



Legislation Text

File #: Res 1344-2012, **Version:** *

Res. No. 1344

Resolution calling upon the U.S. government to provide a remedy to the Guatemalan victims of medical experimentation conducted by the U.S. Public Health Service from 1946 to 1953.

By Council Members Crowley, Dromm, Chin, Jackson, James, Lander, Mendez, Palma, Rose, Williams and Rodriguez

Whereas, According to the United States (U.S.) Census Bureau's 2010 American Community Survey, there are 1,156,861 U.S. residents of Guatemalan descent; and

Whereas, The 2010 American Community Survey also reports that among this population, 73,806 live in New York State and 30,420 live in New York City; and

Whereas, The Presidential Commission for the Study of Bioethical Issues ("The Commission") issued a report in September 2011 which revealed that the U.S. Public Health Service conducted highly invasive medical experiments on Guatemalan test subjects between 1946 and 1953; and

Whereas, Such experiments were performed by U.S. authorities without the subjects' consent, adversely affecting vulnerable populations from Guatemalan penitentiaries, orphanages, state run schools, rural communities, a leprosarium, commercial sex workers, and patients in a mental institution; and

Whereas, Some members of the Guatemalan military were also subjected to such medical experimentation; and

Whereas, The experiments included deliberately infecting test subjects with sexually transmitted diseases such as syphilis and gonorrhea, failing to provide medical treatment for contracted diseases, and conducting various other medical procedures such as drawing blood and using lumbar punctures to draw cerebral fluid; and

Whereas, The Commission’s study also revealed that tests were conducted on approximately 5,100 individuals, and at least 1,300 were deliberately infected with sexually transmitted diseases; and

Whereas, The Commission confirmed that members of the U.S. authorities involved in the experiments knew that they were violating the rights of these Guatemalan citizens and called such act a “reprehensible exploitation of our fellow human beings”; and

Whereas, The U.S. Public Health Service conducted similar medical experimentation in the “Tuskegee Study of Untreated Syphilis in the Negro Male” in Tuskegee, Alabama from 1932 to 1972; and

Whereas, A panel appointed by the U.S. Department of Health, Education and Welfare condemned the Tuskegee experiments but provided no compensation for the victims until they filed a class action lawsuit in 1973; and

Whereas, In 2011, a class action lawsuit against the U.S. government was filed on behalf of Guatemalan victims, spouses or descendants of victims who were subjected to the medical experiments; and

Whereas, The U.S. Department of Justice has claimed immunity for the United States and has sought to dismiss the lawsuit; and

Whereas, On February 14, 2012 a number of advocacy groups from the Network in Solidarity with the People of Guatemala (NISGUA) wrote an open letter urging the U.S. government to withdraw its assertion of immunity; and

Whereas, NISGUA members include New York City-based organizations such as the Center for Constitutional Rights and the New York Taxi Workers Alliance; and

Whereas, The U.S. government has a moral obligation to find a viable method of reparation for its non-consensual medical experimentation on Guatemalan victims; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the U.S. government to provide a remedy to the Guatemalan victims of medical experimentation conducted by the U.S. Public Health Service from 1946 to 1953.

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4/19/12
2:10 p.m.
TC