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THE CRIMINAL FEEBLEMINDED

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Why do the Criminal Insane excite so much public curiosity and alarm, while the Criminal Feebleminded are viewed with comparative complacency? Why should the Criminal Insane occasion so much fear and abhorrence, while the Criminal Feebleminded are afforded opportunity to forage upon society? Why are the Criminal Insane incarcerated in special institutions for their care and custody, while the Criminal Feebleminded, though sporadically imprisoned, are allowed opportunity to roam, rob and rape?

The insane criminal is often only acutely ill and may be curable. The feebleminded criminal is chronically afflicted with an unsound mind. He constitutes the real heart of the problem of delinquency. Yet, who cares? For every insane criminal there are hundreds of feebleminded criminals past, present and potential. Why the indifference of society to the greater menace?

The answer to the foregoing questions is that neither the public nor its official agents and servants are acquainted with the facts. The result is that understanding management of the outstanding problem in crime and delinquency nowhere exists except in a limited way in the State of New York and Massachusetts in which provision has been made whereby the Criminal Feebleminded may be indeterminately detained under the jurisdiction of the law.

Another reason explaining indifference to the Criminal Feebleminded problem is the spiraliform tendency in the thought of writers upon the subject of Mental Deficiency. Twenty years or so ago an authority in the field of Mental Deficiency published the undisputed declaration that "Feeble-mindedness is the mother of Crime, Pauperism and Degeneracy."¹

Around and upward went the train of thought so that a few years later prevailing views were summed up in the statement that "Not all criminals are feebleminded, but all feebleminded are potential criminals."²

Another swing around with an upward trend brought expression to the more accurate statement that "Dullness is a protection against

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The numerals in the text refer to the bibliography annexed to the article.

genius, but not against crime; indeed, it supplies one of the many favoring conditions for it."³

These authorities had their feet on the ground. Not so the Latter Day Apologists for the feeble-minded criminal, one of whom with whirling thought shooting upward declares that "It is the mentally defective's [feeble-minded] desire to please his neighbor and his lack of sense discrimination that gets him into trouble becoming, as he frequently does, the pawn of his mental superior in crime. He is an offender more by accident than by intention."⁴

From here the train of thought sped cyclonically upward, as witness: "Now, what is the use of breeding more first class brains, if the very ability of brains already at work tends to reduce the relative number that can be put to work to capacity? Would not such a eugenical program simply add to our burden of discontent? Would we not be overwhelmed by gray hordes of neurotics, hypochondriacs and murderous malcontents? What can cause more trouble than a highly intelligent man who has been trained far beyond his opportunities? Better an army of morons than that. For the morons at least are healthy and content (how naive!). And is not contentment in a sound body more to be desired than a defeated intelligence?"⁵

To this spire of thought, another section has been recently added by the assertion that "the common bond of [social] unity is undoubtedly to be found in the value of ideals, for the moving power of ideals is connected not so much with intelligence as with the instinctive and emotional make-up of the whole personality. Many of the mentally deficient, as has been shown, are distinctly capable of absorbing ideals and, with a reasonable degree of guidance and encouragement, of living up to them. Those who are concerned about social progress will take special thought for the mentally deficient and in addition to affording them training which will make them useful workers, will see to it that they also come to hold as a very part of their nature (more naivete) those social ideals which are the means of binding people together in a common society."⁶

Finally, adorning this spire of speculative philosophy, is this jewel of thought, "It is a reasonable supposition that social conformity is somewhat less likely in those of above-average mental organization than in those of less complicated minds. Obviously, it requires less intelligence to conform than to revolt. Above-average intelligence leads only too readily to questioning of the existing order, though superior minds are generally unlikely to do this in an anti-social way."⁷

The dogmas proclaimed by several of the above references may

be interesting elucidations for classroom entertainment. That they lack practical value and spread pernicious doctrine, common sense and experience attest. Bootleggers and moonshiners, rapists and murderers are non-conformists, ergo they are most likely to be of above-average mental organization, is the plain import of one statement. If this is true (which it is not) then Eugenics is a social and scientific swindle, while Moronity is the badge of desirable breeding and above-average intelligence is the mark of Cain.

