

1919

Experiences of a Psychiatric Missionary in the Criminal Courts

John R. Oliver

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

John R. Oliver, Experiences of a Psychiatric Missionary in the Criminal Courts, 9 J. Am. Inst. Crim. L. & Criminology 558 (May 1918 to February 1919)

This Article is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

THE EXPERIENCES OF A PSYCHIATRIC MISSIONARY IN THE CRIMINAL COURTS

JOHN R. OLIVER¹

Judges, lawyers and policemen—men who have lived long under the conservative influences of the law—all come from Missouri. They “have to be shown.” And they have to be shown, not once nor twice, but unto seventy times seven. Of course, once they have been subjected to this laborious process, their hearts are yours unreservedly, and they will stand by you and your “modern methods” to the bitter end.

The writer of this article has spent more than two years in attempting to introduce into the criminal courts of a large city modern medico-legal methods of examination and classification. The principle, for which he has striven, may be simply stated. “In the administration of the criminal law, the judge on the bench and the psychiatrist in his psychopathic laboratory should work together.”

The first and the last step in establishing this principle is to convince the judge, by showing tangible results, that the principle is true.

The writer has been fortunate, beyond the lot of many fellow psychiatrists, in the type of legal mind, with which he has had to deal. At all times he found the judges of the various courts more than willing to listen to him, and always interested in what he was trying to attain. The same may be said of the city authorities, with which the writer's work brought him in contact. If, at any time, there was any friction between these two “resorts” of municipal government because of him and of his doings, he himself, at least, was never made to feel it. Few missionaries, psychiatric or otherwise, have their lines cast in such pleasant places and among such courteous gentlemen—courteous and forbearing, even when they were being forced, as one judge put it, “to envisage a whole chain of new ideas”; when, as the writer has dared to express it, they were claiming their Missourian birthright, and were “being shown.”

The writer's experiences during these past years of effort, that have at last been crowned with some measure of success, may be of interest and of value to psychiatrists, who are working towards similar

¹Medical officer and alienist to the Supreme Bench of Baltimore City.

ends. And it is in this hope that they are here set down; the dark sides of disappointment, as well as the lighter, more humorous elements in the situation. The writer feels, at the outset, that he ought to apologize for the egocentric undertone of this statement of his missionary efforts. It appears, however, unavoidable.

The ideal of a "psychiatric missionary" is a favorite one of Professor Adolph Meyer's. The writer spent two years with him, on the house-staff of the Phipps Psychiatric Clinic. Two years with Professor Meyer should supply the ordinary psychiatrist with enough enthusiasm and ideas to last him the rest of his professional life. Among many other valuable things, the writer was impressed by Professor Meyer's plan for what he called "psychiatric missionary settlements." The great Phipps Clinic, of which Dr. Meyer is the head, must be, in the nature of things, a static institution. Cases are brought to it for diagnosis or treatment. It is not dynamic, for it cannot reach out into the individual lives of the surrounding neighborhoods and seek out cases that need help. But such a dynamic force, in psychiatric matters, could be supplied by a "psychiatric missionary settlement." It would be modeled on lines already laid down by those religious bodies that have done so-called settlement work.

For instance: a trained psychiatrist would settle down in some densely populated district, as a mental missionary. He would seek to get into touch with the families of the neighborhood, with the schools, especially with the police courts. On the one hand, he would preach and teach and live simple lessons of mental hygiene for the normal people of his district; but he would also be a specialist for "re-adapting the misfits," for straightening out the backward children in the schools, for studying the local "corner gangs," and the habitual offenders in the police courts. He would be consulted by his people in a thousand difficulties, outside the province of a practicing physician. He would re-adapt to suitable activities the men, women and children who had been forced into unsuitable environments; he would discover for the mentally deficient those conditions under which they could work and thrive with some measure of success. He would be an outpost, set on guard against the three enemies: epilepsy, alcoholism, and syphilis.

This is a wonderful ideal. The work of such a man in the criminal courts is only a small subdivision of it. But it is this subdivision which most directly appealed to the writer, and which is the form of "missionary activity" that has occupied him for the last two years.

