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The Extinction of the Defective Delinquent

A WORKING PROGRAM

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In a letter just received from Dr. Henry H. Goddard, of the New Jersey Training School at Vineland, he says: "The feeble-minded woman is more dangerous to society than the feeble-minded man, because she is much more likely to find a mate than he is—possibly, according to our statistics, somewhere in the neighborhood of three times as likely."

I suggest, first, that in every new institution for feeble-minded children preference be given in admissions to girls of child-bearing age; second, that every institution for feeble-minded children shall cease to receive girls under the age of twelve or boys of any age until every feeble-minded girl of child-bearing age is provided for. Since it is impossible to provide immediately for all of the feeble-minded, it would certainly be wise to provide first for those who are the greatest menace to the community.

THE EXTINCTION OF THE DEFECTIVE DELINQUENT.

A Working Program.

In every state prison and in every reformatory for adults or juveniles, there is found a considerable number of inmates who are abnormal—persons who are insane, feeble-minded, epileptics, alcoholics, “drug fiends,” or cripples. None of these persons properly belongs in a prison or a reformatory, but they are committed by the courts, and wardens and superintendents have to deal with them as best they can.

The term “Defective Delinquents” is now applied by common consent to individuals of the classes above mentioned. It is not the intention of this paper to deal with all defective delinquents, but only with those who are feeble-minded.

By the term “Delinquents” is meant those individuals who have been convicted of a criminal act, or those who have been declared “delinquent” by a juvenile court. By the term “Feeble-minded” is meant, according to the definition adopted by the American Association for the Study of the Feeble-Minded, in 1910, “All degrees of mental defect due to arrested or imperfect mental development as a result of which the person so affected is incapable of competing on equal terms with his normal fellows, or of managing himself or his affairs with ordinary prudence.” An idiot has been defined as a person whose mentality would not exceed that of a normal child of two years, an imbecile as one whose mentality would not exceed that of a normal child of seven years, and a moron as one whose mentality would not exceed that of a normal child of twelve years.

Number of Feeble-Minded Delinquents.

Until recently there has been no reliable information as to the number of feeble-minded inmates of prisons and reformatories.

Five years ago, I believe that the average prison warden or reformatory superintendent would have estimated the number of feeble-minded persons in such institutions at not more than 10 per cent. of the population. But, within the past five years efforts have been made to obtain exact information on this point.

The first published study with which I am familiar was made by Mrs. Elizabeth G. Evans and Miss Mary Dewson, and published in May, 1908. This study covered 1,186 girls, the whole number in care of the Massachusetts State Industrial School for Girls, at Lancaster, between October 1, 1900, and December 1, 1907. The following classes were defined:

Feeble-minded, needing custodial care.....	68
Sub-normal and should be tried on parole.....	265
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Total sub-normal	333
Percentage of whole number.....	28%

Since that time, scientific study of inmates of a number of adult and juvenile reformatories has been undertaken. In most of these institutions the Binet system of psychological tests has been employed, together with supplementary tests for older children, devised by Dr. E. B. Huey, Dr. William Healy, and others. These studies are still tentative, but they have gone far enough to indicate that the number of feeble-minded inmates of reformatories is much larger than had been supposed. Dr. Walter E. Fernald, of the Massachusetts School for the Feeble-Minded, at Waverley, in his paper, delivered October 23, 1912, before the Massachusetts State Conference of Charities, said: "At least 25 per cent. of the inmates of our penal institutions are mentally defective and belong either to the feeble-minded or to the defective delinquent class. Nearly 50 per cent. of the girls at the Lancaster Reformatory are mentally defective." (It will be observed that Dr. Fernald's estimate is nearly double that made by Mrs. Evans and Miss Dewson in 1908 for the Lancaster Industrial School.)

While the psychological examinations of inmates of reformatories have not yet produced accurate and positive statistics, and while allowance must be made for the difference in the personal equation of the examiners, owing to the fact that definite standards have not yet been established, they have produced tentative statements which may be accepted as approximately correct.

