

Debate: What Trumps the Goldwater Rule?

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Nothing to Disclose

“Madness in great ones must not
unwatched go”

-Shakespeare

The Goldwater rule APA Code of Ethics, Section 7.3 (2013)

On occasion psychiatrists are asked for an opinion about an individual who is in the light of public attention or who has disclosed information about himself/herself through public media. In such circumstances, a psychiatrist may share with the public his or her expertise about psychiatric issues in general. However, it is unethical for a psychiatrist to offer a professional opinion unless he or she has conducted an examination and has been granted proper authorization for such a statement.

The APA Ethics Committee revisited the Goldwater Rule in 2017 and expanded its application not only to psychiatric diagnosis but to “any opinion about the affect, behavior, speech or other presentation of an individual that draws on the skills, training, expertise and/or knowledge inherent in the practice of psychiatry.”

History of the Goldwater Rule

- In 1964 FACT magazine sent a survey to all 12,356 members of the American Psychiatric Association asking, “Do you believe Barry Goldwater is psychologically fit to serve as president of the United States?”

- 2,417 responded
- 571 said they did not know enough about Goldwater to answer the question
- 657 said they thought Goldwater was psychologically fit
- 1,189 said Goldwater was NOT fit
- “Over a quarter million words of professional opinion” received.

The Results

FACT magazine called these comments “the most intensive character analysis ever made of a living human being.”

Here are some of the comments:

- "B.G. is in my opinion emotionally unstable, immature, volatile, unpredictable, hostile, and mentally unbalanced. He is totally unfit for public office and a menace to society..."
- "My clinical impression is that he is paranoid personality with dominance of subjective views over objective..."
- "It would appear that Barry had a stronger identification with his mother than with his father..."

- "His theme is "freedom"- but from what? Unconsciously, it seems to be from his mother's domination..."
- "B.G.'s proneness to aggressive behavior and destructiveness indicates an attempt to prove his manliness..."
- "He consciously wants to destroy the world with atomic bombs. He is a mass murderer at heart and a suicide. He is amoral and immoral. A dangerous lunatic!"

**Goldwater sued
FACT magazine and won in July
1969.**

**He was awarded \$75,000 and put
FACT magazine out of business.**

FACT appealed to the U.S. Supreme Court but the justices declined to hear the case with Justice Hugo Black dissenting who wrote:

"the public has an unqualified right to have the character and fitness of anyone who aspires to the presidency held up to the closest scrutiny."

In 1973, the APA established the Goldwater Rule by vote of the APA trustees with only Alan Stone, Professor of Psychiatry and the Law at Harvard Law School, dissenting.

Is the Goldwater Rule Enforced?

Since 1973 it is not known how many, if any, complaints were lodged or how they were adjudicated.

As there are dozens of psychiatrists, presumably APA members, who have opined on President Trump's mental health in the *NY Times*, the *New Yorker* and other media, there are several complaints that are now being considered at the district branch level.

The Special Case of Donald Trump

It is NOT 1964. There is a massive amount of behavior, tweets, TV appearances and a huge trove of journalism documenting the accuracy of his statements that can be used in making a professional opinion without a clinical interview. Indeed, you don't need a degree to form an opinion.


To quote some conservative commentaries

- "unhinged" "unstable"
- "multiple political personality disorder"
- "hysterical schizophrenia"
- "disordered personality"
- "deluded"
- "paranoid"
- "in his own reality"
- "a disorderly mind"

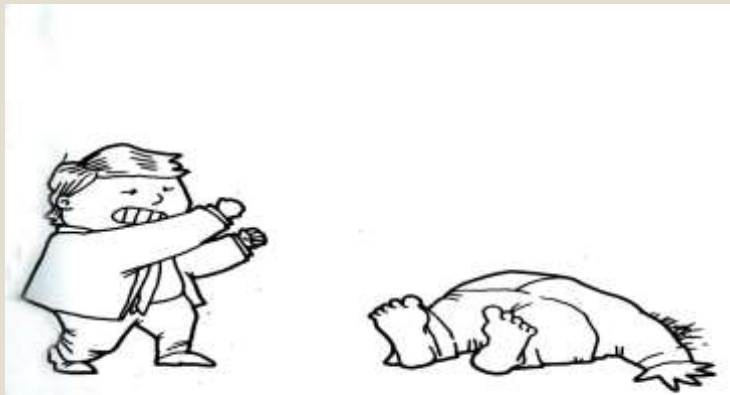
A Selection of "Tweets" of Donald Trump





 **Donald J. Trump** ●
@realDonaldTrump

When someone attacks me, I always attack back...
except 100x more. This has nothing to do with a tirade
but rather, a way of life!
Nov 11, 2012 8:56 AM