There were two, perhaps three ways of reaching the goal that he set before him. The way that seemed, at the time, most remote of attainment may be mentioned first. It was suggested to the writer by Col. Pearce Bailey, in command of the Psychiatric Division of the U. S. Medical Reserve Corps. Dr. Bailey said that the greatest success in using psychiatric methods for the re-education and re-adaptation of misfits and delinquents was being achieved in the Army; that, after the war, the results obtained would be so compellingly impressive that the civil authorities would be forced to accept the psychiatrist as a necessary element in the solution of all social and legal problems. But all this was to be "after the war." As matters stood then, there were only two ways open—the way of the beneficent millionaire, and the way of the psychiatric missionary.

The millionaire can do what has been successfully done already in at least one large city. He, or a few like him, can contribute enough money to pay psychiatrists, whom the authorities permit to sit behind the justice, at the station-houses, as a sort of unwelcome addendum to the court. Or as what the Germans would call "Beisitzende"—with the accent on the "Bei." Moreover, the millionaire can, with his money, establish psychopathic laboratories in connection with the criminal courts, and persuade the officials to use them, with more or less suspicion, as a new untried experiment. But it is a vastly different proposition, when the state or the city is asked to appropriate funds for a psychopathic laboratory out of the taxpayers' pockets. Then, judges and governors and mayors and common councils all suddenly discover that they come from Missouri, and "want to be shown."

The writer had no millionaire friends, but Professor Meyer had given him the ideal of the psychiatric missionary. And, about two years ago, he began to follow it out.

He was, at the time, on the house staff of a large psychiatric clinic; this meant that he had few free hours at his disposal. But he began in a small way, by the study of a single police court of the district in which his hospital lay. By chance, he had been summoned there several times to make out commitment papers for mentally unbalanced prisoners; and this gave him an excuse for visiting the court. He made it a rule to spend there his two free hours of each afternoon. He found the police most hospitable, for they suspected him of no ulterior motive. What was still better, he found a friend, a most loyal one, in the police justice himself. The late Justice Clift was then a dying man. He knew it, but, like a good soldier, he was

dying at his post. And instead of rushing at any cost through the day's routine, he was filled with a determination to make the last months of his official duties as thorough an act of social service as possible. He had a broad outlook on criminal problems; and he listened eagerly to whatever the writer could tell him about those new contributions to common justice which the psychiatrist and his experience had to give.

The writer remembers vividly the first police court case in the disposal of which he was consulted. A man, the father of a large family, was an inefficient worker and an habitual brawler, a prey to sudden outbursts of temper, in which he attacked his wife and beat his children, to the perpetual scandal of the neighborhood. He had been fined and jailed and fined again. All to no purpose. The writer asked permission to examine the man. It turned out that he had definite kidney trouble, with a blood pressure of over 200. Any sudden increase in pressure brought on fits of dizziness and rage and general outbreak. Other tests showed him to be mentally retarded—an infantile undeveloped type of mind, although not definitely deficient. He was sent to a hospital, his renal condition was treated, his blood pressure somewhat lowered; and when he returned to a new type of work, fitted to his mental level and in which he gained a measure of success—there was peace in that neighborhood, a lasting peace.

This was the beginning. And, of course, it has been typical of most of the writer's work. For the cases, which have passed through his hands, have seldom been purely psychopathic ones. It is his boast—surely a modest one—that, although a psychiatrist, he has not forgotten that he is also a physician.

For three months the writer gave all his free time to this one station-house. He came to know every inch of it and everyone connected with it. It taught him a great many valuable lessons. His work there grew. More and more of the petty habitual offenders were studied, and their difficulties solved. To every problem, presented before that little court, he stood ready to contribute whatever help his training and experience could give. The police, always friendly, became interested. Now they were glad to listen; they even asked questions. Then, thanks to another friend, a clergyman of the city, the writer was asked to speak to the Men's Club of the parish on "The Psychiatrist in the Police Court." At this gathering, there were a number of lawyers, a judge, and a group of the writer's friends

among the police, who brought with them the police from other station-houses.

From this, it was but a step to these other seven station-houses of the city. They had heard of the writer's activity at the police court of his district; he seemed a harmless, an interesting—even a useful person, with no axe to grind—only anxious to be of service when he could.

