

October 15<sup>th</sup>, 2010

## ***The Guatemala Revelations Are Not An Aberration***

Unethical Scientific Experiments Came Before and After — And Maybe Tomorrow, Too

**By Leonard Fein**

Now and then, I write here about matters that have no obvious connection to the world of the Jews. And now and then, such columns provoke responses from readers who question why a newspaper devoted to matters Jewish would publish such writing. So this time I am going to try to make the connection explicit.

We are taught that we are to be gracious to the stranger because we were ourselves strangers in Egypt. This is not an obscure concept; it is a central teaching of Jewish texts and of the Jewish tradition. How broad a jump is it to move from that instruction to the idea that we are prohibited from using human beings for purposes of medical experimentation unless they have given their informed consent? Too broad? Then try this: We are all of us, all human beings, created in the image of God.

Which brings me to the scandal of the week, the revelation that between 1946 and 1948, agencies of the government of the United States — specifically, the Public Health Service and the National Institutes of Health — infected about 700 Guatemalans with syphilis. The goal of the “study” was to assess whether taking penicillin right after sex would prevent sexually transmitted infections. To that end, U.S. researchers used prostitutes to infect prison inmates, insane asylum patients, and Guatemalan soldiers with syphilis and other sexually transmitted diseases. They later tried infecting people with “direct inoculations made from syphilis bacteria

poured into the men's penises and on forearms and faces that were slightly abraded ... or in a few cases through spinal punctures," according to one news report. (Read more [here](#) and [here](#).)

News of this shameful episode has been widely publicized, and the scholar who discovered the facts, Dr. Susan Reverby of Wellesley College, has been widely and justifiably praised. Senior officials of the U.S. government, including President Obama himself, have communicated our nation's regrets and apologies, and there has been talk of compensation to the individuals and families whose humanity was violated.

Case closed, right?

Hardly. Note, please, the date of the Guatemala experiment – 1946. Well, it was in 1946 that 20 Nazi doctors were indicted and put on trial in Nuremberg for, among other things, “performing medical experiments, without the subjects’ consent, on prisoners of war and civilians of occupied countries, in the course of which experiments the defendants committed murders, brutalities, cruelties, tortures, atrocities, and other inhuman acts” (wording from the court documents themselves). Seven of the 20 were acquitted, seven were executed, and the rest were sentenced to prison. In his opening statement at the trial, the chief American prosecutor, Telford Taylor, said, “Whatever book or treatise on medical ethics we may examine, and whatever expert on forensic medicine we may question, will say that it is a fundamental and inescapable obligation of every physician under any known system of law not to perform a dangerous experiment without the subject’s consent.”

Need we add that what was true in Germany in 1946 was not less true in Guatemala that same year?

Some readers will immediately be reminded of the awful experiments at Tuskegee, where the U.S. Public Health Service, starting in 1932 and continuing until 1972, recruited 399 poor black men with syphilis from Macon County, Alabama. For their participation in the study, the men were given free medical exams, free meals and free burial insurance. But: They were never told they had syphilis, nor were they ever treated for it.

Can't we at least think, “Well, the experiments in Guatemala and Tuskegee were both over many years ago, and the outraged reaction of columnists, editorial writers and bloggers to the newly-revealed Guatemala chapter shows how far we have come in more recent years?”

But browse or study the record of medical experiments undertaken in this country in the name of science and you will learn that the sort of experimentation here in question goes back to the 1840s, when J. Marion Sims, who is often referred to as “the father of gynecology,” performed surgical experiments on enslaved African women, without anesthesia. The women — one of whom was operated on 30 times — regularly died from infections resulting from the experiments. In order to test one of his theories about the causes of trismus (a jaw problem) in infants, Sims performed experiments where he used a shoemaker’s awl to move around the skull bones of the babies of enslaved women. (See Harriet A. Washington’s “Medical Apartheid: The Dark History of Medical Experimentation on Black Americans from Colonial Times to the Present,” Random House, 2008.)

Continue browsing, and you will read of experiments with women, with children, with prisoners. You will read of experiments in 1962, when 22 elderly patients at the Jewish Chronic Disease Hospital in Brooklyn, New York, were injected with live cancer cells by Chester M. Southam, who in 1952 had done the same to prisoners at the Ohio State Prison, in order to “discover the secret of how healthy bodies fight the invasion of malignant cells.” (The administration of the hospital attempted to cover the study up, but the New York State medical licensing board ultimately placed Southam on probation for one year. Two years later, the American Cancer Society elected him vice president.)

Why bother to learn about such things? For the frighteningly obvious reason that we cannot be certain such things will not happen again, are not now in fact happening.

I therefore call to your attention to the somewhat cryptic information provided by the Washington Post in the course of [its report](#) on Guatemala: “In addition to exposing another episode of unethical medical experimentation, [American] officials said the [Guatemala] revelations were concerning because they could further discourage already often-suspicious minorities and others from participating in medical research. *They also come as U.S. drug companies are increasingly going to poor, less-educated countries to test new drugs and other therapies.*” (Emphasis added.)

There are laws that prohibit U.S. companies from non-consensual human experimentation, even abroad. But there are also laws prohibiting the kind of experimentation on torture that was (is?) conducted at Guantanamo, where, as we learn from a recent report of

Physicians for Human Rights, [Experiments in Torture](#), CIA medical personnel allegedly engaged in the crime of illegal experimentation in an effort to discern how much torture is too much torture.

Full disclosure: I have three grandchildren who were born in Guatemala. There, but for the grace of God – or, if you prefer, the wheel of fortune – go their grandparents. But it is not my personal interest that drives me to write as I have here; it is my country's dismal track record, which prevents me from believing that our laws are seriously enforced.