 **Donald J. Trump** ●
@realDonaldTrump

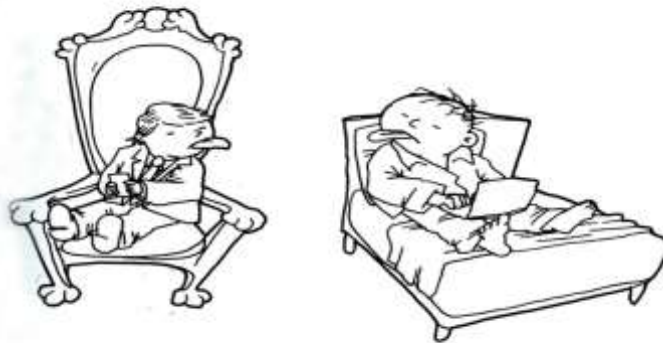
It makes me feel so good to hit "sleazebags" back --
much better than seeing a psychiatrist (which I
never have!)
Nov 19, 2012 11:06 AM



Donald J. Trump ●
@realDonaldTrump

Sorry losers and haters, but my IQ is one of the highest -and you all know it! Please don't feel so stupid or insecure, it's not your fault

May 8, 2013 9:37 PM



Donald J. Trump ●
@realDonaldTrump

Isn't it crazy, I'm worth billions of dollars, employ thousands of people, and get libeled by moron bloggers who can't afford a suit! WILD.

Feb 19, 2014 8:14 AM



 **Donald J. Trump** ●
@realDonaldTrump

Healthy young child goes to the doctor, gets pumped with massive vaccines, doesn't feel good and changes - AUTISM. Many such cases!
Mar 28, 2014 8:35 AM



 **Donald J. Trump** ●
@realDonaldTrump

Are you allowed to impeach a president for gross incompetence?
Jun 4, 2014 6:23 AM



 **Donald J. Trump** ●
@realDonaldTrump

In addition to winning the Electoral College in a landslide, I won the popular vote if you deduct the millions of people who voted illegally.

Nov 27, 2016 3:30 PM




 **Donald J. Trump** ●
@realDonaldTrump

The FAKE NEWS media (failing @nytimes, @CNN, @NBCNews and many more) is not my enemy, it is the enemy of the American people. SICK!

Feb 17, 2017 4:32 PM





Donald J. Trump ●
 @realDonaldTrump

Terrible! Just found out that Obama had my "wires tapped" in Trump Tower just before the victory. Nothing found. This is McCarthyism!

Mar 4, 2017 6:35 AM




Donald J. Trump ●
 @realDonaldTrump

Thanks- many are saying I'm the best 140 character writer in the world. It's easy when it's fun.

Nov 10, 2012 10:23 AM



Donald J. Trump ●
@realDonaldTrump

Be prepared, there is a small chance that our horrendous leadership could unknowingly lead us into World War III.

Aug 31, 2013 5:46 AM

- AND a “liberal” Democrat running for Governor of Virginia, Dr. Ralph Northern, a pediatric neurologist, who has repeatedly called President Trump a “narcissistic maniac.”

Objections to the Goldwater Rule

- Stone (1973 and 2017)
 - Right to free speech
 - It is "etiquette not ethics" (protects the guild not patients)
- Knoll and Pouncey (2016)
 - An excessive organizational response" to an embarrassing moment for American Psychiatry
 - Too restrictive in cautioning psychiatrists against public commentary and yet too late to direct individual decision-making.
- Lee, Herman and 27 psychiatrists (2017)
 - A "duty to warn"

Is it a breach of medical ethics for a psychiatrist to openly (with the media) discuss the diagnosis (and psychodynamics) of a person whom the psychiatrist has never interviewed and not expressly consented to public commentary?

Question #1

Is the personal interview the gold standard by which a psychiatric practitioner may form a valid diagnosis and a professional opinion?

- Restructured diagnostic interviewing by a computer
- Insurance (managed care) reviews
- Malpractice cases (chart reviews)
- Psychohistories AND
- Personal examinations are flawed in many ways

Question #2

Does the psychiatrist have an ethical obligation to protect the public perception of the psychiatric profession?

or

Is embarrassing the profession a breach of medical ethics?

“Professionalism includes professional etiquette (e.g. dress, hygiene, and manners) as well as the moral code of conduct for psychiatry. Violations of ethics are sanctionable by the profession, but violations of etiquette are not. The Goldwater Rule provides an excellent standard of etiquette, but should not be included in psychiatry’s code of ethics.” (Knoll and Pouncey, 2016)

Question #3

Does psychiatry’s mandate to share “their expertise with various professional issues that may affect mental health and illness” (Section 7) and to participate in public education (Section 5) trump the proscription to refrain from commentary on public figures?

