

# The New York Times

## Judge Won't Order Inquiry Over Psychologist's Role in Guantánamo

By John Eligon  
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New York State cannot be forced to investigate a psychologist accused by a human rights organization of overseeing coercive interrogation tactics at Guantánamo Bay, Cuba, a judge in Manhattan ruled on Thursday.

The rights group, the Center for Justice and Accountability, had brought a suit claiming that the psychologist, John Francis Leso, helped develop a plan of coercive techniques, including sleep deprivation and isolation, to use on detainees at Guantánamo. The suit was brought on behalf of Steven Reisner, a psychologist and an assistant professor of clinical psychiatry at the New York University School of Medicine. It sought an investigation of Dr. Leso by a professional disciplinary office in the state's Education Department that regulates psychologists' licenses.

But in a 12-page ruling filed in State Supreme Court, Justice Saliann Scarpulla wrote that Dr. Reisner had no standing to force an investigation. Nothing in state education law, Justice Scarpulla wrote, guarantees that the office "formally investigate every single complaint of professional misconduct, no matter the contents or applicability of the complaint."

The judge also ruled that Dr. Reisner did not suffer an injury as a result of the state's decision not to investigate.

In July 2010, Dr. Reisner filed a complaint against Dr. Leso with the Education Department's Office of Professional Discipline. But the office said it did not have jurisdiction in the case because the claims against Dr. Leso did not involve the practice of psychology as defined under New York State law. The office cited several reasons, including the lack of an established doctor-patient relationship.

Dr. Reisner argued that the office had a duty to investigate Dr. Leso, and the human rights group sued on Dr. Reisner's behalf in November, seeking an investigation of Dr. Leso and the revocation of his license. Efforts to reach Dr. Leso for comment have been unsuccessful.

Earlier this year, William J. Strickland, the Society of Military Psychologists' representative with the American Psychological Association, said the accusations against psychologists regarding the interrogations were highly speculative and lacked any clear evidence of wrongdoing.

Justice Scarpulla's ruling is the latest in a few similar lawsuits across the country that have gone against advocates who have been trying to get the courts to punish psychologists accused of advising on abusive interrogations.

Dr. Reisner said in an interview on Thursday that he was disappointed with the decision and that he and his lawyer were deciding whether to appeal.

Because she ruled that he did not have standing to bring a claim, Dr. Reisner said, Justice Scarpulla did not address the issue of Dr. Leso's conduct.

"For the sake of our country, somebody has to be willing to stand up and say that torture is wrong, it's unethical, it's illegal, it contradicts everything that our nation stands for," Dr. Reisner said. "This has an effect on every psychologist and health professional."