At this point, one of the judges of the Supreme bench, an old friend of the writers, became interested. He wrote letters to each of the police justices, telling them about the writer's work, and asking them to call upon him, whenever he was needed.

But after all, eight station-houses, in widely distant parts of a large city, are a great many, especially, when a man is already on duty in a psychiatric clinic, with very little free time. However, the writer did what he could. He kept careful records of all cases examined by him. He had to do his own typewriting, and often sat up late to do it, after his last round on the wards. But it was well worth while. So six months passed.

The next step of the missionary's progress was important. The judge, already mentioned, introduced the writer to one of his fellow judges, Judge James P. Gorter. Whenever mention is made of psychiatric or social work in the courts of Baltimore, Judge Gorter's name must be mentioned in connection with it. When the writer first knew him, he was presiding over the first division of the Criminal Court.

From the first, he made use of all the time and all the help that the writer had to give. It was his custom to beckon the writer to sit beside him on the bench, so that he might the more easily understand the problems with which he had to deal. In the many disappointments that were to come to him before the goal of some success was reached, the judge's kindness and encouragement never failed.

Thanks to Judge Gorter, the writer's work became more and more centered in the higher criminal courts. The police courts had to be somewhat neglected. But that could not be helped.

Meanwhile, the writer was giving his time without any compensation whatever. He was soon asked by the office of the state's attorney to examine and to report on difficult cases; also without compensation. Gradually, it became the custom of the court to summon him as an expert, who could be trusted as impartial by both sides. The Prisoners' Aid Society and other similar organizations made use of his services also. The work—and he kept careful records of

every case examined—grew constantly. Within a period of eighteen months, he had examined and reported on one hundred and fifty odd cases for the criminal courts, and some twenty-five for the state's attorneys offices.

During this period the writer left the house staff of the Phipps' Clinic, becoming a member of the visiting staff, and having his own private practice outside the hospital. This meant more free time. He gave this time to the courts.

In January, 1918, it seemed as if the time were ripe to put the work on a permanent foundation, by establishing a properly equipped psychopathic laboratory. For, under existing circumstances, the writer had no office of his own at the court house, no stenographer, no appropriation of any kind. It was hoped that the state legislature would recognize the value of his work and be willing to put it on a more satisfactory basis. In order to place the matter before the legislature, much material was collected; advice was asked and given by psychiatric authorities in Chicago, Boston and other cities, where psychopathic laboratories had already been established. After much deliberation, it was decided to introduce a bill into the legislature, simply calling for an appropriation of five thousand dollars a year, to be expended by the Supreme bench for the establishment of a medical service in connection with the city courts of Baltimore. This bill was copied almost verbatim from a bill passed in Massachusetts for a similar purpose. The writer felt that the end of his purely missionary period was in sight. In reality, it was still a very long way off.

The bill, after passing successfully through the House, was referred to a Senate committee, and never appeared again. That was the end of it.

From this point on, the writer found himself involved somewhat in local politics, a science for which he had neither aptitude nor understanding. Perhaps, therefore, it may be as well to drop here what in our Latin lessons at school we were taught to call the "oratio obliqua," and to adopt the more direct use of the first personal pronoun. In other words, I found myself halted in my work by local conditions, a description of which may prove interesting to other missionary psychiatrists.

In Baltimore, the municipal government pays the judges and the court officials of the city's Supreme bench. These expenditures are provided for in a yearly budget, fixed by the municipal board of estimate and control, at the beginning of each year. It is, however,

in the power of the state legislature to pass an act, entailing the payment by the city of the salaries of such officials as the act may create. But, naturally enough, the city government objects to this as an unjust infringement of its rights of local self-government. And it was because of this antagonism that our bill, appropriating five thousand dollars for our psychopathic laboratory, which had the approval of the bench and the state's attorneys office, was sidetracked by the influence of the city authorities, and never reached the governor.

To me, the failure of this bill was a great disappointment. I had worked gladly without compensation for two years. I wanted the money less for myself than for the much needed laboratory. For, remember, I had been working with only such outfit and test material as my personal purse could furnish: I had no office in the courthouse, and no official standing in the courts, except so far as a standing was given me by the personal friendship of the two judges then presiding over the two criminal courts. But the judges took the various courts in yearly rotation. What would happen, therefore, to me and to my work, if another judge should suddenly arise on the criminal bench "who knew not Joseph."