Moreover, since animals are instinctive and emotional rather than intellectual they exhibit the likemindedness which some of these references affirm to be the social mortar of prime necessity. Then why not breed toward the universality of feeble-mindedness so that man's socialization shall be readily accomplished? Are these social engineers ready to lead the way to Utopia? Would they practice what they preach?

If those or similar lines of speculative philosophy become the creed and compass of social engineering, "Being Well-Born"⁸ is a tale of mythology and the principles of race betterment must be taught in reverse.

Quite contrasting are such doctrines of pygmy philosophers with those of Prof. Albert Einstein, touching the faculty of intelligence. Einstein, the great physicist, who has been called the greatest intellectual luminary on the globe and is even regarded by many as the most profound thinker of all time, says "Each man has what might be called his birthright, his capacity for doing and achieving things. If we are pious, we will say that it comes from God. At all events, we cannot change it. I do not think so. The use that we make of our inherited capacity depends upon the development of intelligence."⁹

The feeble-minded are such by reason of their intellectual development being permanently arrested at a low level; their intellectual capacity does not grow beyond the equipment of infancy or childhood. Successful men in Einstein's opinion must not be burdened with such stifling limitations, "Once I was quoted as saying, 'In his youth one must prepare and lay the foundation for his future work.' But this is not my view. I am quite sure it is not true. One is preparing for his future work not only in his youth—but later—all the time! One might say that *the man who leads the most successful life is he who keeps on learning the longest!* The man for whom every experience is a new building stone! I do not refer to mere gathering of information, but to the ability to *take to one's self* knowledge and experience and to *use* them. That man is always enlarging his universe."⁹

The case in behalf of cultivating intellectuality as the most desirable human trait could safely be left here. Yet amid this discord of philosophers, it is well to call a psychiatrist as umpire. Thus speaks Dr. Eugen Bleuler, "Although in the oligophrenias, we deal with a general disturbance of the cerebral cortex, the weakening of intelligence alone stands out as the principal symptoms of these diseases. For the weakness of intelligence is not only of the greatest practical importance, but the very cerebral anomalies that come into consideration represent in a certain relation quite a uniform simplification of the intellectual apparatus, whereas other functions like the instincts and affectivity need not necessarily be affected, or even when deviating from the normal they radiate into the most dissimilar directions and show nothing that is typical of imbecility. As a matter of fact, affects like euphoria or anger are the same in the genius, in the idiot and in the animal, at least as far as we can observe, whereas the intellectual functions show colossal quantitative differences."¹⁰

Now we come to the question, who are the Criminal Feeble-minded? Criminals, including delinquents, are those offenders under or within the jurisdiction of penal, reformatory or correctional agencies or institutions. Adult offenders are those twenty-one years and upwards of age. Adolescent and juvenile offenders are those under twenty-one years of age. The feeble-minded are not so readily designated. Although the term feeble-minded and its more euphonious synonym mental deficiency are used in the statutes, neither is expressly defined therein.

Concerning who is a feeble-minded person, the Attorney General of Wisconsin in an opinion has given the following references: "Feeble-minded means the same as imbecile. When used as an adjective signifies characterized by feeble-mindedness; having the mental faculties weakened or impaired; mentally impotent; weak, feeble, destitute of strength, impotent."¹¹ On the same page the following notations appear, "Imbecility is not a word of exact meaning; for the line that marks the boundary between capacity and imbecility is difficult to define; there is a state scarcely separable from idiocy in which the mind is capable of receiving some ideas and of profiting to a certain extent by instruction; owing, however, to original defect, or to one proceeding from arrested development of the brain, the minds of such persons are not capable of being brought to a healthy standard of intellect and this state is called 'imbecility'; imbecility, therefore, is that feebleness of mind, which, without entirely depriving the person of the use of his reason, leaves only the faculty of conceiving the

most common and ordinary ideas and such as relate almost always to physical wants and habits; the term has been used to denote different grades of mental weakness; between the limits of absolute idiocy on the one hand and perfect capacity on the other; but the shades of difference between one species and another are almost imperceptible; and the various grades of imbecility are not very closely considered by the courts; it is usually incident to extreme age; and is generally the result of a gradual decay of the mental faculties; although imbecility is said to be idiocy in a minor degree, it is distinguished from idiocy, insanity or lunacy."