Institution.	Per Cent. Mental Defectives.
N. Y. State Reformatory, Elmira*.....	about 37
N. J. State Reformatory, Rahway*.....	“ 33
N. Y. Reformatory for Women, Bedford*.....	“ 37
Mass. Industrial School for Girls, Lancaster.....	“ 50
Maryland Industrial School for Girls, Baltimore....	“ 60
New Jersey State Home for Girls, Trenton.....	“ 33
Illinois State School for Boys, St. Charles.....	“ 20

Judging from these figures, Dr. Fernald's estimate of 25 per cent. of defectives in our penal institutions is moderate and conservative. At this rate, we should have 20,000 such individuals in adult prisons, and 6,000 in juvenile reformatories, making a total of 26,000 defective delinquents in actual custody, not to mention those who have never been arrested and the large number who have been discharged or paroled from institutions and are now at large. There are doubtless as many defective delinquents at large as there are in custody. Indeed, Dr. Henry Goddard, of Vineland, N. J., says that every feeble-minded person is a potential criminal.

Two Classes of Inmates.

Thus we have in every penal and reformatory institution in the United States two classes of inmates: on the one hand, people of normal mentality, presumably able to take care of themselves if a proper basis of character could be established; on the other hand, people so deficient in mentality as to be unable, under the most favorable circumstances, to succeed in the battle of life. Those of the first class are regarded as responsible for their acts, and are expected to suffer the normal consequences; those of the second class are irresponsible, and since they are unprotected, it is both unjust and cruel to expose them to the inevitable consequences of their disability.

These two classes of inmates need radically different treatment. The normal inmate needs physical renovation, intellectual stimulus,

*The figures given for the adult reformatories at Elmira, Rahway and Bedford probably include a small number of insane persons, though the great majority are feeble-minded.

the most efficient educational treatment, moral instruction, religious training, awakening of proper wants and desires, cultivation of self-control and self-reliance, vocational training, release on parole, restoration to family home life, and finally, complete release on his own responsibility. The inmate of the second class needs efficient and kindly care, rudimentary education, physical training, vocational training in simple industries, plenty of recreation and sympathetic watch care. It is now generally recognized that he needs permanent institutional life. It is a waste of energy and a needless hardship to subject the feeble-minded inmate to discipline, exhortation, educational routine and efforts to develop faculties of mind and soul which do not exist.

Proposed Remedies.

In order to restrict and ultimately to put an end to the production of defective delinquents, it is necessary to restrict the propagation of the feeble-minded variety of the human race. This may be undertaken by educating the people in the principles of eugenics, by laws restricting marriage, by sterilization of defectives and by segregation.

Education against the marriage of the unfit reaches only the intelligent, and is entirely unavailing with the classes that are most dangerous to the public welfare. Restrictive marriage laws exercise only a partial influence, for the reason that the unfit reproduce their kind regardless of marriage laws. Sterilization is at best a partial remedy. Its use is restricted by public sentiment. It is operative in only one of the eight States which have passed sterilization laws, and there is little reason to anticipate that public sentiment can be educated to the point of sterilizing all defectives, including high grade imbeciles, within the next fifty years. This subject will be discussed at length in a supplementary paper.

Segregation Practical.

Segregation is the most practical and effective method. It has been thoroughly and successfully tested with the insane. There are

in the United States more than 150,000 persons segregated in hospitals and asylums for the insane. Thirty years ago the segregation of the insane seemed almost a hopeless undertaking. Multitudes of insane people were at large and great numbers were kept in almshouses. In 1880, the hospitals for insane contained 41,000 patients, 81 for each 100,000 of the population. An earnest movement was instituted in favor of hospital care for the insane. In 1890 the number in hospitals had increased to 74,000—118 out of each 100,000 population; but in 1903 the number was 150,000—186 out of each 100,000 population. Thus in 23 years the number of insane in hospitals was increased nearly four-fold, and the ratio was increased from 82 to 186 for each 100,000 of the population. What has been done for the insane can be done for the feeble-minded.

If the several States will establish colonies for the feeble-minded, to accommodate those who are now kept at public expense in insane hospitals, almshouses, prisons and reformatories, they will make room in those institutions for persons who properly belong there, and will obviate, for the time being, the necessity for their enlargement. The money which would otherwise enlarge those institutions will build colonies for the feeble-minded; and these colonies, if properly organized and administered, will give good care to their inmates for less money than is now being expended upon them. At the same time the other institutions, being relieved of the feeble-minded, will be able to do better work for their own legitimate population.

Present Provision for the Feeble-Minded.