I took my courage in my hands and went to city headquarters. From my father, an old soldier, I have at least learned the valuable lesson of always going for what I want "to the Big Boss," instead of wasting my time on subordinates. In other words, I went to see His Honor, the Mayor.

My experience with the mayor was most helpful. He also "was from Missouri." Like the judges, he also "wanted to be shown." But he wanted to be shown an entirely different thing. The theoretical, idealistic side of the question did not appeal to him. He knew little of the problems of the administration of the criminal law; the feeble-minded and the mentally defective habitual offender did not interest him at all. But he *was* interested to know what definite value, expressed in dollars and cents, the proposed psychopathic laboratory would have for the taxpayers of the city, whose representative he was. This was a new viewpoint for me. And it did me good to have to put my work on such a basis. I have never ceased to be grateful to the mayor for the kindly way in which he forced me to state my work in the terms of "practical politics."

I reviewed and re-tabulated all my case material. I showed the mayor the great waste in money that arose from the court costs and jail upkeep of one single habitual offender, who was feeble-minded, and who, if diagnosed at the beginning of his delinquent career, might

have been kept from becoming a burden to the city. I also showed him how large a saving in "expert fees" could be made by having a medical officer and alienist, like myself, permanently attached to the court, who could be used by the judges and accepted by both parties in civil suits or criminal actions. There was a great saving, too, in having prisoners of questionable mental responsibility examined at once by a court alienist, instead of taking the long and expensive way of paying for their upkeep in jail while they were being referred to the lunacy commission, which was overworked anyhow and partially disorganized by the war. Moreover, the judges often paroled in my care prisoners, whom I had examined and for whose future good behavior I felt that I could vouch. Such paroles, instead of costly jail sentences, were all savings to the city. In a word, I went over all my work of the past two years and embodied it in a statement, in which I estimated, not my usefulness either to the judge on the bench or to the delinquent in the dock, but to the city treasury and to the city taxpayer.

How much all this impressed the mayor I do not know. But he suggested that I wait until the end of 1918, when the budget for 1919 would be in process of completion, and when the board of estimates, which drew up the budget and of which the mayor was chairman, would be holding public hearings. Then I could appear before the board, make known to them what appropriation I needed for my laboratory, and, if the Board accepted my suggestions, an appropriation for the laboratory would or might be made in the budget for 1919.

But I could not wait so long. The work at the courts was growing every day. My afternoons I devoted to my private patients. But every morning it had become my custom to go to the courthouse at ten o'clock and to remain there at work until one. Yet even these three morning hours were often insufficient for the work. Time and time again it happened that I had no sooner returned to my private office than I would be summoned to court again on some urgent case. In this way, the courts began to consume more and more of my time, not to mention the hours spent on the writing up of records and reports. There were fewer and fewer hours for my private practice. Besides all which, I still had my out-patient work at the Phipps Psychiatric Clinic, where I was one of the dispensary psychiatrists. Towards the middle of 1918, in April, I had to make a definite choice. I had no private means of my own; and my bank account was getting very low. So, in order to keep up my private practice, I began to stay away from the courts in the morning.

The result was that I was sent for to come to the courthouse; sent for, neither once nor twice. And it became clear to me that I was really needed there. I had built up a court practice; there was no other man to do the work; and I felt myself responsible. I had begun it. At any sacrifice to myself, I must somehow carry it on.

At this juncture, at a meeting of the Supreme bench, the following proposal was made. The bench felt that it had come to depend on me in medical and psychiatric matters, and it wished to attach me to the court in some permanent way. The only means of doing this, under present conditions, was to appoint me a bailiff, with a bailiff's salary. The Supreme bench had no other office in its gift. But this would give me two things: a small salary, fifteen hundred dollars a year, and a definite position in court. I was asked whether or not I would accept this offer.

Of course, this was not exactly what I had hoped for. It gave me no appropriation for any laboratory service, no office, no stenographer. But, as I have said, it did give me a position in court, and it did make it possible for me to carry on the court work without having to worry over the loss of private practice.