This gets to the question about “duty to warn”

"Psychiatrists, as behavioral health specialists, have an obligation to help the community to understand public behaviors that do not match social standards and expectations. Psychiatrists have an obligation to share concerns about public figures who exhibit erratic or unprofessional behavior, as well as a need to help the public understand mass tragedies and acts of violence. Psychiatrists need to communicate that mental illness is illness, and that diagnostic terms are not epithets, even if some people misuse personality disorder terms such as "narcissistic," "borderline," and sociopathy as insults. Psychiatrists do not, on the other hand, have a moral obligation to make our profession look good in the public eye." (Knoll and Pouncey, 2016)

"What about psychiatrists' obligations to the community and society as spelled out in the first prong of ethical canon? Are there not circumstances when there is an ethical obligation to contribute? Was this election campaign not one of those circumstances? Was this not a time when in fact it was unethical to be silent, when we were particularly called upon to contribute?"

Because of my career in political personality profiling, I have frequently been interviewed concerning leaders of concern whom I have profiled. I have received perhaps 30-40 print and electronic media requests to be interviewed about Donald Trump's personality and political behavior and his suitability to be president. Citing the Goldwater Rule, I have declined these invitations. But I am increasingly uncomfortable in not having commented upon the welter of psychiatric diagnoses offered by people without psychiatrist training and experience. It feels to me unethical to not have contributed at this perilous time. I would recommend the APA convene a commission to reconsider the Goldwater Rule and examine more flexible ways of dealing with the dilemma of contributing in an ethical manner when the political/psychological behavior of a public figure is of such concern." (Post, 2017)