The number of feeble-minded in the United States is estimated by Dr. Walter E. Fernald at not less than 200,000 (the estimate of some good authorities is as high as 300,000). The capacity of the institutions for feeble-minded in 1903 was about 15,000. At the present time it is probably about 20,000. The almshouses of the United States contain about 16,000 feeble-minded. There is a small number of these persons in hospitals for the insane, probably about 5,000. It is estimated that one-fourth of the population of the prisons and reformatories of the United States is composed

of feeble-minded persons ; that would give 26,000 feeble-minded in those institutions.

We may estimate the number of feeble-minded under public care, therefore, as follows :

In institutions for feeble-minded.....	20,000
In almshouses	16,000
In hospitals for insane.....	5,000
In prisons and reformatories.....	26,000
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Total already under public care.....	67,000

It appears then that one-third of the feeble-minded persons in the United States, as estimated by Dr. Fernald, are already under public care, though only 20,000 of them are in institutions designed for them and adapted to their needs, leaving 133,000 without any institutional care. The problem of segregating the feeble-minded is not as large in proportion to our resources as was that of segregating the insane thirty years ago. Moreover, it must not be forgotten that the need of segregation is even greater for the feeble-minded than for the insane, both for their own sake and for the protection of the next generation.

It is not to be expected that so great an undertaking will be accomplished in two years or five years, but it is possible to meet the most urgent need throughout the United States within the next two or three years, and to organize a program which will insure institutional provision for all feeble-minded persons in the United States within the next ten or fifteen years.

Practical Methods of Extinguishing Defective Delinquency.

The question arises, What immediate measures can be adopted which will tend to extinguish the defective delinquent? The following suggestions are offered :

Thus far, nearly every State which has undertaken to deal with this matter has started at the wrong end. Our institutions for the feeble-minded have been built as schools, for little children of school age. We have gone on the theory that, by employing teachers of special skill and training, by adopting educational methods adapted

to their peculiar needs, and through time and patience, we may develop the latent faculties of these children to a point where they will become normal members of the community, capable of self-control and self-support.

These hopes have invariably been disappointed. These little children have grown up in the institutions, and a portion of them have been sent out into the world, but they have either been returned or have become a burden upon the community in other ways. In the meantime the older children have been neglected. Many of the boys have drifted into reformatories and prisons; many of the girls have become inmates of industrial schools or almshouses, or have gone to swell the ranks of prostitution. Dr. Henry H. Goddard, of New Jersey, now tells us that he does not believe that any truly feeble-minded child was ever cured, and the most competent authorities agree with him that it is useless to try to develop the latent mentality of feeble-minded children, because it does not exist.

The following suggestions are offered as

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1. *Secure legislation whereby institutions for feeble-minded children shall hold their inmates by the same authority under which insane patients are held, namely by legal commitment; and for the same reason, namely, for the protection of the community. Insane patients are committed to hospitals and are held as long as the public safety requires, without the consent of their parents being asked. Feeble-minded patients should be committed and held in like manner.*

Inquiry has been made in the 25 States which have institutions for the feeble-minded, and replies have been received from 23. In nearly all of these States the parents' consent to commitment is either required by law or is customary. In only Colorado, Connecticut, South Dakota and Virginia is it stated unequivocally that the consent of the parents is not required. In several States the juvenile court has authority to commit children without the consent of the parents, but that authority is seldom exercised.

Parents can withdraw their children at pleasure from institutions for the feeble-minded in Illinois, Iowa, Minnesota, Missouri, New York, Pennsylvania and Nebraska. Children can be held against the wishes of their parents in California, Colorado, Connecticut, Kansas, Michigan, Wisconsin, South Dakota, Virginia and West Virginia. In Indiana, girls of child-bearing age can be held if committed by the court. In New Jersey, parents are required to waive the right of removal when the child is admitted. In some States a portion of the children are committed by the courts and can be held without the consent of their parents.

In practice, parents who visit institutions and find their children improved in manners, in industrial capability and in helpfulness are likely to think them fit to go out and to insist upon their release against the advice of those who have them in charge; and, after the State has expended perhaps \$1,000 or \$2,000 in the care and "training" of the child, it goes out to become a criminal or a prostitute, or to multiply its kind.