So, in June, 1918, the Supreme bench appointed me a bailiff. Judge Gorter was kind enough to give the news of my appointment himself to the newspapers, and to make it clear, first, that I was the medical officer and consulting alienist of the court, and secondly that the Supreme bench had appointed me a bailiff, because that was, at the time, the only available salaried office in its gift. In the future, the bench hoped to put the medical service on a more satisfactory foundation; but for the present, this appointment as bailiff would attach me permanently to the court, and would also give me some remuneration for my services.

I accepted the appointment. I was duly sworn in; and the newspapers gave several kind notices to me and to my work. But I did not have time to read them. The day after I was sworn in, I started off on my summer holiday in Canada.

And now comes the final stage of my missionary history, which is not without its humorous side, even to those who were, like myself, immediately concerned in it.

I left for my holiday in a pleased frame of mind. I felt that the labors of my missionary journeyings were almost over. My work had been acknowledged by the Supreme bench as valuable and even necessary. I was an official of the court; and what was more, I had the assurance of some permanent compensation. I was well satisfied. When I returned in September, I planned to take the next step for-

ward. I would, as the mayor had suggested, appear before the board of estimates and ask an appropriation for my laboratory in the budget of 1919.

So, the courts being closed for the summer, I put all thoughts of delinquents and of their ways out of my head, and spent two months playing golf, fishing and camping in the Laurentian hills of the Province of Quebec. With strength like a giant refreshed, I came back to my work in September, when the courts held their first session of the autumn term.

The very first news that I had was surprising—even distressing, for I had spent all my balance at the bank on my holiday, expecting that my bailiff's salary would be waiting for me at the courthouse. It was not waiting. I was not even on the pay roll with the other bailiffs. For the second time, I found myself mixed up in local politics.

During my absence, the following events had happened. When in due time, the clerk of the Supreme bench intimated to the city comptroller that I had been appointed a bailiff and was to be paid as such, the comptroller, after consulting the board of estimates, made courteous answer that "he was unable to pay Dr. O's salary, as no appropriation had been made for it in the budget for the current year." This annoyed the Supreme bench very much. It annoyed me even more. It seemed absolutely heart-breaking, this disappointment at the last moment, when I had thought my battle practically won. But a missionary must have a certain amount of bullheadedness; he must refuse to accept defeat. So again I took my courage in both hands and went once more to see the mayor. Again he received me most kindly; and, in a few words, made me see the logic of his position.

In the 1918 budget, the Supreme bench had an appropriation for twenty-four bailiffs, and for no more. But all these positions had been already filled. In appointing me "Bailiff Number 25," the bench was appointing me to an office that had no appropriation attached to it. The matter might be adjusted in the budget for 1919; but for the present, there was nothing to be done.

So I had a court position; work, that had accumulated during the summer, more than I could handle; and—no money.

Thus the matter stood. The judges insisted that they had the right to make any appointment that they pleased in connection with the courts, and that the city was bound to pay the appointé's salary. The mayor and the board of estimates dissented. They pointed to the budget.

Finally, in despair, I drew up another statement. I set down the number of cases that I had examined, without compensation, for the courts and the state's attorney's office, during the past two years. I explained my dilemma, and my difficulty, forced on the one hand to make a living by private practice, and on the other, drawn by a far stronger desire to carry on the work that I had begun in the courts. I sent this statement to the mayor and asked him to lay it before the board of estimates.

On October 8th, the board, at the mayor's suggestion, voted to pay me my salary out of the contingent fund. And I am now, at last, after two and a half years of missionary effort, on the pay roll and an officer of the court. I have, as yet, no laboratory, no office at the courthouse, no stenographer. But I have, I think, won the first and most difficult part of the battle. I have still hopes of securing from the board of estimates an appropriation for my laboratory in the budget for 1919. But even if I fail in securing this, even if it must wait for still another year, I have at least established the principle for which we have been fighting; that the psychiatrist and the physician should be integral parts of every criminal court; that the judge on the bench and the psychopathologist in his laboratory (when he gets one) must work together towards a solution of the problems of delinquency.

