

# Mental Condition Foreshadows Crime

*Psychiatry*

Following are reported some of the interesting papers presented at the Minneapolis meeting of the American Psychiatric Association.

How the horrible Hickman murder might have been prevented, how a penniless negro was saved from the consequences of an apparently unjust conviction for murder and how psychiatry might have speeded true justice in three other widely heralded murder trials of the past winter is told in a committee report. The report declared:

"Had Hickman been examined after his earlier crimes, had he been given an examination when he was arrested for forgery, he would almost certainly have been found to be possessed of psychopathological indications to an extent indicating confinement and observation. In this way the spectacular murder, which made him infamous, would have been prevented."

Of importance to every parent whose own child may be the victim of such future crimes is the following statement by the committee:

"It is a curious paradox that psychiatrists who are desirous of preventing crime by examining the personality make-up of offenders, are not called at the time when the premonitory symptoms of social maladjustment are exhibited but only after the extreme, violent, ir retrievable explosions have occurred. Your committee feels that it might be helpful in making clear the attitude of psychiatrists if we pointed out that it is our wish and proposal that we be called not merely when the major crimes have been committed, but when minor crimes have been committed, in order that major crimes may be anticipated and provisions made to prevent their occurrence."

The introduction of the question of insanity at the Hickman trial by the defense lawyers was termed by the committee report an "unfortunate and regrettable fiasco," which "retarded the cause of psychiatry in the courts."

What appears to be an extraordinary miscarriage of justice was cited by the committee as evidence of the necessity of submitting witnesses as well as accused to mental examination.

George Watters, an obscure and penniless negro of Sacramento, Calif., was convicted of murdering his wife and sentenced to be hanged, chiefly upon the testimony of his nine-year-old daughter. Only a few hours before the time for the execution, the

governor commuted his sentence to life imprisonment because of new evidence secured and presented by a psychiatrist, Dr. Anita M. Muhl. It was revealed that no body was ever found and that the supposed deceased wife had been seen after the supposed crime walking on the streets of Los Angeles. Even more important was Dr. Muhl's observation that the negro's daughter was a hysterical and hypersuggestible individual whose testimony was self-contradictory and altogether unreliable.

Three Ohio murder cases were listed by the committee, of which Dr. Karl A. Menninger of Topeka, Kansas, is chairman, as illustrating the need of more psychiatry in the courts.

George Remus, accused wife murderer, although pronounced sane by a commission of psychiatrists, was declared insane by a jury. He is now attempting to secure release from an Ohio hospital, where he is detained. Charles Lewis of Columbus, Ohio, a confessed murderer, although declared sane by a commission of experts, was later judged not guilty because of insanity. The Velma West case, the committee report states, concerns a murder in which an inferred homosexual relationship was implied to have moved the court to special consideration of the mental factors in the crime and the accused was allowed to plead guilty to a second degree murder charge.

Only one out of ten courts have a psychiatrist attached to their staffs, but four out of ten courts make it a habit to refer suspected cases to private physicians for mental examination before trial. One-third of the public penal institutions of the country employ psychiatrists, a similar proportion employ psychologists, and half of them refer suspected prisoners to experts.

## *Jury Can't Decide Sanity*

"What can a lay jury know of mental disorders that they should be made the final arbiters as to whether or not a man is insane?" Dr. William J. Mayo in these words of his address of welcome to the Association attacked the present system of allowing twelve good men and true to decide technical medical questions that often are difficult for the doctors who are specialists.

Not even an M. D. without special psychiatric training should be allowed to give testimony in court upon men-

tal disease. As Dr. Mayo said: "It is very difficult, especially for the average physician and layman, to tell what is going on in a man's mind."

"Unfortunately, in jurisprudence a plea of insanity is too often made to serve the cupidity and chicanery of man," Dr. Mayo said. Court testimony of physicians without special experience or training in diagnosing mental disease, he characterized as "usually a covert attempt by a so-called expert for the purpose of influencing the jury rather than to aid justice."

Even Einstein with complex theories of the universe has a simple problem compared with the one that confronts the psychiatrist, Dr. Adolph Meyer of Johns Hopkins University, Baltimore, declared in his presidential address.

"Einstein with all his concern in the relativity in astronomy has to deal with very simple facts as compared to the complex erratic and multiconfounding performance of the human microcosmos, the health, happiness and efficiency of which concerns psychiatrists," he said.

