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THE HOMOSEXUAL FEDERAL OFFENDER: A STUDY OF 100 CASES

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In recent years society has shown a steadily increasing interest in the problem of homosexuality. Since the turn of this century a number of new concepts of this disorder have been introduced in the medical and psychiatric literature.¹ In the field of criminology, interest in this problem is reflected in contemporary suggestions for changes in existing statutes dealing with homosexuals, such changes being designed to make the laws dealing with them more consistent with present day concepts of the conduct of homosexuals.²

Much has been written about the sex problem as it occurs in prisons³. Certainly, it should not be surprising that the imprisonment of large numbers of persons of the same sex, with its attendant sexual deprivation, gives rise to problems of a sexual nature. Some of the most troublesome and perplexing of these are related to homosexual activities. It is the purpose of this paper to present some observations on the problem as seen among Federal prisoners.

Homosexuality is defined as "The state of being in love with one belonging to the same sex."⁴ Thus, it is a condition in which an individual has sexual impulses which are directed towards persons of his own sex. Havelock Ellis has stated of this anomaly that, "It is the most clearly defined of all sexual deviations, for it presents an impulse which is completely and fundamentally transferred from the normal object to an object which is normally outside the sphere of sexual desires, and

1. GREENSPAN, H., and CAMPBELL, J. D., *The Homosexual as a Personality Type* AMERICAN JOURNAL OF PSYCHIATRY, 101:682, March, 1945.

2. PLOSCOWE, MORRIS, *SEX AND THE LAW*, Prentice-Hall, Inc, New York, 1951.

3. BARNES, HARRY E., and TEETERS, NEGLEY, *NEW HORIZONS, IN CRIMINOLOGY*, Prentice-Hall, Inc., New York, 1945. TAFT, DONALD R., *CRIMINOLOGY*, Macmillan Company, New York, 1945.

4. HINSIE, LELAND E., and SHATZKY, JOSEPH, *PSYCHIATRY DICTIONARY*, Oxford University Press, Inc., New York, 1940.

yet possesses all the attributes which in other respects appeal to human affection."⁵

For purposes of this discussion a distinction is to be made between so-called "situational" homosexuality and "exclusive", or true homosexuality. In prison there are primarily heterosexual individuals who indulge in sexual relations with persons of their own sex in order to satisfy their own sexual desires. Various authors,⁶ have estimated that from 60 to 90 percent of long term prisoners engage in homosexual activities of this type. This "situational" or "accidental" homosexuality is a serious problem in the administration of prisons, and one which is worthy of further study. However, it cannot be considered within the scope of this paper, which is concerned with the "exclusively", or predominately homosexual individuals, who find their way into prison.

It must be conceded that the genesis of homosexuality remains obscure. Havelock Ellis advanced the opinion that it is a congenital anomaly. In a recent comparative twin study of male homosexuals, Kallmann presented evidence favoring a genetic basis for the disorder.⁷ There is a need to obtain more extensive data along these lines to either confirm or refute these theories.

So far, studies designed to demonstrate a biological basis have not been conclusive. In practice, males with a preponderance of female biological characteristics are not found to be uniformly homosexual, nor is there any reliable clinical evidence that the condition has been "cured" by sex hormone treatment. Further biochemical research may yet provide more conclusive evidence concerning the basis for this condition.

It seems that most of the present-day psychological explanations of homosexuality stem from Freudian theories. According to these theories, the disorder begins when a male child identifies strongly with his mother.⁸ In so doing, he narcissistically takes himself as the sexual object, and, as he matures, he seeks a feminine type of man for his love-object. Fenichel indicates that there may be some "physical constitutional factors" which predispose the individual to employ psychological mechanisms of this type in establishing homosexual relationships.⁹

5. ELLIS, HAVELOCK, *PSYCHOLOGY OF SEX, A MANUAL FOR STUDENTS*, Emerson Books, Inc., New York, 1944.

6. NELSON, VICTOR, *PRISON DAYS AND NIGHTS*, Little, Brown and Company, New York, 1932. FISHMAN, JOSEPH F., *SEX IN PRISON*, National Library Press, New York, 1934. KINSEY, ALFRED C., POMEROY, W. B., and MARTIN, C. E., *SEXUAL BEHAVIOR IN THE HUMAN MALE*, W. B. Saunders Co., Philadelphia, 1948. WILSON, J. G., and PESCOR, M. J., *PROBLEMS IN PRISON PSYCHIATRY*, The Caxton Printers, Ltd., Caldwell, Idaho, 1939.