All the results, achieved in the past two years, cannot be gone into here. Some 200 cases have been exhaustively examined and dealt with for the court; some 25 for the state's attorney's office; and at least 100 more for the Prisoners' Aid Association, the Children's Aid Society (of which I am the medical director also) and other charitable institutions. But there are two sets or classes of results, which seem to me more valuable than the others. First, the actual cases of delinquent difficulties solved, feeble-mindedness discovered, deficiencies readjusted, environments modified; an immaterial mass of human happiness, not appreciable in figures of any kind—yet very real for all that. And secondly, the case histories, that are gradually growing into a most interesting collection of useful medico-legal material. Criminology, as I see it today, lacks its volumes of case reports. What would the law be without its cases; its collections of actual legal happenings? In criminology, however, we have learned theoretical treatises enough, but where shall we find the raw material of criminal activities—murders, thefts, false pretenses, frauds—in which we may study the types of the criminal mind, and from which we may build up our theories and general laws of criminal action? The old Newgate calendar is no more. And merely the report of a criminal trial is not what one wants anyway. There are a few Ger-

man collections of cases (Feuerbach's "Aktenmaessige Dastellungen merkwuerdiger Verbrechen." Gruhle's "Verbrechertypen," etc.) but they are not easily accessible. And I know nothing of a "case book" in English; a book of carefully selected cases that shall help the student of criminology to the underlying principles of delinquent thought, just as a collection of "cases in torts" helps the student in the law school. It is my hope to be able gradually to supply a series of typical cases, taken from criminological literature or from my own observation, which may be of help, not only to the psychiatrist and the social worker, but also to the man in the street, when he is drawn for jury duty in a criminal court.

Another lesson, that I learned from Dr. Meyer at the Phipps Clinic, is the lesson of "The History Room." In that large complex building, with all its wards, laboratories, offices and workshops, there is a quiet little room, off the library, which was always to me the "Sanctum Sanctorum" of the whole institution. This was the history room. Here were filed the thousands of histories of all patients ever treated at the clinic since its foundation; and each history, a small volume in itself, with all the details of the patient's family, personal history, physical and mental status, type of mental reaction and hospital progress, was a mine of wealth, gathered with infinite patience—a mine that future psychiatrists might use (as the legal commentator uses his case law) for the working out of the great basic principles of psychiatry.

This remote quiet little history room has been an ideal that I have kept always before me in working up my own criminological records. I hope, some day, to have my own history room. And from the mass of material gathered there, I should be able to make some contribution to filling a gap in criminological literature, with a series of carefully grouped cases, with volumes of medico-legal case reports.

So far, I have made careful studies of only a few delinquent groups. One group of several murders, all of which seemed to show similar psychopathological elements; and another of eight drug addicts, who were under my observation for six months and from whose meticulously kept records some interesting inferences may be drawn.

In conclusion, I must admit that there is one crushing objection to be brought against my court work and what little good I have accomplished there. Thus far, the work does not stand by itself. It is dependent for its existence on the personality of one man. And that is a great weakness. To be established adequately the psychopathic work in our courts should be so securely founded that it would

go forward of itself, by its own impetus, without being measured by the activity of any single personality. I feel this very strongly. I suspect that, if I were not on hand to continue the work, it would soon collapse. But once we get a proper laboratory, this will no longer be the case.

And yet, after all is said and done, missionary work is usually one man work.

And; perhaps, it is not so bad an idea for a court psychiatrist to be not only a scientific consultant, but "Amicus Curiae" as well.

I have given these details of my struggles in the past in hopes that they will inspire others, as Dr. Meyer inspired me, to take up the work of a psychiatric missionary, not necessarily in the criminal courts, but in the schools, in the families of some neighborhood, in the factories and the penitentiaries. They ought also to serve as a measure of encouragement to those physicians and lawyers, who are working along the same lines. Above all, they should serve as a warning that, in work of this kind, it is neither the written nor the spoken word that convinces others, but only the man, the missionary himself, giving his time, giving himself so ungrudgingly that he compels the attention of others to the value of his teaching and the abiding usefulness of his work.

Only—the life of a psychiatric missionary—of any kind of a missionary—is full of heart-burnings, disappointments and delays. Before a man can meet and conquer all these obstacles, he must believe absolutely in the value of what he has to offer, and—he must love his work with his whole heart. Otherwise, long before he achieves success, his heart will break.