



NEWS FROM

Assembly Health Committee Chair Richard N. Gottfried

822 Legislative Office Building, Albany, NY 12248 – Tel: 518-455-4941

250 Broadway, #2232, New York, NY 10007 – Tel: 212-312-1492

GottfrR@assembly.state.ny.us

Contact:

Monica Miller, 518-455-4941; cell: 518-755-6001

For Immediate Release:

Tuesday, May 12, 2009

Anti-Torture Bill Moves in Albany

Physicians and other health care professionals licensed by New York would be prohibited from participating in torture or improper treatment of a prisoner under a bill approved by a key Assembly Committee today. The bill, A. 6665, is sponsored by Assembly Health Committee chair Richard N. Gottfried and Senate Health Committee chair Thomas K. Duane. It was favorably reported today by the Assembly Higher Education Committee, which has jurisdiction over professional licensure, and now goes to the Assembly Codes Committee, which reviews bills that have a penalty provision.

Citing recently-disclosed Justice Department documents on the role of health care practitioners in CIA “enhanced interrogation techniques,” Gottfried said: “Whether one regards waterboarding or abdominal slapping as ‘enhanced interrogation’ or torture, we should not be sending young people to medical school and giving them a license to practice healing so they can aid and enable a police officer, prison guard, or CIA agent to inflict pain and suffering. This bill would protect patients in the community from having their bodies put in the hands of people who had misused their medical education, training and license in that way.”

The bill has 30 co-sponsors in both parties in the Assembly and is the first of its kind in the nation, Gottfried said.

The bill has been endorsed by: The Center for Constitutional Rights, Physicians for Human Rights, National Association of Social Workers -- NYS Chapter, and the NYS Nurse Practitioners Association.

Following is a statement on the bill by Assembly Member Gottfried:

“The country has been horrified by the recently-declassified U.S. Justice Department memoranda that documented and purported to justify the extensive use of so-called ‘enhanced interrogation,’ more properly regarded as torture, by the CIA.

“What has been less widely reported is the shocking fact that physicians and other health care professionals were actively and systematically involved in this program. Indeed, the Justice Department papers show that the participation of health care professionals was essential to the rationalization and implementation of the program.

“No physician or other health professional should be allowed to use his or her education, training and professional status to cooperate in the torture or improper treatment of prisoners.

“These documents repeatedly state that that in the use of ‘enhanced interrogation’ methods such as waterboarding, prolonged sleep deprivation, ‘dietary manipulation,’ ‘walling,’ abdominal slapping, water dousing, etc., health care professionals were involved ‘whenever this technique is applied.’ Their role included evaluating the prisoner’s physical and mental condition to certify that use of the techniques may be commenced, monitoring the ‘interrogation’ to make sure that the ‘physical or mental pain or suffering’ inflicted stops short of being ‘severe,’ and being available for such things as performing a tracheotomy if waterboarding goes awry.

“The documents give examples of ‘severe’ pain, which the physicians were supposed to help avoid: pain resulting from ‘strappado [hanging by the wrists tied behind the back], rack, thumbscrews, legscraws. . . sustained systematic beating, application of electrical currents to sensitive parts of the body.’

“Dozens of passages in the memos lay this all out in ghastly explicit terms.

“The Justice Department papers assert that the active involvement of physicians and other professionals proved that the interrogation was not torture. In other words, the claim that this maltreatment of prisoners was legal was dependent on the involvement of physicians, psychologists, and others. If these techniques are regarded as torture, as they should be, then the doctors were providing the fig leaf that allowed the systematic use of torture.

“The papers make clear that physicians and others had a very practical role in the torture. They were there in part to prevent a prisoner’s collapse or death from interfering with the progress of the torture.

“In the CIA, the health care professionals worked in the Newspeak-named ‘Office of Medical Services.’

“Whether one regards waterboarding or abdominal slapping as ‘enhanced interrogation’ or torture, we should not be sending young people to medical school and giving them a license to practice healing so they can aid and enable a police officer, prison guard, or CIA agent to inflict pain and suffering classified as just shy of ‘severe.’

“Some have questioned whether health care professionals have actually been involved in torture and improper treatment of prisoners. The Justice Department papers have now documented that they were involved ‘whenever’ these techniques were used. The Justice Department and the CIA made it clear that the program was – for legal and practical reasons – entirely dependent on the participation of health care professionals.

“The documents shatter any illusion that the physicians were somehow protecting the prisoners.

“A recently disclosed International Red Cross report, which also documented health care professional involvement in torture and improper treatment of prisoners called for ‘steps to . . . prevent such abuses from happening again.’

“The states, which license physicians and other health care professionals, should bar state-licensed health care professionals from participating in torture or improper treatment of prisoners.

“State legislation can and should help deter state-licensed professionals from using their training and license in this way and strengthen their legal ability to stand up for their professionalism if they are pressed to participate in torture or improper treatment. It would protect patients in the community from having their bodies put in the hands of people who had misused their medical education, training and license in that way.

“At the very least, the state would be taking a clear moral stand.”