"We deal with the most unruly and wilful part or aspect of man, the very organ or function of self-assertion, self-concern and self-protection. Mankind would like to be free of the scourges and their consequences without having to surrender the joys and habits that spread and engender them. It would like remedies for drug and alcohol addiction without having to give up its cravings and gratifications. The same holds for the prevention of paresis and syphilis and the control and training of emotion and fancy that clash with reality, and for the craving for self-realization at any price in contrast to a sensible acceptance of a consensus."

Dr. Meyer also reviewed the rise of psychiatry during the past forty years.

## *Study Human Behavior*

The gigantic problem of human behavior, the root of all the crime, unhappiness and maladjustment of the world, was considered by the scientists.

A few years ago, psychiatrists, or "alienists" as those of the older school were called, were concerned only with those unfortunate individuals whose markedly diseased states and maladjustments to society made it necessary for them to be (*Turn to next page*)

## Psychiatric Meeting—Continued

confined away from contact with the more sane elements of the community. At an even earlier date the mentally diseased were burned as witches or looked upon as possessed of superhuman powers. Even today the unfortunate who gets in the toils of the law is likely to be judged, sentenced and perhaps liberated in accordance with fixed and inelastic statutes rather than upon the advice of the understanding and skilful psychiatrist who has made the study of human nature his life work.

Encouraging testimony of the growing acceptance of the psychiatric attitude toward crime is contained in the recommendations of the National Crime Commission, announced in New York. The psychiatrists applauded the attitude of the lawyers and other leaders in crime control who recommended that every person charged with a crime be studied by impartial experts cooperating with the courts. Psychiatrists consider court duels between members of their profession as deplorable and ineffective. When a lay jury delivers summary punishment to a criminal or liberates a dangerous character, neither the criminal or society is done justice. In

past years the American Psychiatric Association has urged the nation-wide adoption of laws such as are now in force in Massachusetts and Colorado. In those states the psychiatrist studies and reports on the accused before the trial, the jury passes on the facts of the crime, not the criminal, and the court renders its verdict of preventive rather than vindictive justice. Reform of the criminal code along these lines is urged by the National Crime Commission.

But the new psychiatry reaches far beyond the asylum, jail or courtroom. The experience and technique of the mental expert can be applied with success to the irascible employe, the retarded school child, the persistent petty thief, the compulsive drinker and the multitude of other unhappy individuals who do not find themselves in step with society. Eventually it will not be necessary for the community to wait until crimes of certain sorts are committed before detecting the potential criminal. Experience and tests will allow the person with criminal tendencies to be spotted in early life at a time when his destructive ten-

dencies can be corrected or curbed.

### *Retarded Child in Large Family*

The retarded or mentally defective child who has such a hard time in school has three times as many brothers and sisters as the brilliant, gifted child. Three times out of four, the defective child has a foreign-born mother.

For the first time in the history of this country definite information on the origin and cause of the mentally defective has been gathered as the result of thorough examination of over 10,000 Massachusetts retarded school children by Dr. Neil A. Dayton of that state's health department.

The feeble-minded do not tend to be the first child of the family. This finding will allow the eldest of the family to heave a sigh of relief.

The feeble-minded do not tend to be the last child of the family. The baby of the family will be glad to know this.

But another current idea, that mental deficiency travels the same road as largeness of family, was substantiated by Dr. Dayton's studies. He found the average size of families which contained the dunces of the Massachusetts public school to be three times the size of families in which gifted children appeared.

Argument for restriction of immigration is contained in Dr. Dayton's observation that whereas less than half of the mothers in the towns surveyed were foreign born, three-quarters of the mentally defective children were born of mothers not native to the United States.

In Massachusetts the child who can not keep up with its class is not shoved over in the corner with a conical cap on its head. In fact, such treatment of retarded children has become exceedingly bad practice in practically all enlightened schools. In Massachusetts when a child is so retarded that it loses three grades it is compulsory by law that it be given a rigorous psychiatric examination. In the last thirteen years over 30,000 children have been examined in this way and now fifteen traveling school clinics under Dr. Dayton's direction are testing 5,000 children a year. From the records thus obtained, Dr. Dayton now has the first opportunity in medical history to study the cause and peculiarity of the conditions that give rise to the mentally defective who are so often a burden to themselves and society.

*Science News-Letter, June 16, 1928*



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