7. KALLMANN, FRANZ J., *Comparative Twin Study on the Genetic Aspects of Male Homosexuality*, *JOUR. NERVOUS AND MENT. DIS.*, 115: 283-98, April, 1952.

8. GLOVER, EDWARD, *PSYCHO-ANALYSIS*, 2nd Edition, Staples Press, New York, 1949.

9. FENICHEL, OTTO, *THE PSYCHOANALYTIC THEORY OF NEUROSES*, W. W. Norton and Company, Inc., New York, 1945.

Many studies have been made to obtain specific information as to the incidence of homosexuality. Havelock Ellis concluded that two to five percent of males are homosexual; Hirschfeld's studies of a group of over twenty thousand males led him to conclude that 2.2 percent were in this class.¹⁰ Kinsey's study offers the most comprehensive data on the incidence of homosexuality which is available to date. He reports that 37 percent of the total male population of this country has had some homosexual experience leading to orgasm during the period between adolescence and old age. Eight percent are exclusively homosexual for at least three years during this period, while only four percent are exclusively so throughout this period.¹¹ Although there are no accurate figures available concerning the incidence of exclusive homosexuals among Federal prisoners, it appears to run somewhat lower than the percentages which Kinsey gives for the total male population of this country. This estimate is based upon the fact that most of the diagnosed homosexuals among the approximately 17,000 offenders in Federal Prisons¹² are held at the Medical Center for Federal Prisoners, Springfield, Missouri, where the present average census of cases of this sort numbers about 85.

DIAGNOSIS OF HOMOSEXUALITY

The absence of clearly defined criteria to be applied in the diagnosis of homosexuality is a reflection on the paucity of knowledge which is available concerning this entity. In fact, this observation raises serious question as to whether homosexuality is a disease entity, or simply a symptom of some other disorder. The members of this group have not been found to exhibit consistently any personality traits which serve to distinguish them from their undeviated fellows. Although many homosexuals are artistically inclined, this is certainly not true of the whole group. Neither can it be said that they are uniformly intelligent or "sensitive." On the contrary, as will be shown later in this paper, they comprise a rather heterogeneous group of personality types exhibiting all kinds of psychopathology.

Contrary to popular conceptions, male homosexuals are not typically effeminate in their mannerisms or physical appearance. By the same token, males with effeminate appearance or mannerisms are not always homosexually inclined. Actually, it can be stated that there is no known

10. LONDON, LOUIS A., and CAPRIO, FRANK S., *SEXUAL DEVIATIONS*, Linacare Press, Inc., Washington D. C., 1950.

11. *Ibid* 6.

12. FEDERAL PRISONS, 1951, A report of the Work of the Federal Bureau of Prisons.

correlation between male homosexuality and outer body form or physical habitus. In addition, to date there have been no consistently abnormal changes demonstrated in physiological studies, including hormone assays, which could be correlated with the condition in males.

A study of these 100 cases revealed that about 30 percent were considered to be effeminate in appearance and mannerisms. The balance were considered to be typically masculine. These figures must be considered as relative, since various examiners will differ to some extent in what they interpret as "effeminate." However, these results do give a general idea of the incidence of effeminacy among this group.

There are some instances in which the homosexual male goes to extremes in affecting effeminate mannerisms, even occasionally to the extent of growing long hair, plucking the eye brows, walking with mincing step and wearing feminine apparel. However, such extremes are not typical. There are cases in which such behavior is indicative of severe mental disorder with resultant confusion as to sexuality.

