

Democrat on the Senate floor, describing them as "malicious, irresponsible and untrue."

"The smear and scare tactics of the Senator not only falsely impugn the ability and integrity of the house staff physicians who service the hospitals," the committee said in a statement, "they also frighten patients at those hospitals and thereby inevitably cause such patients to be fearful of and to forgo necessary treatment."

Promises Documentation

Informed of the statement, Senator Thaler said that it was "not unexpected," and that he would document his charges "within a few days."

In a long and emotional speech on Tuesday, Mr. Thaler charged that state and city hospitals here were performing medical experiments on indigent patients without their consent.

Yesterday he stood by the specific accusations he had made about the city hospitals and renewed his charge that the hepatitis research program being conducted among mentally re-

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charged that Willowbrook had subjected 500 mentally retarded children, between the ages of 3 and 9, with live hepatitis virus as part of a research program.

Officials at the hospital confirmed that a hepatitis research study had been under way for 15 years, but they insisted that the injections had been done with the consent of the parents and that the result was a substantial reduction in the incidence of the disease at the hospital.

Yesterday, Mr. Thaler said that parents have no right to volunteer their children as subjects for medical research projects, and that the doctors had no right to use as patients in a hepatitis study patients who did not have the disease already.

Quotes Harvard Professor

In support of his argument, the Senator cited a paragraph in the resolution adopted by the World Medical Association in Helsinki in 1964. It says that under no circumstances may a doctor "do anything which would weaken the physical or mental resistance of a human being except from strictly therapeutic or prophylactic indications imposed in the interest of that patient."

He quoted also from a recent article by Dr. Henry K. Beecher, the Dorr Professor of Research at the Harvard Medical School, describing the Willowbrook program as one of 22 research projects that the doctor asserts "risked the health or the life of their subjects" in experimentation not connected with any physical ailment of the patients.

Finally, he quoted from a speech by William H. Stewart, the Surgeon General, last April 30, before the American Federation for Clinical Research, in which Dr. Stewart said:

"The decision to become a subject for research must be made by the subject. This concept is rooted in the basic principle that an individual has the right to control any use of his person.

"We may like it or not, but the individual subject and only he, with all his personal whims and superstitions and foibles, can make the important choice."

Dr. Alan D. Miller, the State Commissioner of Mental Hygiene, disputed Mr. Thaler's contentions about the ethics of the program at Willowbrook.

"We believe that the Surgeon General's remarks were made with the adult in mind," he said. "Parents make all sorts of decisions for their children. We feel that the Surgeon General is in fact saying that only the parents can make such a decision."

Speak for City Group

Regarding the Senator's allegation that the children had suffered liver damage and jaundice as a result of the injections, Dr. Miller said:

"I know of no such case. If he has evidence to that effect, I would like to see it. In fact, I would have hoped that he would have brought it to us in the first place."

The spokesmen for the city hospital physicians were Dr. Henry F. Ryan, a resident pathologist at Bellevue who is chairman of the Committee of Internes and Residents, and Dr. James B. Parris, the chief resident in surgery at Harlem Hospital, who is vice chairman of the committee.

The two men held a news conference in a paneled room in the office of the committee's counsel, Murray Gordon, at 401 Broadway.

Dr. Parris flatly denied Mr. Thaler's charge that a 23-year-old woman at Harlem had recently undergone a hysterectomy without her consent to demonstrate the operative procedure to the staff.

"It's absolutely unthinkable," he said. He also rejected the Senator's assertion that Harlem surgeons had amputated the deformed limbs of certain children — again to demonstrate procedure.

"I have checked the records of amputations for the last two years," Dr. Parris said. "No deformed children have been operated on during that time. Mr. Thaler's charge is absolutely untrue."

Dr. Ryan challenged the Senator's assertion that alcoholics taken to Bellevue had died as a result of liver biopsies performed without their consent for research purposes.

"I, too, have searched the hospital records," he said. "I have been unable to find evidence of any case of a patient dying from a needle biopsy."

In reply, Senator Thaler said last night that "competent medical authority" had informed him that an average of four to five out of every 1,000 patients who have liver biopsies die as a result of those biopsies.

"At least one patient a year dies from a biopsy at Bellevue," he said.

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