2. *Secure legislation whereby, whenever inmates of institutions for other classes are found to be feeble-minded, they may be kept permanently in public care.* To this end provision should be made by law to bring such inmates into court for a hearing and to secure a judicial order for their permanent guardianship. This is necessary in order to obviate the necessity for turning loose upon the community persons who are unable to care for themselves, to prevent them from becoming agents of vice and crime, and to escape the liability to commitment and re-commitment of defectives to criminal institutions.

3. *Provide by law for the establishment of separate departments or colonies in connection with prisons and with adult and juvenile reformatories, and transfer into these departments forthwith, all inmates of such institutions who are found to be feeble-minded, for permanent custodial care.* When separate institutions for defective delinquents are established, these inmates may be transferred; but it is much easier to secure legislation for a new department of an existing institution than to secure legislation to create a new institution, and, in the meantime, the injurious association of normal and abnormal children will be stopped and the number and needs of this class of inmates will be brought directly

to the attention of the public and the Legislature. In practice, such departments can be created in many institutions by simply setting apart certain cottages or wards for the use of defectives, and establishing for them such special forms of training and discipline as are adapted to their peculiar needs. It is better, however, if the colony for the feeble-minded can be detached and have its own domestic department, playgrounds, gardens, schools, shops, etc.

This policy has already been adopted in Massachusetts, where separate cottages have been maintained for defective girls in the State Industrial School at Lancaster, during the past two years, and where the Legislature has enacted a law providing for the establishment of separate departments in connection with three State institutions*. The plan has also been proposed at the New York State Reformatory for Women at Bedford, where it will probably be carried out in the near future.

4. *Convert existing institutions which are no longer needed for their present purposes into State institutions for defective delinquents.* Within a very few years the State Soldiers' Homes which exist in many States will no longer be needed because of the passing away of the old soldiers. It would be practicable to immediately convert most of these institutions with little or no alteration. The same thing is true of the Soldiers' Orphans' Homes which exist in Maine, Pennsylvania, Ohio, Indiana, Illinois, Iowa and Kansas, whose population is gradually decreasing. In the State of Indiana twelve county children's homes have already been closed, and others are to be closed in the near future. Why might not these institutions be taken over by the State and converted to this important use?

5. *Undertake a comprehensive campaign for the care of all feeble-minded girls of child-bearing age.* The problem of the feeble-minded girl is much more acute than that of the feeble-minded boy. In a letter just received from Dr. Henry H. Goddard, of New Jersey, he says: "The feeble-minded woman is more dangerous to society than the feeble-minded man, because she is much more likely to find a mate than he is—possibly, according to our statistics, somewhere in the neighborhood of three times as likely."

*Chapter 595, Acts of 1911.

If society will take care of the feeble-minded girls of child-bearing age we shall soon see a visible decrease in the number of defective delinquents.

The objection may be raised that this plan would result in the neglect of the feeble-minded boys, but if the suggestion already made should be adopted, that all defective delinquent boys who are found in reformatories be permanently retained, the community will be much better protected than it is now against the dangerous feeble-minded boy.

As we have already seen, there are probably 200,000 feeble-minded persons in the United States. Probably 30 per cent. of this number are feeble-minded women of child-bearing age. That would mean 60,000. There are already in institutions for the feeble-minded about 10,000 girls of all ages, and in reformatories for women and girls, perhaps 3,000 more. This means that about 13,000 feeble-minded girls are already under efficient care, leaving 42,000 unprovided for. The care of this number of feeble-minded women, as has been suggested, is by no means an insuperable undertaking. We are already taking care of about 100,000 insane women in hospitals. We added 36,000 beds to the hospital provision for insane women in the United States from 1890 to 1903. It is entirely possible to make institutional provision for all of the feeble-minded women in the United States within the next ten years, or even within the next five years.

I suggest, first, that in every new institution for feeble-minded children the rule be adopted which has recently been fixed by law in the State of Virginia, namely, that preference be given in admission to girls of child-bearing age. I understand that this rule is to be adopted, without legislation, by the trustees of the new institution for feeble-minded in North Carolina. I suggest, second, that legislation be secured whereby every institution for feeble-minded children shall cease to receive girls under the age of twelve, or boys of any age, until every feeble-minded girl of child-bearing age is provided for. Since it is impossible to provide immediately for all of the feeble-minded, it would certainly be wise to provide first for those who are the greatest menace to the community.