The opinion concludes that "the authorities cited on the proposition will be found in notes 21 to 42 inclusive. It is a long story and useless to give a more definite answer without having before us a definite case."

Since the statutes fail to define the meaning of the terms feeble-mindedness and mental deficiency, and multifarious decisions of courts confuse rather than clarify the meaning, resort must be had to Psychiatry to provide the definition. The following extract from a standard psychiatric authority helps to clarify the meaning of these terms:

IDIOCY AND IMBECILITY [AND MORONITY]

"In drawing a distinction between dementia and idiocy, Esquival well said: 'The demented man is deprived of the good that he formerly enjoyed; he is a rich man become poor; the idiot has always lived in misfortune and poverty. The idiot, the imbecile, the feeble-minded [moron] lack something; the insane are suffering from a disorder of that which they possess.

"The distinction is here clearly drawn between a psychosis [insanity] and idiocy and imbecility [and moronity]. The former is a breaking down, a disorder of the mind; the others the result of a certain lack of mind. In making this distinction, we must not lose sight of the fact that the feeble-minded [moron], imbecile and idiot may develop a psychosis, and transient attacks of mental disturbance of this sort are not infrequently observed among them.

"The various grades of idiocy and imbecility [and moronity] may take their origin at any point in the development of the individual, during intra-uterine life, at birth as a result of injury, after birth as a result of injury or disease which interferes with further development. . . . They have been classified under the following heads:

Feeble-mindedness [moronity].—A condition of slight mental defectiveness [deficiency] capable of much improvement by educational

methods. The afflicted individual may ultimately take a place in the world and be self-supporting under favorable circumstances.

Imbecility.—A condition of mental deficiency which can, however, be materially improved by training, but not sufficiently for the subject to take a place in the world.

Idiocy.—A condition of profound mental defectiveness [deficiency]. The lower grades are unteachable, while the higher may be trained slightly in self-help, i. e., to attend to the calls of nature."¹²

Another discipline having to do with feeble-mindedness or mental deficiency is Psychology. A recognized authority in this science gives a definition of the term "feeble-minded person" as follows: "A feeble-minded person is one who is incapable because of mental defect [deficiency] existing from birth or from an early age (a) of competing on equal terms with his normal fellows; or (b) of managing himself or his affairs with ordinary prudence." Prof. Terman then continues, "Two things are to be noted in regard to this definition: in the first place, it is stated in terms of social and industrial efficiency. Such efficiency, however, depends not merely on the degree of intelligence, but also on emotional, moral, physical and social traits as well. This explains why some individuals with IQ somewhat below 75 can hardly be classed as feeble-minded in the ordinary sense of the term while others with an IQ a little above 75 could hardly be classified in any other group."²

A formulated definition of who is a feeble-minded person has been promulgated by the American Association for the Study of the Feeble-minded. In its official Statistical Manual for the use of Institutions for the Feeble-minded, concerning mental status, the following directions are given:

"The mental status of the patient should be reported as idiot, imbecile or moron. The mental age [as distinguished from chronological age] and intelligence quotient should also be given whenever they can be satisfactorily ascertained.

"An idiot is a mentally defective [deficient] person having a mental age of not more than 35 months, or if a child [under 16 years of age] an intelligence quotient of less than 25.

"An imbecile is a mentally defective [deficient] person having a mental age between 36 months and 83 months inclusive, or if a child [under 16 years of age] an intelligence quotient between 25 and 49.

"A moron is a mentally defective [deficient] person having a mental age between 84 months and 144 months inclusive, or, if a child [under 16 years of age], an intelligence quotient between 50 and 74."

Now, since a criminal or delinquent is an offender who has failed to meet the social tests of mentality, a definition of the Criminal Feeble-minded may be properly formulated thusly: "The Criminal Feeble-minded are those persons under or within the jurisdiction of penal, reformatory or correctional agencies or institutions showing an intelligence quotient not above 75, whose low mental level is due to arrested development. (Those relatively few cases in which application of standardized tests is impractical may be diagnosed by comparative methods.)

