr. Theodore Niewenhous, a member of the Imperial County Medical Society and the California Medical Association and of the American Medical Association, got up on the stand and made the statement that on the basis of what Elvira Ruiz tells him about the Mexican laborer, he makes a diagnosis and prescribes ~~and~~ treatment. If this is not exploitation, what is?

Hoping that the adverse publicity of this trial of Elvira Ruiz will stop these unsavory practices of Elvira Ruiz and Dr. Niewenhous, I waited to see what would happen. They did not stop. So that in December of 1958, I filed unethical practice charges against Dr. Niewenhous. Six months have passed by, but the powers that be in the Imperial Valley Medical Society by one tactic or another have prevented the hearing of these charges.

I now refer the reader to Exhibit C dated April 17, 1959 and signed by Pedro Correa Hernandez. This man was found in the hospital to have intestinal amebiasis as the cause of his abdominal pains. Now see Exhibit D. dated April 15, 1959 by Jose Sandoval Garcia. At the present date, the same exploitation of these naive, defenseless Mexican laborers is still continuing.