It must never be forgotten that the feeble-minded girl is always a child. In years, stature, propensities and appearance she may

be a woman, but in mind, judgment and impulse she is a child of eight, ten or twelve.

The helplessness, innocence and simplicity of a child appeals to the conscience and chivalry of every right-minded man. An act of cruelty toward a young girl or an attempt to corrupt her will immediately rouse indignation and the chivalrous protection not only of the virtuous and philanthropic members of the community, but even of those who may be deficient in their moral standards.

The feeble-minded girl of sixteen is as innocent, as helpless and as child-like as her normal sister of half her years, and she is justly entitled to the same protection and chivalrous regard as the little girl of similar mentality. Yet she is left without protection, to be pursued and hunted by evil-minded or thoughtless men as ruthlessly as a rabbit. Her innocence, helplessness and ignorance are the means of her undoing, and when in her simplicity she is led into misconduct or into vice, she is cast out and made a Pariah, the sport and victim of reckless and cruel men. She wreaks a dreadful vengeance upon society by spreading the infection of disease and vice, and sinks into an early and forgotten grave.

To add to the cruelty of our treatment of this unfortunate child, when society deigns to consider her deserts at all, it deals with her as if she were responsible. She is arrested as a criminal, brought to trial before a judge, condemned to prison as a criminal, or, more humanely, sent to a reformatory for discipline and training. There she receives treatment designed for an individual of an entirely different class. She is disciplined, punished, educated, exhorted, prayed over, in an utterly futile effort to develop what is not in her. When it has been demonstrated that she cannot be reformed, because there is no mental or moral basis on which to build a reformation, the managers of the institution are compelled by law to send her back into the community, to be exposed to fresh temptation, abuse and contumely, to breed multiplying progeny of her own sort, and finally to join the ranks of the great army of prostitutes.

6. *Undertake a vigorous campaign throughout the country for increased provision for the feeble-minded of all classes. This is the next great task of our people, and it must be bravely met.*

This campaign should undertake:

(a) The building of custodial institutions for the feeble-minded who are now in almshouses. (They numbered 16,000 in 1904.)

The almshouse has long been recognized as an unfit place for normal children and insane patients; it is equally unfit for the feeble-minded, who there suffer from neglect and often from cruelty. They can be kept in happiness and comfort in special institutions almost as economically as in almshouses.

The admirable county asylum system which has done so much for the insane in Wisconsin would seem to be applicable to the feeble-minded. Their limited capabilities can be utilized, and they are near enough their friends to receive frequent visits from them. The State holds the purse-strings and enforces efficiency at moderate cost.

(b) The establishment in every State of custodial institutions for feeble-minded women similar to those in New York and New Jersey.

(c) The establishment of institutions for defective delinquents to provide for those committed by the criminal and juvenile courts. This is necessary in order to protect the other inmates, and to meet the natural feeling of parents who object to having their innocent children associate with those who have been in court on criminal or delinquent charges, or who have acquired vicious or indecent habits.

(d) The multiplication of small institutions for young children who ought to be cared for as a matter of humanity both to themselves and to their parents. The massing of the feeble-minded in great herds of 1,000 to 3,000 is very undesirable. It is much better to gather them into comparatively small institutions which contain not more than 400 to 600, or to divide them into colonies of 100 to 400, as at Faribault, Minnesota, and at Letchworth Village, New York.

(e) Schools for backward children in the large cities are doing an invaluable work in relieving the other schools of children who occupy the time of teachers, retard the progress of normal children and cannot receive training adapted to their needs. Under the operation of compulsory education laws, they are rendering a more important service in sifting out the sub-normal children, and bringing them to the attention of the proper officers.

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But it is already manifest that these schools can meet the needs of these children in only a very partial way; and that permanent institutional care must be provided for many of them.

In small communities, it is impossible to establish such schools, and the only practicable way to meet their needs is by creating State or county institutions.

A paper on "Sterilization as a Practical Measure," by the same author, will be sent on request.

Attention is called to the practical and suggestive paper of Hon. Robert W. Heberd on "The Development of State Institutions for the Mentally Defective in the State for the Next Decade," which can be obtained on request from the State Board of Charities, Albany, N. Y.