This definition introduces the art or science of mental mensuration known as Mental Testing or Psychometry. The standard intelligence tests most in use is that battery of tests known as the Stanford Revision of the Binet-Simon Tests, also referred to as the Terman Tests. These are the tests mainly used by the Psychiatric Field Service of the State Board of Control of Wisconsin. A tentative classification as mentally deficient is made in appropriate cases on the first psychometric examination to be confirmed and made final or revised in the light of a retest in not less than six months or preferably not less than one year.

Discussion of the origin and causes of feeble-mindedness or mental deficiency is precluded here by limitations of space. The condition is said to be either primary (inherited) or secondary (acquired) and may be due to a variety of causes: idiopathic, endocrine dysfunction, alcoholism of parents, congenital syphilis, epilepsy, rickets, infectious diseases, head injury, cerebral tumor, malformations, etc. The origin and causes of feeble-mindedness are inexhaustible subjects for investigational study and research.

The number of feeble-minded persons in the population-at-large is of incidental interest since it is from the ranks of such that the criminal feeble-minded are recruited. Prior to the World War most estimates placed the proportion of the feeble-minded in the general population at not more than two per cent. According to the group psychological examinations of the men recruited for the U. S. Army during the War 47.3 per cent of the white drafted men were rated as feeble-minded according to some standards. But further study of the material revealed that only 17.6 per cent of the white drafted men were properly subject to classification as feeble-minded, "which led to the equally absurd estimate of nearly 19,000,000 feeble-minded persons in the American Population."⁶ The results of the army tests are exceedingly unreliable and are not a fair criterion of the intelligence of the general public.¹³

A reliable investigator as to the prevalence of feeble-mindedness in the general population believes that the percentage of mentally deficient individuals he found in the school population (5.08%) corresponds closely with the percentage existing in the general population.¹⁴ The interpretation of the draft results in the light of critical analysis leads to the belief that surveys similar to Kuhlmann's are within the bounds of reason and approximately correct.^{15 16}

Concerning the percentage of feeble-minded among criminals and delinquents, competent investigators have found the ratio to be from 13 to 50 times greater than that of the general population.¹⁷ In the Reformatories of Minnesota, an average of 29.1% was found¹⁴ and among delinquent boys in New York State 20% to 25%; while Anderson, after his investigation of the matter, reached a conclusion that 27% to 29% of all prisoners are mentally deficient.¹⁹ In this connection the following data obtained from the records of the Psychiatric Field Service of the State Board of Control of Wisconsin are in point:

During the 4 years' period—July 1, 1926 to June 30, 1930—there were admitted to the five state penal, reformatory and correctional institutions 4,439 males and 686 females, a total of 5,125.

The proportion of males found to be feeble-minded at the Industrial School for Boys was 20.6%; at the Reformatory 32.1%; at the Prison 42%.

The proportion of females found to be feeble-minded at the Industrial School for Girls was 24.5%; at the Industrial Home for Women 35%; at the Prison 71.8%.

The grand average of feeble-minded persons in the total of admissions during the period specified to the five Wisconsin state penal, reformatory and correctional institutions including both sexes and all ages was 33.8%, the average for males being 33.9% and for females 33.3%.

Among the 4,439 males, 1,508 were mentally deficient, 1,246 being classified as high grade moron, 256 as low grade moron and six as imbecile.

Among the 686 females, 229 were mentally deficient, 192 being classified as high grade moron, 36 as low grade moron and one as imbecile.

These data indicate that the proportion of feeble-minded among criminals and delinquents increases progressively as the age-scale ascends. This is a logical and reasonable conclusion. As age increases the burdens, duties and obligations of social and economic life become multiplied and more complex. Hence the feeble-minded with their

deficiency of intelligence causing impairment of reasoning power and judgment tend to fall more numerous into the ways of crime and delinquency.