Among the cases that were recognized as effeminate there was a 26-year-old white male who regarded himself as a female. Though his genitals were normal, his general appearance and voice were typically feminine. When taken into custody, he was attired in feminine apparel including high heeled shoes and he had long hair arranged in typical feminine style. He was described as a shy, demure, extremely seductive individual, who had posed as a woman on many occasions. He had been employed as a waitress. This individual's flagrant homosexuality was well known to police in many of the localities that he had visited. His most recent arrest was for being the recipient of allotment checks which were made out to him as the wife of a service man with whom he was living in a quasi-marital relationship.

While appearance and mannerisms may give some lead, more often than not the diagnosis will depend largely on the individual's statements concerning his sexual interests. In this respect, it is interesting that many of the homosexuals seen in the prison situation are not at all reticent to bring their deviation to the attention of the authorities. In the last analysis, the procedure followed in diagnosing homosexuality is very similar to that employed in determining the presence of a mental symptom such as auditory hallucinations. Thus, the presence of the symptom is determined by observing the patient's appearance and behavior for any sign of the aberration and finally by obtaining the patient's own statement concerning his difficulties.

Inevitably, diagnosis based on such criteria as these is open to some error. For instance, a prisoner may falsely describe himself as a homo-

sexual in order to avoid some unpleasant situation. An individual apprehended engaging in some form of homosexual activity may be erroneously tagged as an exclusive homosexual, whereas his actions simply represented an experimental or "accidental" participation in order to relieve some sexual tension. Other prisoners may engage in homosexual activities under duress, having been coerced by threats of physical harm. Lastly, there exists the possibility of an individual taking part in such activities to gain some reward from a fellow inmate. All of these possibilities must be carefully considered in determining whether a given prisoner is a confirmed homosexual.

OFFENSES COMMITTED BY HOMOSEXUALS

Table I shows that homosexuals commit all types of Federal offenses, ranging from car theft to homicide. Fifteen of the 100 cases were committed for offenses directly related to their sexual deviation. Of

TABLE I.
INCIDENCE OF OFFENSES IN ONE HUNDRED HOMOSEXUALS.

<u>Offenses:</u>	<u>No Of Cases:</u>
National Motor Vehicle Theft Act.....	27
Mail Theft	13
Robbery	12
Forgery	11
Sodomy (unnatural sex acts).....	9
Narcotic Law	6
Postal Law (obscene letters).....	6
Burglary	4
White Slave Traffic Act.....	3
Selective Service Law	3
Assault with Intent to Kill	2
False Claims against the United States	1
Homicide	1
Arson	1
Rape	1

these, nine were committed on sodomy charges which involved their participation in some type of homosexual act. The other six were committed for postal law violations, which in most instances resulted from the use of the mails to send letters of solicitation to persons with whom they sought sexual alliances. The violation in these cases stemmed from the fact that the letters were considered obscene.

It may seem incongruous that there were three homosexuals committed for violations of the Mann Act (White Slave Traffic Act), and one committed for rape. However, on closer scrutiny, possible explanations for these phenomena may be found. There is an interesting possi-

bility that the homosexual who turns to pandering may derive some sort of vicarious sexual satisfaction from this activity.

A representative case of a homosexual committed for Mann Act violation was that of a young man who showed pronounced feminine mannerisms and speech. He was very anxious, tense and evasive when questioned about his sexual activities. Projective psychological tests showed strong feminine identification. This man had been employed as a female impersonator in various road house floor shows. It was stated that he associated almost exclusively with other homosexuals, procurers, and prostitutes. He indicated that a large part of the earnings of the woman for whom he was procuring was spent on entertaining his various homosexual partners. He had also purchased a flashy automobile which he used to transport his accomplice from place to place. In their travels they often represented themselves as man and wife. There are many indications that this pattern of activity served to satisfy some of this man's psychological needs.

The individual committed for rape was a middle-aged man who was charged with having sexually assaulted a thirteen-year old girl. On examination, this man was found to have many schizoid traits, and he was of sub-normal intelligence. He had recognized homosexual urges since early youth, and as he matured he had consistently sought out adolescents for his partners. In this connection, he was reported to have sponsored a so-called "Torture Club" consisting of a group of young people whom he was encouraging to engage in perverse sexual activities. Undoubtedly, this man's activities were causing great harm to the youngsters with whom he was associating. Individuals of this type are properly considered to be socially dangerous.

