

Statement in Support of Proposed Legislation to Establish Accountability for Health Professionals who Engage In Torture or Ill Treatment of Prisoners or Detainees

The undersigned express their strong support for a bill sponsored by New York State Assemblyman Richard Gottfried and State Senator Tom Duane that would prohibit the participation of health care professionals in torture and improper treatment of prisoners.

As physician leaders who are proud to be steeped in the Hippocratic tradition of “do no harm” and are dedicated to the well-being of all patients, we have been appalled by the behavior of doctors and other medical personnel in the military and the CIA who served as designers, enablers or monitors of torture. We find equally abhorrent the rationalization of such behavior by commanders and some health professionals on the ground that medical personnel who witness or monitor interrogation protect detainees from further harm. The record shows that in this untenable role they instead gave the go-ahead to waterboarding, authorized long-term sleep deprivation, and approved and monitored other forms of abuse. It is for this reason that the American Medical Association has been unequivocal in its opposition to physicians’ participation in or monitoring of individual interrogations.

When a physician engages in conduct that deeply offends the values of society or the profession, they are investigated and disciplined. But no physician or other health professional who engaged in the interrogation of prisoners has been held accountable. Equally concerning is that no state licensing agency has initiated disciplinary action against health professionals who have so profoundly violated their professional ethics and public trust.

Because of its historic leadership in medical research, practice, and education, New York should take the lead in demanding health professionals’ adherence to ethical obligations and holding health professionals accountable through licensing and disciplinary mechanisms if they violate those norms. A case can be made that existing law provides a basis for disciplining doctors and other health professionals who are complicit in torture, but the law should be explicit about the consequences of engaging in such abhorrent practices.

The New York Anti-Torture bill sets out health professionals’ obligations not to engage in torture or ill treatment, nor to participate in interrogation, while permitting legitimate activities such as assessments of competency and restraining prisoners when necessary for safety. Importantly, the bill, if enacted, puts everyone on notice that violations of these obligations can result in charges of professional misconduct, discipline, and license revocation.

At the same time, the bill offers support for physicians working in difficult environments to resist demands to participate in abuse.

The bill is an important step in the process of restoring professional values and promoting accountability for violations and we are proud to support it.

Signatories

Paul Appelbaum, MD, Elizabeth K. Dollard Professor of Psychiatry, Medicine & Law, Columbia University, Past President of the American Psychiatric Association and the American Academy of Psychiatry and the Law, former Chair of the Council on Psychiatry and Law of the American Psychiatric Association.

Jeremiah Barondess, MD, President Emeritus. New York Academy of Medicine, Professor Emeritus of Clinical Medicine at the Cornell University Medical College.

Dennis S. Charney, MD, Anne and Joel Ehrenkranz Dean and Executive Vice President for Academic Affairs, Mount Sinai School of Medicine.

Robert L Cohen, MD, member, NY City Board of Correction, former Director of the Montefiore Rikers Island Health Service.

Kenneth L. Davis, MD, President and CEO, The Mount Sinai Medical Center.

Lee Goldman, MD, Executive Vice President for Health and Biomedical Sciences and Dean of the Faculties of Health Sciences and Medicine, Columbia University Medical Center.

H. Jack Geiger, MD, Arthur C. Logan Professor Emeritus of Community Medicine at the City University of New York Medical School.

Eric Kandel, MD, Professor of Biochemistry and Biophysics, Columbia University College of Physicians and Surgeons and Senior Investigator in the Howard Hughes Medical Institute; winner of the Nobel Prize.

Burton Lee, MD, White House physician to former President George H.W. Bush.

David Muller, MD, Dean for Medical Education, Mount Sinai School of Medicine.

John W. Rowe, MD, former President and CEO, Aetna U.S. Healthcare, former president and CEO, Mt. Sinai NYU Health, President Emeritus, The Mount Sinai Hospital and Mount Sinai Medical Center.

Steven M. Safyer, MD, President and CEO, Montefiore Medical Center.

Allen M. Spiegel, M.D, Dean, Albert Einstein College of Medicine.

Gerald Thomson, MD Lambert and Sonneborn Professor of Medicine Emeritus at Columbia University, former Chair of the American Board of Internal Medicine, past President of the American College of Physicians.

Torsten Wiesel, MD, President Emeritus, Rockefeller University; winner of the Nobel Prize.

Affiliations of signatories are for identification only.