As to the relationship between mental deficiency and delinquency, an authority has commented that "When we say that mental defectives [feeble-minded] are potential criminals, we have no intention of implying that intelligent people do not become criminals. There are other reasons for individuals entering a criminal life besides inability to solve their problems correctly. There are people who enter a life of crime because they get a thrill out of it. There are people who enter a life of crime not because they are not intelligent and cannot reason, but because they reason from false premises. But it is a thoroughly logical conclusion and seems to be borne out by the fact that that half of the population which has the lowest intelligence are more likely to become criminals than those who have the better intelligence."²⁰

In this same connection, another sagacious observer has said, "Some investigators have gone to the other extreme of claiming that mental defect [deficiency] is a negligible factor in anti-social behavior. The fact remains that the mentally defective [deficient] are potentially greater risks because of their mental handicaps than the more intelligent groups."²¹

Our data not only corroborate these conclusions, but lead to the conviction that feeble-mindedness is one of the outstanding factors, second only to broken homes, in the production of criminals and delinquents. The basic causes of the characterological defects or moral degeneracy exhibited in anti-social behavior are embedded in the mental organization of the criminal. While science has not yet been able to specify or identify the exact qualitative or quantitative dimensions and relationships of these perverted mental phenomena, clinical observation tends to show that feeble-mindedness as classically understood is a contributory cause in the dysfunction of a very great many criminally disposed minds. So much so that it may be truthfully said that the Criminal Feeble-minded are a scourge of society. Furthermore, until practical recognition is given to the fact that penal, reformatory and correctional institutions are in very considerable part merely temporary Homes for the Feeble-minded, the arts of criminology and penology will not operate on scientific principles. With their methods for individual rehabilitation and social protection correspondingly geared down to the scientific level, great advance will be made in providing society with the benefits such institutions are designed to afford.

The experience of the American military authorities in the World War confirms our data and deductions in respect to the prevalence of feeble-mindedness among delinquents. "Of the disciplinary cases reported by neuropsychiatrists, 42.3% were mental defectives [mentally deficient]."²² These same authorities had accurate grasp of the delinquent potentialities of the feeble-minded when they recorded, "It was believed that no other class of men made for so much mischief in the Army as did the feeble-minded."²² That the scourge of the feeble-minded similarly afflicted the military organizations of other nations is indicated by the official reports of Major Thomas W. Salmon, following his visit to England, for observation of different methods of military management. He agreed with the British military authorities that "there are sufficient grounds for excluding all mental defectives [feeble-minded] from the military forces except when the last available man power must be utilized."²² And when the feeble-minded alone remain as the last available man power, discretion should acknowledge defeat. Pseudo-philosophers may prefer "an army of morons"²⁵ but military commanders cannot win battles when supported alone by the dregs of humanity.

What about the legal responsibility of feeble-minded persons for criminal acts?

It has been our view that imbeciles and idiots are not responsible, while morons are, though in the case of low grade morons (IQ 45 to 59 inclusive), responsibility is questionable and subject to proof.²³ This is a somewhat erroneous statement and more latitudinous than the legal test warrants.

The courts and authorities have expounded upon the question as follows:

"It is uniformly held that subnormal mentality is not a defense to crime unless the accused is by reason thereof unable to distinguish between right and wrong with respect to the particular act in question. In so holding, it is to be noted, the courts have rarely used the modern term 'subnormal mentality' or compared chronological with mental age, but have referred to the accused as 'stupid,' 'weakminded' and the like."²⁴

"The authorities are unanimous in declaring that weakness of or deficiency in any one of the mental functions is not of itself sufficient to excuse the perpetration of a criminal act; but that the test of his responsibility must be whether he has sufficient understanding to distinguish whether the act in question is right or wrong."²⁵

"The law does not undertake to measure the intellectual capacities of men. Imbecility of mind may be of such a degree as to constitute insanity in the eye of the law, but mere mental weakness, the subject being of sound mind, is not insanity and does not constitute a defense to crime. The law recognizes no standard of exemption from crime less than some degree of insanity or mental unsoundness. Immunity from crime cannot be predicated upon a merely weak or low order of intellect coupled with a sound mind."²⁶

"The term insanity when used in connection with criminal law includes (1) Imbecility and Idiocy; (2) and every species of mental disease."²¹