In comparing the incidence of certain of the offenses among the homosexual group with that of the same offenses among the total prison population (for the year 1951),¹³ some striking variations are noted. These differences are shown in Table II, where comparison reveals that the offenses of car theft, mail theft, robbery, and forgery occur much more frequently among the homosexual than among the general prison population.

13. Ibid. 12.

TABLE II
 PERCENTAGE-WISE COMPARISON OF OFFENSES AMONG 100 HOMOSEXUALS VERSUS SAME
 OFFENSES AMONG TOTAL MALE FEDERAL PRISON POPULATION (1951).

<u>Offenses:</u>	<u>Percent Among Homosexuals:</u>	<u>Percent Among Total Male Pop. of Federal Prisons:</u>
National Motor Vehicle Theft Act.....	27	21.5
Mail Theft	13	3.6
Robbery	12	5.3
Forgery	11	6.9
Sodomy (unnatural sex act).....	9	0.5
Narcotic Law	6	9.2
Postal Law violations (obscene letters).....	6	0.1
Burglary	4	2.4
White Slave Traffic Act.....	3	1.6

In seeking an explanation for this phenomenon, it is noted that the crimes which predominate among the homosexual group are those which are frequently committed on an impulse. Very often persons who commit these crimes are individuals who tend to exercise poor judgment, and fit into the diagnostic category of the sociopathic or psychopathic personality type.

MENTAL ILLNESS IN HOMOSEXUALS

An analysis of the various psychiatric diagnoses found among these homosexual offenders, as presented in Table III, shows the high incidence of diagnosed mental disorder which exists in this group.

TABLE III
 DIAGNOSTIC CLASSIFICATIONS OF 100 HOMOSEXUAL OFFENDERS.

<u>Diagnosis</u>	<u>No. of Cases</u>
Neuroses	17
Schizoid Personality	21
Psychopathic Personality	42
Schizophrenic Psychosis	7
Involutional Psychosis	1
Mental Deficiency	6
Without Demonstrable mental disorder other than homosexuality	6

The fact that there are 42 individuals whose histories show repetitive antisocial behavior, emotional instability, apparent failure to profit from experience, and persistent impulsive exercise of poor judgment helps to account for the high incidence of "impulse" crimes among this group. Additional numbers of these crimes were committed by the 17 neurotics and the 21 schizoid personalities of this group. The former have been known to commit crimes impulsively because of anxiety, and tension, whereas, the schizoid personalities are eccentric, unsociable, nomadic, individuals whose wanderings often lead them into difficulty.

The relationship between homosexual conflicts and the paranoid psychoses, as classically described by Freud, comes to mind in considering the seven cases which were diagnosed as having schizophrenia. Paranoid ideation predominated in all these cases. In two of the cases, there was marked confusion concerning sexuality and pre-occupation with polymorphous sexual urges, including incest and bestiality. It should be noted that in each of these cases of psychosis the diagnosis was made some time after the individual had begun his sentence.

It has not been possible to ascertain the types of homosexual activity preferred by these 100 homosexuals with sufficient accuracy to warrant a statement on this phase of the problem. While there were some cases in which individuals indicated specific preferences, there were many who professed deriving equal satisfaction from taking either the "male" or "female" role. Others indicated that their preferences changed from time to time. These findings raise some doubt as to the value of attempting to classify homosexuals as either "active" or "passive" in terms of their preferred sexual roles. While it might be of academic interest to know the incidence of the various types of homosexual activities, it is doubtful whether such knowledge has any bearing on the management of the homosexual prisoner.

MANAGEMENT OF THE HOMOSEXUAL PRISONER

For many years penologists have recognized that the management of the confirmed homosexual prisoner constitutes a special problem. The most difficult cases to manage are those of the obviously effeminate homosexuals. These individuals must be segregated to prevent them from being exploited by aggressive inmates, who, though ordinarily heterosexual, may accept the favors of the homosexual in prison as a means of relieving sexual tension. The masculine-type homosexual, who actively and aggressively seeks homosexual liaisons, must also be closely supervised in order to maintain good discipline and control in the penal institution. The aim of such segregation is to minimize the possibility of homosexual alliances which might endanger the safety of the individual, and even impair the general welfare of the whole prison population.