My opportunity to violate the Goldwater Rule

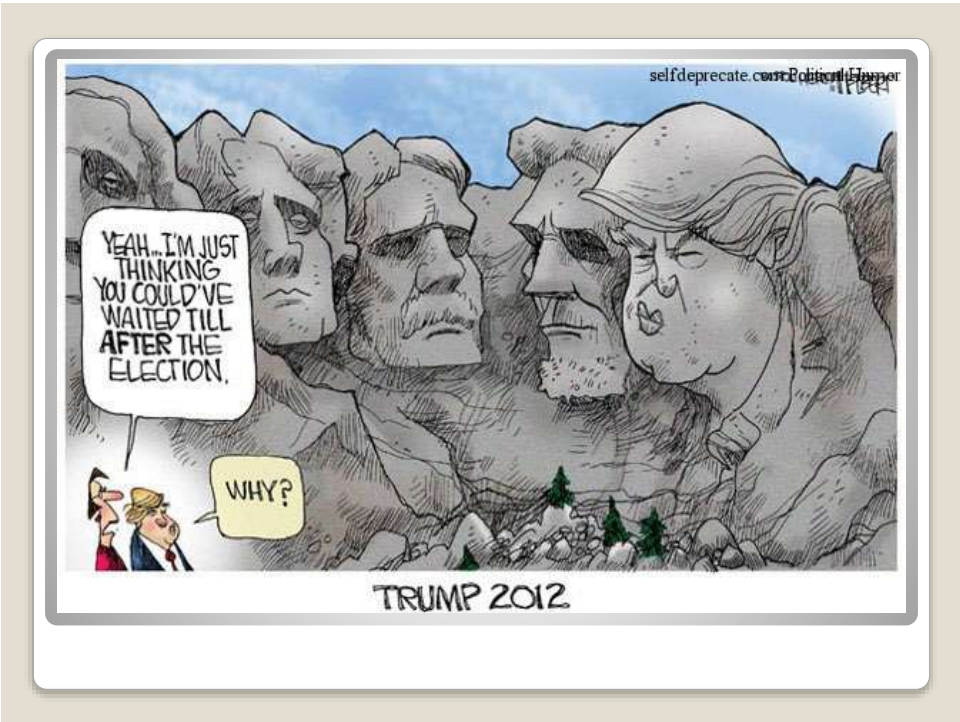
February 5, 1980

**Hearing Before the Subcommittee on
Health and the Environment**

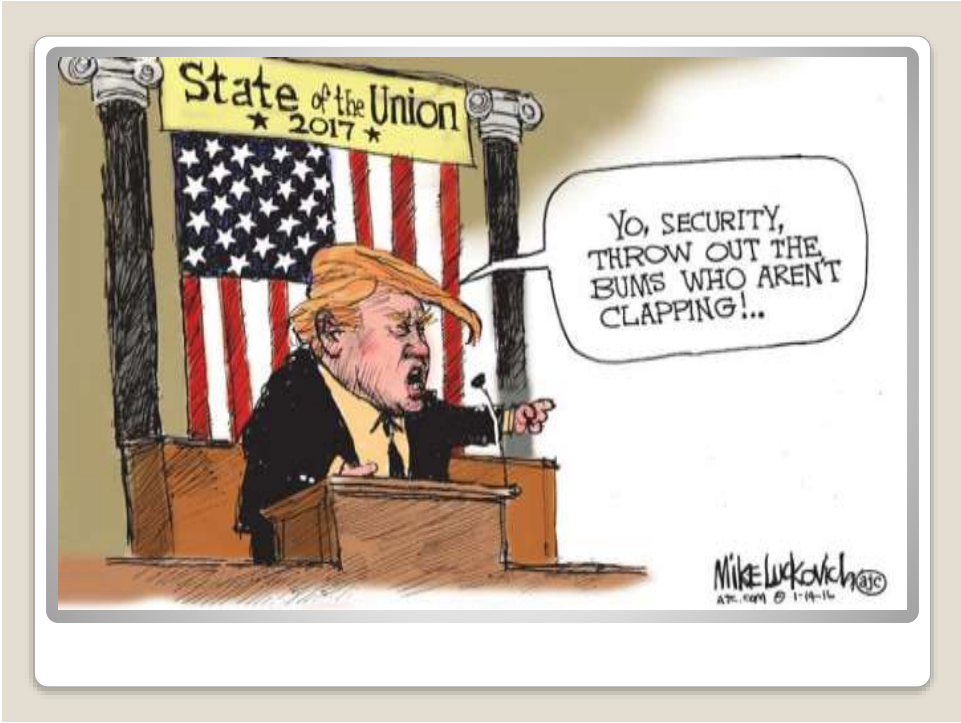
So what trumps the Goldwater Rule?

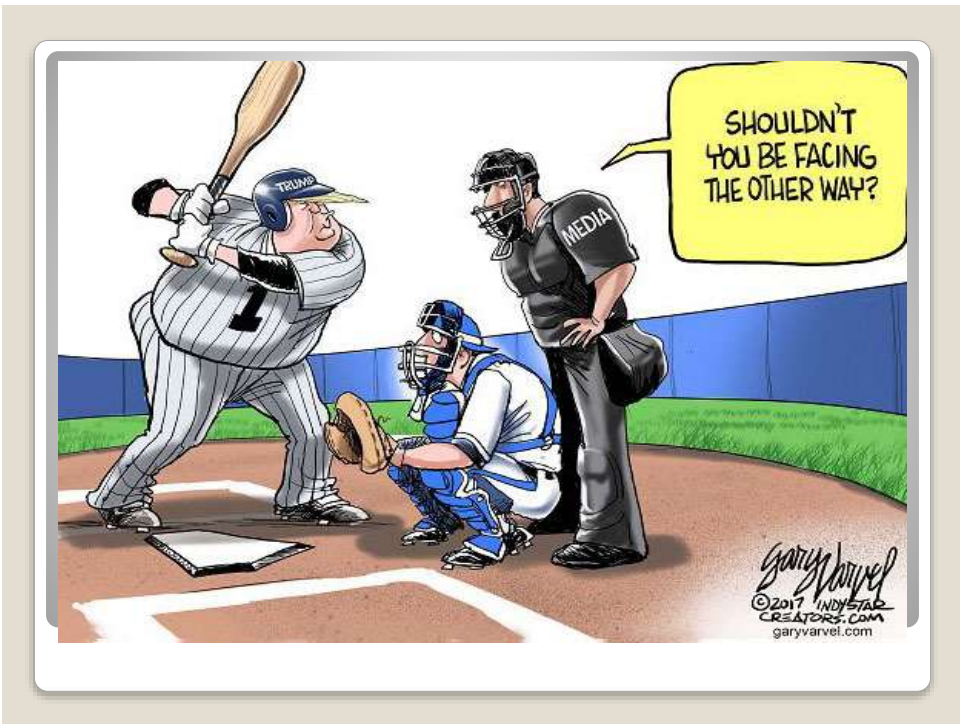
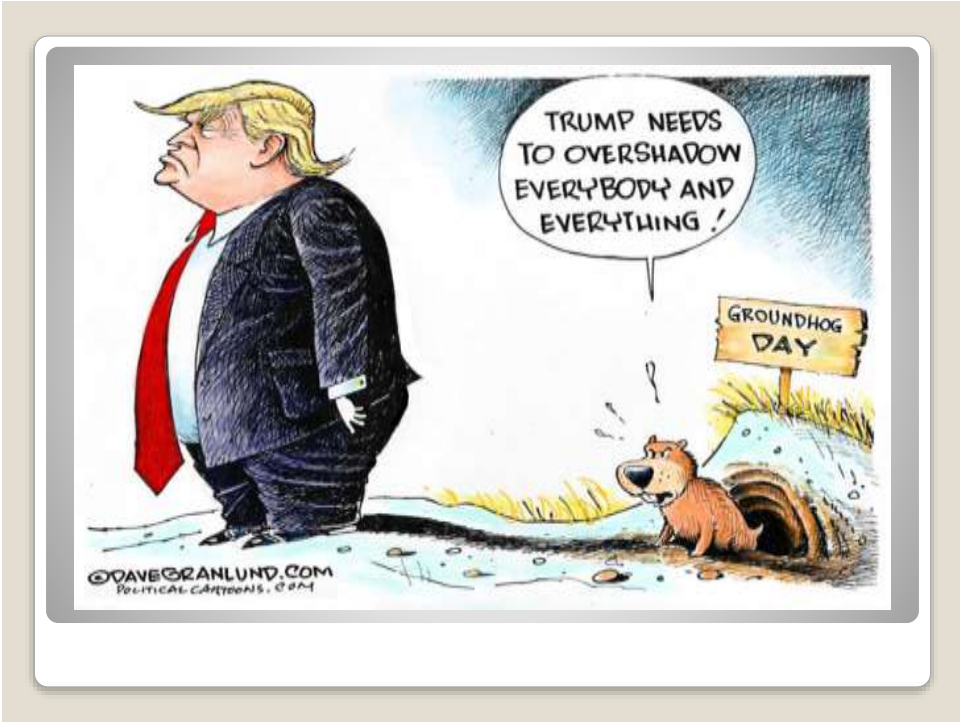
-Donald Trump-