"Thus all courts no doubt agree that mere mental weakness does not exempt from responsibility where there is sufficient capacity to know the act is wrong."²¹

In Wisconsin, the court has held that "the term insanity when used in connection with criminal law includes every species of mental disease."²⁷

In the last Wisconsin decision discussing mental responsibility for criminal conduct, the court has placed its stamp of approval upon the following rule which includes those who are feeble-minded (mentally deficient) as well as those who are insane (mentally disordered): "The law finds correct expression in the statement that a person is insane when he has such an abnormal mental condition produced by any cause as renders him at the time of doing that act unable to distinguish between right and wrong in respect to that act."²⁸ And the court continues, "He may be unconscious that the act will subject him to punishment because he does not know the law, but the fact that one does not know the law is no evidence of one's insanity. . . . Whether he knows that the act is contrary to law cuts no figure. He is punishable if he was conscious that the act was one which he ought not to do if the act was contrary to law."

The adhesion of the judiciary to the "right and wrong" test is well illustrated by the following case: "The court refused to charge as requested that 'if the jury find that the defendant is of mental age of under 12 years, he is presumed to be incapable of a commission of a crime unless he is proven by the State, beyond a reasonable doubt, to be capable of a commission of a crime' and further that 'if they find that the defendant is of a mental age of under 12 years, the evidence that he understood the nature and quality of the act charged against him must be strong and clear beyond a reasonable doubt.' The court said, 'there is no legal merit in this request. The responsi-

bility of an adult charged with a commission of a crime is not to be measured by a comparison of his mental ability with that of an infant of 12 years, or in any other way. The true test is, does he appreciate the nature and quality of his act and that it is wrong, and if he does, he is responsible to the law without regard to his other mental deficiencies.'²⁹

Notwithstanding that the "right and wrong" rule has during the past 87 years been sanctioned by virtually all courts as the true legal test for insanity (including feeble-mindedness), there are authorities who find in that situation cause for complaint that the evolution which is said to exist in other forces governing the world's progress does not function in the science of law. Even some courts have sought to expand the rule upon reasons which appeal to the spirit of progress. Such a case is the following: "In view of those conflicting decisions, and of the new light thrown on the disease of insanity by the discoveries of modern psychological medicine, the courts of the country may well hesitate before blindly following in the unsteady footsteps found upon the old sandstones of our common law jurisdiction a century ago. . . . Though science has led the way, the courts of England have declined to follow, as shown by their adherence to the rulings in *McNaughton's case* [1843] emphasized by the strange declaration made by the Lord Chancellor of England, in the House of Lords, that the introduction of medical opinions and medical theories into this subject has proceeded upon *the vicious principle of considering insanity as a disease!*

"The question then presented seems to be whether an old rule of legal responsibility shall be adhered to, based on theories of physicians promulgated a hundred years ago, which refuses to recognize any evidence of insanity except the single test of mental capacity to distinguish right and wrong—or whether the courts will recognize as a possible fact, if capable of proof by clear and satisfactory testimony, the doctrine, now alleged by those of the medical profession who have made insanity a special subject of investigation, that the old test is wrong, and that there is no single test by which the existence of the disease, to that degree which exempts from punishment, can in every case be infallibly detected. The inquiry must not be unduly obstructed by the doctrine of *stare decisis*, for the life of the common law system and the hope of its permanency consist largely in its power of adaptation to new scientific discoveries and the requirements of an ever advancing civilization."³⁰

"As to the criminal responsibilities of imbeciles, it has been held

that one who by reason of mental disease has lost the power of will to control his actions and choose between right and wrong is not responsible for an act which is solely the product of such disease, although he may know right from wrong."³¹

Modernists would have the courts abrogate the Fundamentalist rule that a person is insane or feeble-minded only when he has such an abnormal mental condition produced by any cause as renders him at the time of doing the anti-social act unable to distinguish between right and wrong in respect to that act, by adopting the rule that to constitute an illegal act criminal, the actor must have had that condition of mind possessed by the person of ordinary intellectual capacity and ordinary mental (including volitional—emotional) health.³⁰