Obviously, the success of any program of this type is dependent upon case finding. Even though the criteria for the diagnosis of homosexuality are not too well established, a fair measure of success is achieved in discovering homosexuals in the prison situation. In this respect, it is interesting to note that 54 percent of the individuals in this series

were either known or strongly suspected to be homosexual at the time they appeared in court for trial. In most of the remaining cases, their homosexual urges became known soon after they began to serve their sentences. This points to a fact long known, namely, that placing the homosexual in a society of males almost inevitably gives rise to tensions which point to the individual's deviation.

The necessary segregation and close supervision of homosexuals is carried out at Springfield in a special unit where homosexuals are quartered in individual cells. In most respects, the prison program for these individuals is similar to that for inmates of ordinary prisons. They are afforded the same opportunities for recreation and education that the other inmates have, except that they are closely supervised both going to and from these activities, and while they are engaging in the program. There is some limitation in the types of occupational assignments available to these inmates, since they are only allowed assignments where they may be kept under constant surveillance. Among the assignments open to them are the prison laundry, clothing room, and various clerical positions.

From time to time, various problems have been noted incident to the segregation of homosexual prisoners. Some of the group at Springfield have been prone to chronic complaining. They have protested that their sentences were excessive, that they were arbitrarily denied parole because of their deviation, and that the opportunities which they have in the institution are not equal to the programs enjoyed by their undeviated fellows. Although these complaints have usually been found to be without basis, their occurrence is consistent with Bergler's¹⁴ observation that "characterologically homosexuals are classical 'injustice' collectors." It is probable that segregation tends to intensify the paranoid attitudes which seem to be so prevalent among homosexuals.

Another difficulty that arises in segregating homosexuals is that some of the masculine type homosexuals do not get along with their feminine counterparts. This is due to the fact that many of the effeminate homosexuals tend to flaunt their deviation, whereas members of the masculine group usually prefer not to make open demonstrations of their condition. For this reason, some of the masculine group have objected to being segregated with the effeminate types. They have complained that they find the activities of the feminine homosexuals to be distasteful and even repulsive.

14. BERGLER, EDMUND, *THE BASIC NEUROSIS*, Grune and Stratton, Inc., New York, 1949.

TREATMENT

The treatment of homosexuality is unsatisfactory. Actually no adequate method of modifying this condition has been demonstrated. The problem of treatment is further complicated by the fact that most homosexuals express no particular dissatisfaction with their state, so that, as a group, they seem to have very little motivation toward having their condition modified.

Freud¹⁵ has suggested that there are cases in which the individual perceives his homosexuality as a morbid compulsion and struggles against it. He states that such cases "may offer a favorable condition for treatment through suggestion or psychoanalysis." Some of the cases in this group did evidence anxiety over their homosexuality. However, in most instances their concern seemed to stem from a feeling that society disapproves of homosexuality and regards it as a vice. These individuals are prone to plead that their anomalous sexuality be accepted. Their requests for treatment were often found to be motivated by a desire to secure approval, rather than by a true desire to change. In general, these observations indicate that there are few individuals in this group whose homosexuality could be expected to be modified by psychoanalytic treatment.

The lack of knowledge of a satisfactory method of modifying homosexuality points to the great need for further research in this field. In addition, there is a pressing need for more information concerning the incidence and characteristics of homosexual offenders who may be classed as potentially dangerous. There are splendid opportunities for research of this type in prisons where these individuals can be studied in a relatively controlled environment. The adequacy of the provisions which society makes for these individuals must depend ultimately upon a broader knowledge, which can be obtained only through further research.

15. FREUD, SIGMUND, BASIC WRITINGS. Modern Library Edition translated by Dr. A. A. Brill. Random House, Inc., New York, 1938.