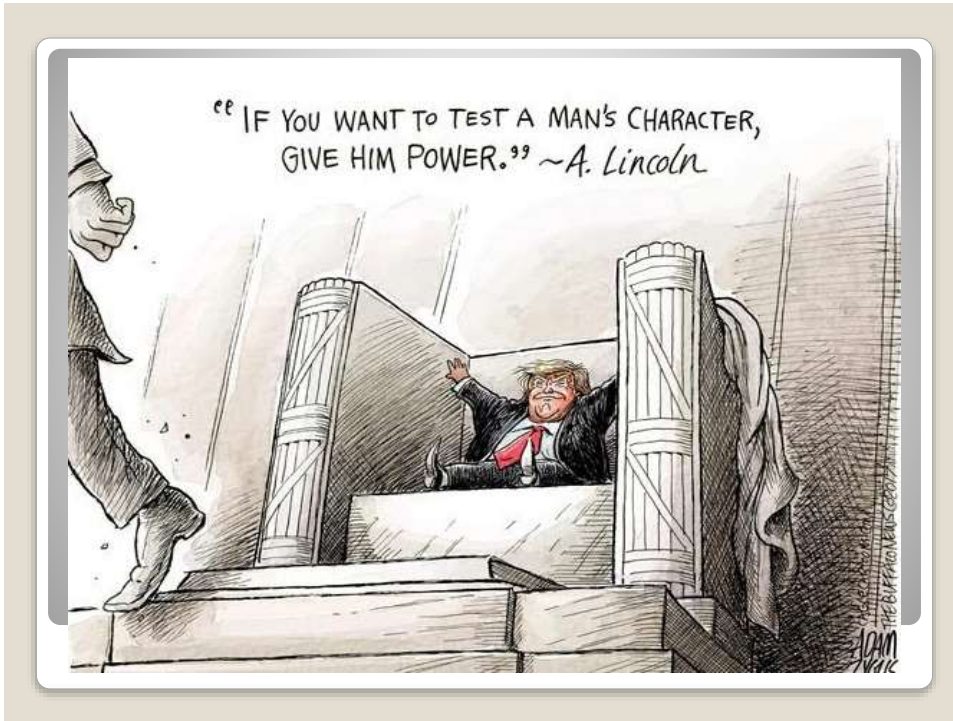












TO SUM UP:

The Goldwater Rule is:

- "Etiquette not ethics"
- Unenforceable
- Violates the first amendment right to free speech

And as psychiatrists we have a duty to share our professional (expert) opinion with the public on fitness for the Office of the President and potential dangerousness.