Were the proposed rule to be approved by the courts, the way toward the disestablishment of prisons, reformatories and correctional agencies and institutions would be wide open, as according to the analysts virtually all criminals and delinquents would be legally excusable for anti-social behavior on the allegation that they did not and do not have the condition of mind possessed by persons of ordinary intelligence and mental health.³² Public policy, social protection and a more orderly administration of the law will be better served by the right and wrong test until a less inclusive formula than the one proposed is devised. A new rule should be evolved along the lines of adequate social protection. Less reliance should be placed upon the fetish of "punishment." Reasonable skepticism of the "curative" effects of short sentences should be maintained.³⁴

In conclusion, the practical question naturally arises, What shall be done about the Criminal Feeble-minded? The answer must be made in two divisions: first, as concerns those who are only potentially delinquent, and second, as concerns those who are positively delinquent.

As to the first group, it should be readily conceded that they need protection, training of a special sort and supervision to steer them into blameless living. For as has been well said, "Fear of punishment does not deter a moron from committing crimes. It is not a problem of law, but of preventive medicine. We must handle this condition as we would a communicable disease; but to do this successfully there must be cooperation between parents, guardians and the medical profession."³³

As to the second group, the treatment is segregation under conditions providing training and opportunity for study and observation,

with a view to the selection of those who can, under suitable arrangements, be returned to the community.

A modern program for the social control of feeble-mindedness has been outlined as follows: "(1) Specialized education and industrial training from the earliest possible age, largely through the agency of the public schools of all intellectually subnormal children so that they may be fitted, so far as possible, for community life and prevented from becoming socially incompetent; (2) special training in institutions and in colonies of the more difficult cases in the hope that the socializing forces which the institution brings to bear will overcome the feeble-mindedness (social and personal inadequacy) sufficiently to warrant the return of these individuals to the community; (3) organized community supervision furnishing guidance and oversight as needed to all the mentally deficient [feeble-minded] in the community; (4) permanent segregation of the feeble-minded, including defective delinquents [the criminal feeble-minded] in whom it is not possible to develop the social qualifications necessary for the demands of life in the outside world."⁶

In order that this program may be carried into execution as it appertains to the Criminal Feeble-minded, its provisions should be supplemented along the lines proposed by the Psychiatric Field Service to the end that feeble-minded inmates of penal, reformatory and correctional institutions serving sentences for felony shall prior to expiration of sentence be formally adjudged to be mentally deficient and as such committed to a proper institution. Those whose mentality is so deficient or whose delinquency is so chronic that their return to the community is contraindicated should be detained indeterminately, while those whose return to the community shall come to be considered practical would, following sterilization, be paroled indeterminately under the supervision of the law.²³

In support of these recommendations, it may be said that mental deficiency, when not acquired, is transmissible from parent to child as a recessive characteristic made dominant by social selection obtained in mating. Wherefore, sterilization to prevent procreation of congenitally feeble-minded delinquents should be extended in practice. . . It is a principle in the treatment of the feeble-minded that their breeding should be discouraged and if possible prevented. This principle can be made most effective by sterilization to prevent procreation.

In connection with the problem of the Criminal Feeble-minded, this salutary means for social welfare is being practically evaded.

The inoffensive, non-delinquent feeble-minded in considerable number are being segregated for life (unless and until sterilized in a few states), while the vicious criminal feeble-minded are permitted, with few exceptions, to roam more or less at large, to commit crime at pleasure and to propagate their kind at will. Are not the shortsightedness, folly and injustice of such policy plainly evident?

Enlightened management of the problem of the Criminal Feeble-minded requires facilities, equipment and personnel now generally lacking in the social service set-up of the various states, as is also the legal machinery whereby proposed means for relief may be organized and applied. In Wisconsin, the legal machinery is practically all set. And therein lies Wisconsin's unique opportunity to make appreciable and distinct advances in criminologic practice for increased social protection from the incorrigible, and more assured rehabilitation of the reformable Criminal Feeble-minded. And in all forward-looking states, vision and resolution on the part of those in authority can readily translate into the public welfare similar resultant benefits.

Madison, Wisconsin, July 13, 1930.

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